

Monday, 24 February 2025 - 2.00 pm

AGENDA

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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 16 December 2024. 5 - 6
4. **APPLICATION FOR REVIEW - DOUGLAS BANK LODGE, PATTIESMUIR, ROSYTH (APPLICATION NO. 24/01255/FULL)** – Single storey extension to front and erection of replacement domestic garage/gymnasium to side of dwellinghouse.
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 2. Report of Handling 12 - 17
 3. Notice of Review 18 - 32
 4. Consultee Comments 33 - 34
5. **APPLICATION FOR REVIEW - LAND TO SOUTH OF KILRIE COTTAGE, AUCHTERTOOL, KIRKCALDY (APPLICATION NO. 24/02059/PPP)** – Planning permission in principle for the erection of a dwellinghouse (Class 9).
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 2. Representations 134 - 142
 3. Consultee Comments 143 - 149
 4. Further Representations 150 - 151
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6. **APPLICATION FOR REVIEW - 67 DUNNIKIER ROAD, KIRKCALDY (APPLICATION NO. 24/01773/FULL)** – Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective).
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Plans and papers relating to the applications 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

17 February 2025

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

16 December 2024

2.00 pm - 4.30 pm

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

ATTENDING: Steve Iannarelli, Team Manager, Strategic Development Management, Bryan Reid, Lead Professional and Declan Semple, Lead Officer, Planning Service; Mary McLean, Legal Services Manager and Michelle McDermott, Committee Officer, Legal and Democratic Services.

73. DECLARATIONS OF INTEREST

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

74. MINUTE

The minute of the Fife Planning Review Body of 28 October 2024 was submitted.

Decision

The Review Body approved the minute.

75. APPLICATION FOR REVIEW - LAND 100M SOUTH OF BALMULE COTTAGE, BALMULE, DUNFERMLINE (APPLICATION NO. 24/01267/FULL)

The Review Body considered the Application for Review submitted by Mantell Ritchie, on behalf of Mr. Patrick Slattery, in respect of the decision to refuse planning permission for the erection of five holiday lodges and the formation of access, parking and associated works.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter;
- (2) to accept the additional information relating to the speed limit on the C53 public road which had recently been lowered from 60mph to 40mph; and
- (3) the application be refused (varying 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.

The meeting adjourned at 3.00 pm and reconvened at 3.05 pm.

76. APPLICATION FOR REVIEW - LAND TO SOUTH OF SOMERVILLE AVENUE, DUNFERMLINE (APPLICATION NO. 24/00739/PPP)

The Review Body considered the Application for Review submitted by DMT Davidson Associates, on behalf of Gray Construction, in respect of the decision to refuse planning permission in principle for the erection of dwellinghouse (Class 9) and associated works.

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.

77. APPLICATION FOR REVIEW - WHITEHILL SAWMILL, PARKEND, CROSSGATES, COWDENBEATH (APPLICATION NO. 24/00214/FULL)

The Review Body considered the Application for Review submitted by Gateside Design, on behalf of Mr. James Thomson, in respect of the decision to refuse planning permission for the erection of dwellinghouse (Class 9) and associated development including formation of access on land adjacent to Plot 5.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (varying 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)

**Douglas Bank Lodge, Pattiesmuir, Rosyth,
KY11 3ES**

Application No. 24/01255/FULL

Planning Decision Notice

Gateside Design
James Watters
34 Millhill Street
Dunfermline
KY11 4TG

Planning Services

Andrew Cumming

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/01255/FULL

Date 9th August 2024

Dear Sir/Madam

Application No: 24/01255/FULL
Proposal: Single storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwellinghouse
Address: Douglas Bank Lodge Pattiesmuir Rosyth Fife KY11 3ES

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Ms Lauren Jack**, 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,

Andrew Cumming, Planning Assistant, 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: 24/01255/FULL
Proposal: Single storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwellinghouse
Address: Douglas Bank Lodge Pattiesmuir Rosyth Fife KY11 3ES

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/01255/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity, the proposed large, front extension is considered contrary to National Planning Framework 4 (2023) Policies 14 and 16, Adopted FIFEplan (2017) Policies 1 and 10, and Fife Council's Planning Customer Guidelines on Home Extensions, as it would be of a size and design which would have an adverse visual impact on the character and appearance of the front, public elevation of the house.

Dated: 9th August 2024

Chris Smith

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

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

Reference	Plan Description
01	Location Plan
02	Block Plan
03A	Various existing and proposed
04A	Garage Details
05	Photographs

Dated:9th August 2024

Chris Smith

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

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)

**Douglas Bank Lodge, Pattiesmuir, Rosyth,
KY11 3ES
Application No. 24/01255/FULL**

Report of Handling

APPLICATION DETAILS

ADDRESS	Douglas Bank Lodge, Pattiesmuir, Rosyth		
PROPOSAL	Single storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwellinghouse		
DATE VALID	15/05/2024	PUBLICITY EXPIRY DATE	19/06/2024
CASE OFFICER	Andrew Cumming	SITE VISIT	None
WARD	Rosyth	REPORT DATE	08/08/2024

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.

National Planning Framework 4 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.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 The application property is a modern style, detached, one and a half storey dwellinghouse, set in a principally rural location with Douglas Bank Cemetery to the north and the nearest neighbouring residential property some 110m to the south of the site.

1.2 This application is for a single storey extension to the west-facing front elevation and erection of a replacement detached domestic garage/gymnasium to the north side of the previously extended house. The overall proposals for the property also include another small rear single storey extension and a dormer extension to the rear, both of which do not requiring planning permission.

1.3 The only recent, previous planning application received for this property is 19/01174/FULL, porch extension to front of dwellinghouse, permitted 29/5/17.

1.4 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of these proposals.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software, and
- Current photographs of the site provided by the agent.

Therefore, given the scale and nature of the proposals it is considered that the evidence and information available to the case officer is sufficient to determine the application.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are Design/Visual Amenity, Residential Amenity and Consultations.

2.2 DESIGN/VISUAL AMENITY

2.2.1 Policies 14 and 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories) apply.

2.2.2 These policies and guidelines state amongst other things that development proposals that are poorly designed will not be supported; householder development proposals will be supported where they do not have a detrimental impact on the character of the home and the surrounding area in terms of size, design and materials; a house extension should look as though it had been designed and built as part of the original house, not like an afterthought; The walls, roof, windows and other external details and materials must match those of your house; The size and design of front extensions should fit in with the rest of the building, they should not dominate or detract from it, and they should be visually and physically subordinate to the existing frontage.

2.2.3 The proposals will be visible from the front, public elevation of the property. Whilst it is recognised that the house is essentially set on its own with no immediate neighbouring properties providing any streetscene, the road to the front of the property principally serves the Douglas Bank Cemetery, a well-used public thoroughfare.

2.2.4 The proposed front extension would essentially cover the whole principle elevation of the house, to be only slightly set back from each side elevation, it would protrude forward some 2.2m from the front elevation of the house and unlike the pitched roof of the house would have a

flat roof set slightly above the eaves, an unacceptably large extension for the front, public elevation of the house. Whilst it is recognised that the house is essentially stand-alone with no related streetscene, and the proposed external finishing materials would match the house, the proposed extension would appear dominant on the front, public elevation of the house, not visually and physically subservient to the main property.

2.2.5 It is recognised that the agent had suggested a pitched roof for the proposed front extension, however, this would have served to increase the size and bulk and overall impact of the front extension on the whole principle elevation of the house. The case officer's suggestion of an alternative proposal to the north side of the house, incorporating a replacement integral garage, perhaps one and a half storey with a matching pitched roof, set back from the front elevation all to match the house, was not considered an acceptable alternative for the applicant.

2.2.6 The proposed replacement garage would be set to the north side of the house, longer, wider and higher than the existing single domestic garage it will replace. It would be some 36.6m² of floor area, with a pitched roof to match the house, some 2.7m to the eaves and 6.2m to the ridge, below the 7.5m high house ridge. This element of the proposals would appear visually and physically subordinate to the house, not harmful to the character and appearance of the property, and would therefore comply with the design and visual amenity terms of these policies and guidelines.

2.3 RESIDENTIAL AMENITY

2.3.1 Policy 16 of NPF4 (2023), Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground apply.

2.3.2 With no immediate neighbouring residential properties there would be no overlooking/privacy nor daylight/sunlight issues with the proposals.

2.3.3 With the proposals to be set to the front and side of the house, the existing rear garden area of the property will remain unaffected. It is therefore considered that the proposals comply with the residential amenity terms of these policies and guidelines.

CONSULTATION RESPONSES

Scottish Water

No objection.

REPRESENTATIONS

None.

CONCLUSION

The proposed large, front extension would be of a size and design which would have an adverse visual impact on the character and appearance of the front, public elevation of the house. Whilst the replacement garage/gymnasium element of the proposals can be considered acceptable, the application cannot be partly approved and therefore the unacceptability of the proposed front extension results in this recommendation of refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual amenity, the proposed large, front extension is considered contrary to National Planning Framework 4 (2023) Policies 14 and 16, Adopted FIFEplan (2017) Policies 1 and 10, and Fife Council's Planning Customer Guidelines on Home Extensions, as it would be of a size and design which would have an adverse visual impact on the character and appearance of the front, public elevation of the house.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground

Agenda Item 4(3)

**Douglas Bank Lodge, Pattiesmuir, Rosyth,
KY11 3ES**

Application No. 24/01255/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 100671738-004

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:	Gateside Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	
Last Name: *	Watters	Building Number:	34
Telephone Number: *	07745305509	Address 1 (Street): *	Millhill
Extension Number:		Address 2:	Street
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY11 4TG
Email Address: *	gatesidedesign50@yahoo.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Douglas Bank Lodge"/>
First Name: *	<input type="text" value="Lauren"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Jack"/>	Address 1 (Street): *	<input type="text" value="Pattiesmuir"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Rosyth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ky11 3es"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="DOUGLAS BANK LODGE"/>
Address 2:	<input type="text" value="PATTIESMUIR"/>
Address 3:	<input type="text" value="ROSYTH"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNFERMLINE"/>
Post Code:	<input type="text" value="KY11 3ES"/>

Please identify/describe the location of the site or sites

Northing

Easting

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)

Single Storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwelling house.

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.

We feel that given the remote location and lack of streetscape that the proposed front elevation would not look out of place or adversely affect its surroundings.

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)

Notice of review application form Location plan Block plan Existing and proposed plans Garage plans and elevations Photographs

Application Details

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

24/01255/FULL

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

15/05/2024

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

09/08/2024

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

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

No reason

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 Watters

Declaration Date: 08/11/2024

Gateside Design
James Watters
34 Millhill Street
Dunfermline
KY11 4TG

Planning Services

Andrew Cumming

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/01255/FULL

Date 9th August 2024

Dear Sir/Madam

Application No: 24/01255/FULL
Proposal: Single storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwellinghouse
Address: Douglas Bank Lodge Pattiesmuir Rosyth Fife KY11 3ES

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Ms Lauren Jack**, 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,

Andrew Cumming, Planning Assistant, 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: 24/01255/FULL
Proposal: Single storey extension to front, and erection of replacement domestic garage/gymnasium to side of dwellinghouse
Address: Douglas Bank Lodge Pattiesmuir Rosyth Fife KY11 3ES

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/01255/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity, the proposed large, front extension is considered contrary to National Planning Framework 4 (2023) Policies 14 and 16, Adopted FIFEplan (2017) Policies 1 and 10, and Fife Council's Planning Customer Guidelines on Home Extensions, as it would be of a size and design which would have an adverse visual impact on the character and appearance of the front, public elevation of the house.

Dated:9th August 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	Block Plan
03A	Various existing and proposed
04A	Garage Details
05	Photographs

Dated:9th August 2024

Chris Smith

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

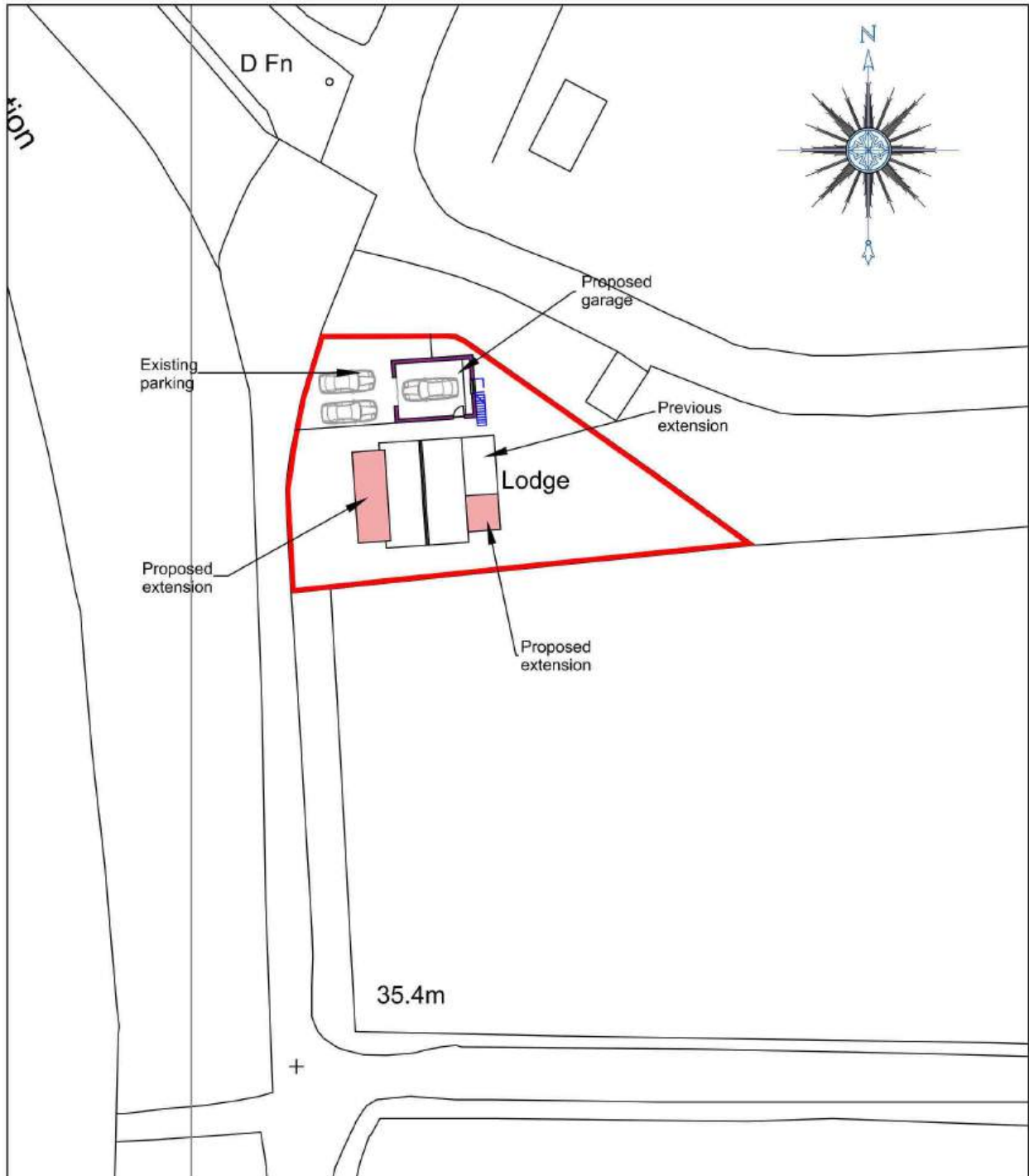
If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 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.



BLOCK PLAN



Scale in Meters - 1:500

LICENCE NUMBER 100017780.



GATESIDE DESIGN

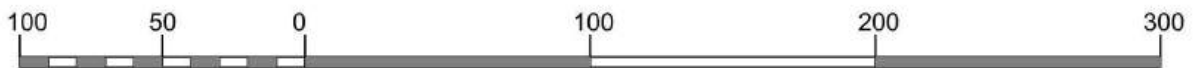
Gateside Design
 22 Viewfield Terrace
 Dunfermline
 FIFE
 KY12 7HZ
 tel. 07745305509
 e-mail
 Gatesidedesign50@yahoo.co.uk

Alterations and extension to
 dwelling house at Douglas Bank
 Cemetary Lodge Pattiesmuir
 by Dunfermline, KY11 3ES

DRAWN BY	J G Watters
DATE	APRIL 2024
SCALE	1/500
DRWG. No.	AE/RL/02
	A4



SITE LOCATION PLAN



Scale in Meters - 1:2500

LICENCE NUMBER 100017780.

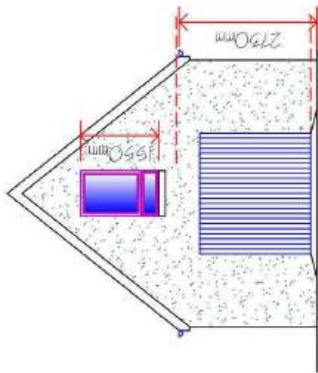


GATESIDE DESIGN

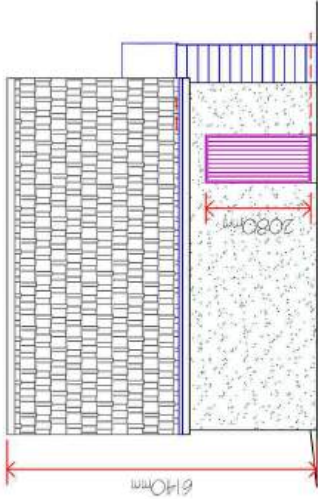
Gateside Design
 22 Viewfield Terrace
 Dunfermline
 FIFE
 KY12 7HZ
 tel. 07745305509
 e-mail
 Gatesidedesign50@yahoo.co.uk

Alterations and extension to
 dwelling house at Douglas Bank
 Cemetary Lodge Pattiesmuir
 by Dunfermline, KY11 3ES

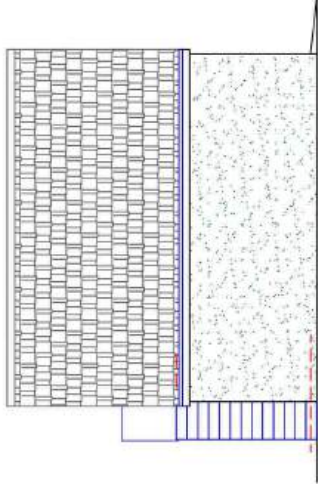
DRAWN BY	J G Watters
DATE	APRIL 2024
SCALE	1/2500
DRWG. No.	AE/RL/01
	A4



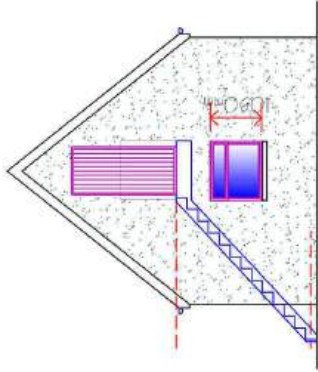
Proposed front (west) elevation



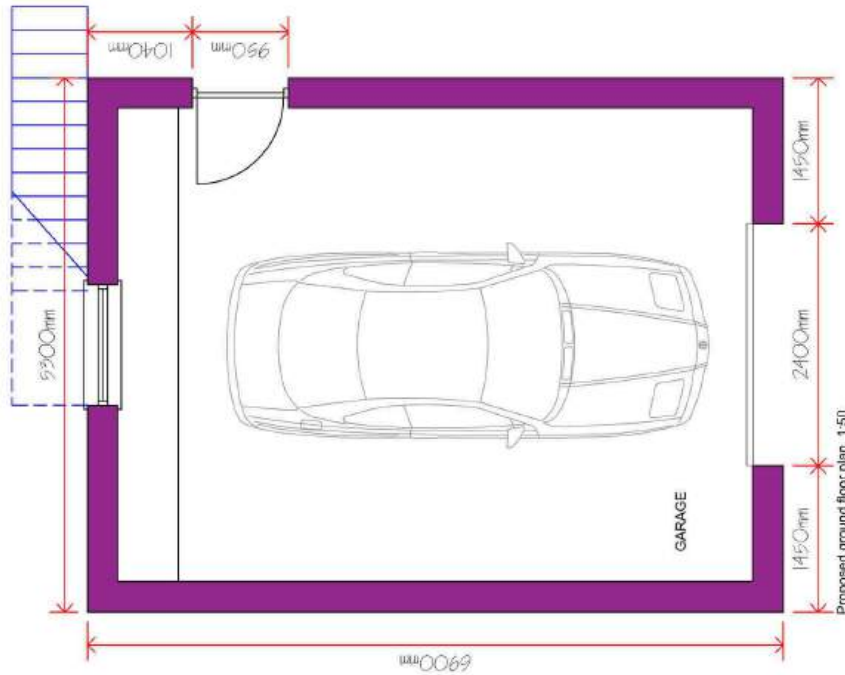
Proposed side (south) elevation



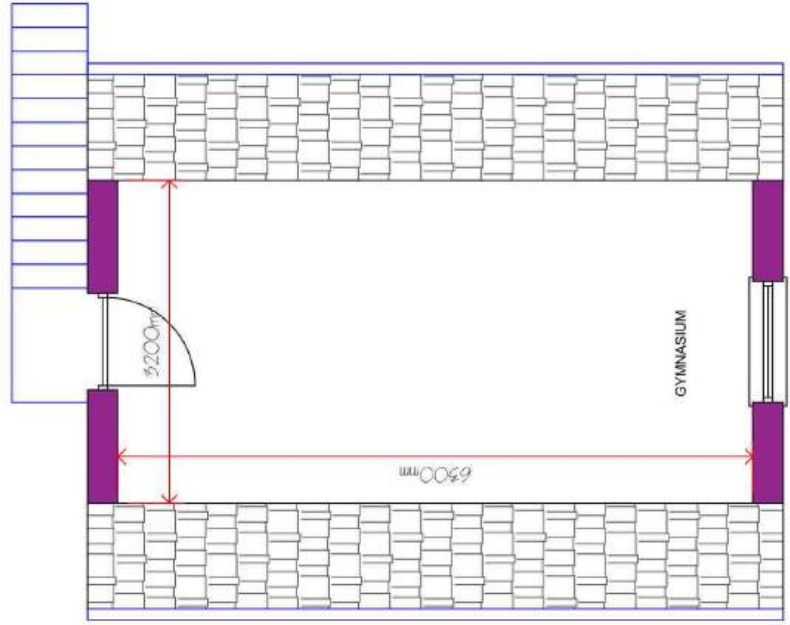
Proposed side (north) elevation



Proposed rear (east) elevation



Proposed ground floor plan 1:50



Proposed first floor plan 1:50



GATESIDE DESIGN

Gateside Design
22 Viewfield Terrace
Dunfermline
FIFE
KY12 7HZ
tel: 07746398509
e-mail: gatesidedesign50@yahoo.co.uk

Project
Erection of domestic garage
ancillary accom at Douglas Bank
Cemetery Lodge Pattiesmuir
by Dunfermline, KY11 3ES

Client:
LAUREN JACK

scale	1/100	date	March 2024	drawn	JJM/eggs
1/50		file location			

Garage plans and elevations
A3

Drawn by:	AE/RLJ/04	rev.	-
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Garage and house north gable.



Garage and porch.



House north gable and west elevation.



House west elevation.



West gable and porch.



GATESIDE DESIGN

Gateside Design
22 Viewfield Terrace
Dunfermline
FIFE
KY12 7HZ
Tel: 07746396509
e-mail: gatesidedesign50@yahoo.co.uk

Project

Erection of domestic garage
ancillary accom at Douglas Bank
Cemetery Lodge Pattiesmuir
by Dunfermline, KY11 3ES

client:

LAUREN JACK

scale 1/100
1/50

date March 2024

drawn JCM/bers

file location

A3

Existing photographs

Drawg. no.	rev.
NA	-

Agenda Item 4(4)

**Douglas Bank Lodge, Pattiesmuir, Rosyth,
KY11 3ES**

Application No. 24/01255/FULL

Consultee Comments

Louise Morrison

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 22 May 2024 09:35
To: Development Central
Subject: RE: Consultation -24/01255/FULL

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

Scottish Water has no objection to this planning application.

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 for any additional surface water.

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.

Kind regards,

Angela

Angela Allison

Technical Analyst

Scottish Water

Dedicated Freephone Helpline : 0800 389 0379

Business Email: Angela.Allison@scottishwater.co.uk

Team Mailbox: DevelopmentOperations@scottishwater.co.uk

Business Weblink: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

The Bridge

Buchanan Gate Business Park

Cumbernauld Road

Agenda Item 5(1)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

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 100691684-001

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	
Last Name: *	Landa	Building Number:	35
Telephone Number: *	01412666666	Address 1 (Street): *	Clydesdale Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Hamilton
Fax Number:		Country: *	United Kingdom
		Postcode: *	ML3 0DD
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Maureen"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Wilkie"/>	Address 1 (Street): *	<input type="text" value="Kilrie Cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="0141 266 6666"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY2 5UX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning-applications@planning-services.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="The Land to the south of Kilrie Cottages Kilrie Auchtertool KY2 5UX"/>
--

Northing	<input type="text" value="689437"/>	Easting	<input type="text" value="323881"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Non-determination for planning in principle the erection of a dwellinghouse (Class 9) Kilrie Cottages Kilrie Auchtertool KY2 5UX
24/02059/PPP

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.

Please refer to attached

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)

it take too long to determination this application

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)

1. Non-determination Statement 2. Superseded location plan 3. Location plan 4. Location Plan 2 5. Superseded Existing site plan 6. Existing site plan 7. Superseded Proposed Site Plan 8. Proposed site plan 9. Proposes floor plan 10. proposed section plan 11. Proposed 3D View 1 and View 2 12. Planning Statement 13. Application Form 14. Invalid Letter 15. Neighbour Notified 16. Extension of time 1 17. Extension of time 2 18. Land ownership 19. PSAD 1, 2, 3 and 4 20. S. water

Application Details

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

24/02059/PP

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

08/08/2024

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

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

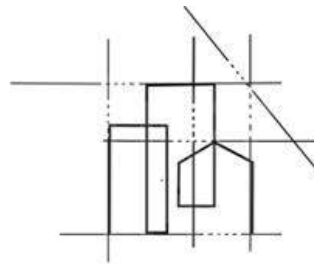
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 Thomas Cochrane

Declaration Date: 13/11/2024



PLANNING SERVICES UK
by Urbanara Ltd

**Non-determination for planning in principle the
erection of a dwellinghouse (Class 9) Kilrie
Cottages Kilrie Auchtertool KY2 5UX
24/02059/PPP**

Philip M. Landa
Planning Consultant
BSc. (Hon), MSc. In Town and Country Planning
Planning Services UK
35 Clydesdale Street
Hamilton ML3 0DD

1.0 Introduction

Notice of Review Statement: Local Review Body Appeal – Application Reference 24/02059/PPP

Subject: Review for deemed refusal of planning permission in principle for the erection of a single dwellinghouse (Class 9) at Kilrie Cottages, Kilrie, Auchtertool, KY2 5UX

Overview: This statement has been prepared to support our appeal under deemed refusal due to non-determination for Planning Application 24/02059/PPP. The proposed development at Kilrie Cottages is a three-bedroom dwellinghouse that aligns with the **National Planning Framework 4 (NPF4)** and the **Fife Local Development Plan (Fife LDP)**. This application advocates for high-quality, sustainable rural housing within an established cluster, aligning with environmental, community, and design excellence standards as outlined in national and local planning policies.

Request for Consideration by the Local Review Body

We respectfully request that the Local Review Body (LRB) give due consideration to the following points to ensure that NPF4 policies are understood and applied within the full planning context:

1. NPF4's Role Within the Development Plan

While NPF4 is now part of the development plan, it does not have inherent priority over the Fife LDP. **Section 25 of the Planning Act** requires the LRB to assess this application by balancing policies from NPF4 and the Fife LDP, giving weight to all relevant material considerations rather than viewing NPF4 as determinative.

2. Clarification of NPF4's Application

NPF4 only takes precedence in cases where there is a direct conflict with an outdated development plan, which does not apply in this case. **The LRB is, therefore, required to assess policies in NPF4 alongside those in the Fife LDP** rather than interpreting NPF4 as an overriding document. As a matter of proper planning practice, both documents should be weighted equally in this assessment.

3. Planning Judgment and Material Considerations

The Scottish Chief Planner's letter of **26th June 2024** reaffirms that decision-makers must apply sound planning judgment, balancing all relevant policies and material considerations. **Any perceived non-compliance with an NPF4 policy does not mean that this application should be refused** if the proposal aligns with the Fife LDP and meets key planning objectives for sustainable rural housing.

1. National Planning Framework 4 (NPF4) Alignment

- **Policy 8: Housing in the Countryside and within Clusters**

The proposal is consistent with rural development principles by adding essential housing stock within an existing rural cluster while preserving the green belt's character. Kilrie Cottages represents a designated rural housing cluster where limited, small-scale development is encouraged to support community vitality without expanding settlement boundaries.

- **Policy 29: Rural Development**

The project enhances the community and rural economy by utilising a previously developed site within an existing housing cluster. This approach is both sustainable and appropriate for the Kilrie Cottages area, aligning with NPF4's objectives for concentrated development within established rural clusters.

2. Fife Local Development Plan (Fife LDP) Compliance

- **Policy 8: Houses in the Countryside and Clusters**

This policy supports limited, well-integrated housing within existing clusters like Kilrie Cottages. The proposed development complements the existing housing arrangement while contributing to the rural character through its scale, design, and use of traditional, sustainable materials.

- **Policy 7: Development in the Countryside**

The project respects the Fife LDP's objectives for rural development by providing a home of suitable scale and nature that fits seamlessly within the Kilrie Cottages cluster. The development uses existing infrastructure and minimises impact on the surrounding landscape.

3. Site Suitability and Context

The Kilrie Cottages site is an ideal location for small-scale residential development. It meets all environmental and infrastructural suitability requirements, including:

- **Flood and Mining Risk:** The site is outside flood-risk areas and coal-mining-risk zones, ensuring stability and safety.
- **Road Safety:** Minimal additional traffic impact is expected, with existing infrastructure able to accommodate the modest increase safely.
- **Cluster Compatibility:** This proposal aligns with the established settlement pattern, ensuring that new development complements the existing housing cluster.

Extension of Time Requests

To ensure a thorough and cooperative review process, we submitted **two extensions of time requests** for this application, allowing additional time for planning authorities to conduct a complete assessment. Despite these efforts to accommodate the process, a final decision was not reached. This appeal is therefore submitted in good faith under deemed refusal and in acknowledgement of the applicant's commitment to a fair and transparent review. **Refer to Figure 1**

Conclusion

The proposed development is a responsible, well-considered addition to Kilrie Cottages, aligning with NPF4 and the Fife Local Development Plan policies supporting sustainable development within rural clusters. By locating the dwelling within an existing rural housing cluster, the proposal enhances community vitality and adds high-quality housing that respects the rural environment and local character.

Request for Determination

In light of the Chief Planner's guidance and the status of NPF4 as part of the development plan, we respectfully request the Local Review Body to:

- **Apply balanced planning judgment** by weighing policies in NPF4 and the Fife Local Development Plan together, alongside all material considerations and site-specific factors, as required under Section 25 of the Planning Act.
- **Recognize that NPF4 is not an overriding policy document** and should be part of a balanced policy review. The Chief Planner's 26th June 2024 letter reinforces the need to exercise judgment in balancing competing policies rather than treating NPF4 policies as determinative.

Given the strong alignment with key policies in both NPF4 and the Fife LDP, we respectfully request that the LRB approve this application.

Contact Information

Prepared by:

Philip M. Landa, BSc. (Hon), MSc. In Town and Country Planning
Planning Consultant

Email: Planning-applications@planning-services.co.uk

Revised and edited by:

Thomas Cochrane BSc (Hons) HND, CPC
Principal Planning Consultant

Planning Services UK

tommy@planning-services.co.uk

Mobile: 07450939889

Office: 0141 266 666

Appendix 1

Planning – Planning Application Documents

[Help with this page](#)

24/02059/PPP

Planning permission in principle for the erection of a dwellinghouse (Class 9)

Kilrie Cottages Kilrie Auchtertool KY2 5UX

[Save search](#) [Refine search](#) [Track](#) [Print](#) [Share](#)



[Details](#) [Comments](#) [Documents \(29\)](#) [History \(1\)](#) [Map](#)

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<input type="checkbox"/>	23 Oct 2024	Extension of Time Request	↑		View
<input type="checkbox"/>	10 Oct 2024	Extension of Time Request	↑		View



Planning Services UK
Philip Landa
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
Glasgow
G34 9HJ

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:
Our Ref: 24/02059/PPP

Date 10th October 2024

Dear Sir/Madam

REQUEST FOR EXTENSION OF TIME FOR DETERMINATION OF APPLICATION

Application No: 24/02059/PPP
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

I refer to the above application under consideration by this Planning Authority.

Notwithstanding any previous correspondence which has been sent to you, I regret that it will not be possible to determine your application within the statutory 2 month period or any extended period that has already been agreed. This is because:

1. of the complex nature of the particular issues raised in the consideration of the application.

We now require an extended period for determination until **25 October 2024**. Whilst I appreciate it is disappointing to have to wait for the Council to reach a decision on your application, I would hope that in the circumstances you will find the requested extension acceptable.

Should you **not agree** with such an extension, please contact me via email **within 7 days** of this letter.

Yours faithfully,
Brian Forsyth

Brian Forsyth
Planner, Development Management



Planning Services UK
Philip Landa
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
Glasgow
G34 9HJ

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:
Our Ref: 24/02059/PPP

Date 23rd October 2024

Dear Sir/Madam

REQUEST FOR EXTENSION OF TIME FOR DETERMINATION OF APPLICATION

Application No: 24/02059/PPP
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

I refer to the above application under consideration by this Planning Authority.

Notwithstanding any previous correspondence which has been sent to you, I regret that it will not be possible to determine your application within the statutory 2 month period or any extended period that has already been agreed. This is because:

1. Time is required to consider your comments on the representations received and to then reach a decision.

We now require an extended period for determination until **7 November 2024**. Whilst I appreciate it is disappointing to have to wait for the Council to reach a decision on your application, I would hope that in the circumstances you will find the requested extension acceptable.

Should you **not agree** with such an extension, please contact me via email **within 7 days** of this letter.

Yours faithfully,
Brian Forsyth



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 100680986-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Planning In Principle for erection one dwellinghouse

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	Planning Services UK		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	<input type="text"/>
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:	<input type="text"/>	Address 2:	69-71 Aberdalgie Road
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Maureen	Building Number:	2
Last Name: *	Wilkie	Address 1 (Street): *	Kirklie Cottages
Company/Organisation	<input type="text"/>	Address 2:	2 Kirklie Cottages
Telephone Number: *	0141 266 6666	Town/City: *	Kirkcaldy
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KY2 5UX
Fax Number:	<input type="text"/>		
Email Address: *	planning-applications@planning-services.co.uk		

Site Address Details

Planning Authority:

Fife Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Kilrie Cottages, Auchetertool, Kirkcaldy Fife KY2 5UX

Northing

689434

Easting

323886

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.11

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

As of the 10th of November, the site was granted permission to temporarily change from an open space to a storage area (scaffolding) for two years (Planning ref: 21/00416/FULL). Before this, the applicant used it as a garden and is considered part of her property (2 Kilrie Cottages, Kirkcaldy, KY2 50X).

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Philip Landa

On behalf of: Ms Maureen Wilkie

Date: 08/08/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

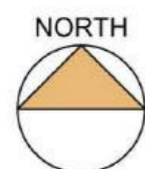
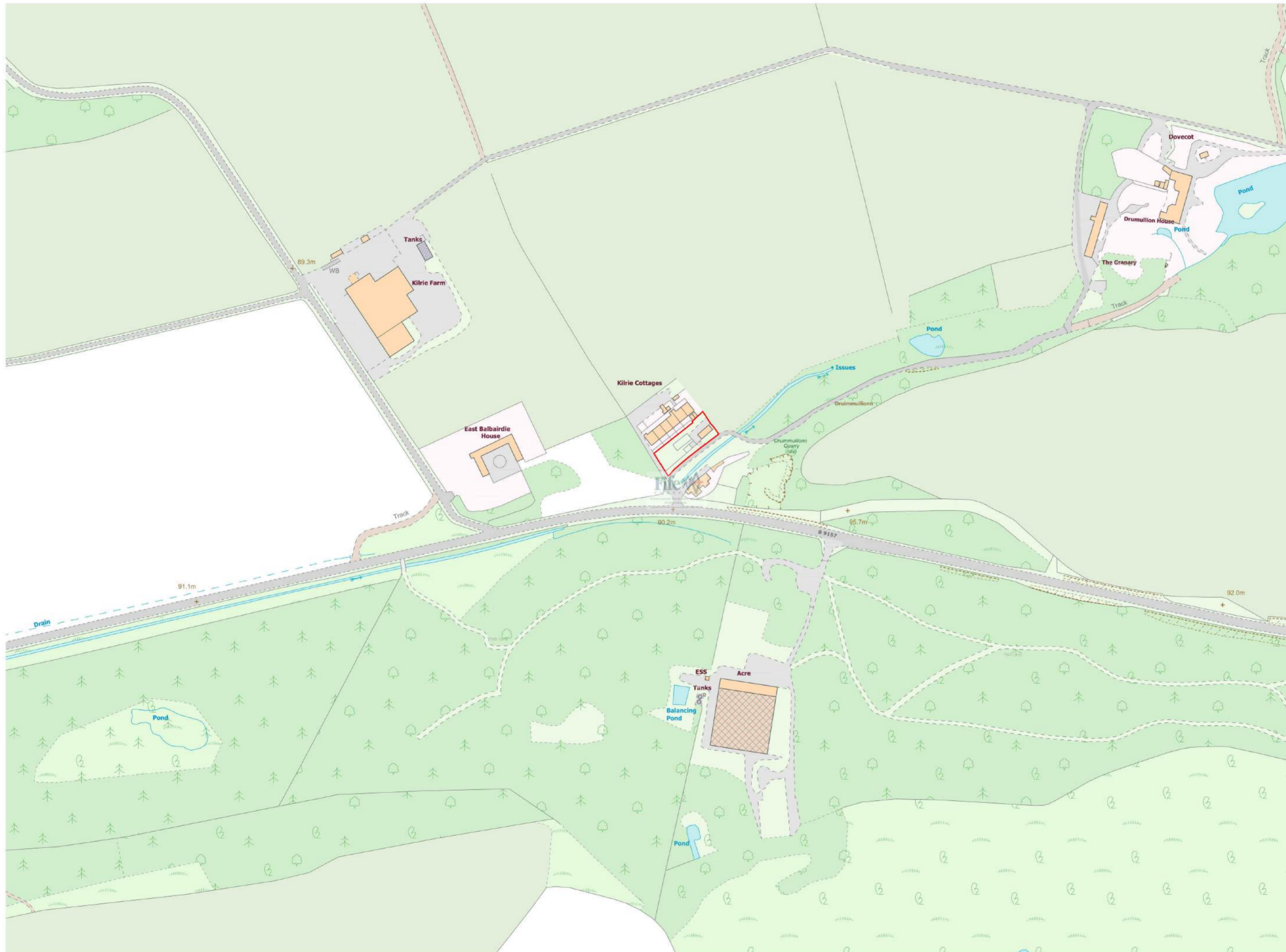
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: The Thomas Cochrane

Declaration Date: 08/08/2024

Notes:

1. [Redacted] off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



REV:	DESCRIPTION:	BY:	DATE:

REVISIONS



Planning Services UK
 The Circle, 69-71 Aberdalgie Road,
 Easterhouse, Glasgow, G34 9HJ
 Tel: 0141 266 6666
 www.planning-services.co.uk

CLIENT: Maureen Wilkie
 SITE: Kirie Cottages,
 Kilkcaldy KY2 5UX

PROPOSED: Dwelling House

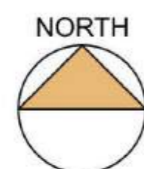
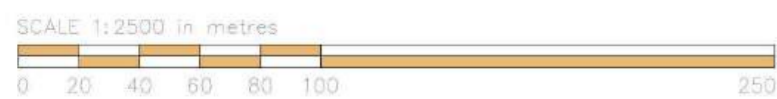
TITLE: Location Plan

PLANNING

SCALE: 1:2500 @ A2	DATE: 08/08/2024	DRAWN BY: BD	CHECKED:
PROJECT REFERENCE: 24-061	DRAWING NUMBER: PL-LOC-001	REVISION:	

Notes:

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4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
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6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



A	Drawing redrawn	AKN	03/10/2024
REV:	DESCRIPTION:	BY:	DATE:

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 The Circle, 69-71 Aberdalgie Road,
 Easterhouse, Glasgow, G34 9HJ
 Tel: 0141 266 6666
 www.planning-services.co.uk

CLIENT: Maureen Wilkie
 SITE: Kilrie Cottages,
 Kilkcaldy KY2 5UX

PROPOSED: Dwelling House

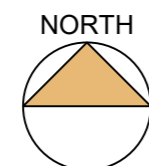
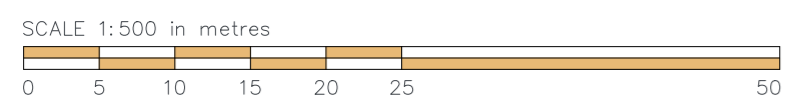
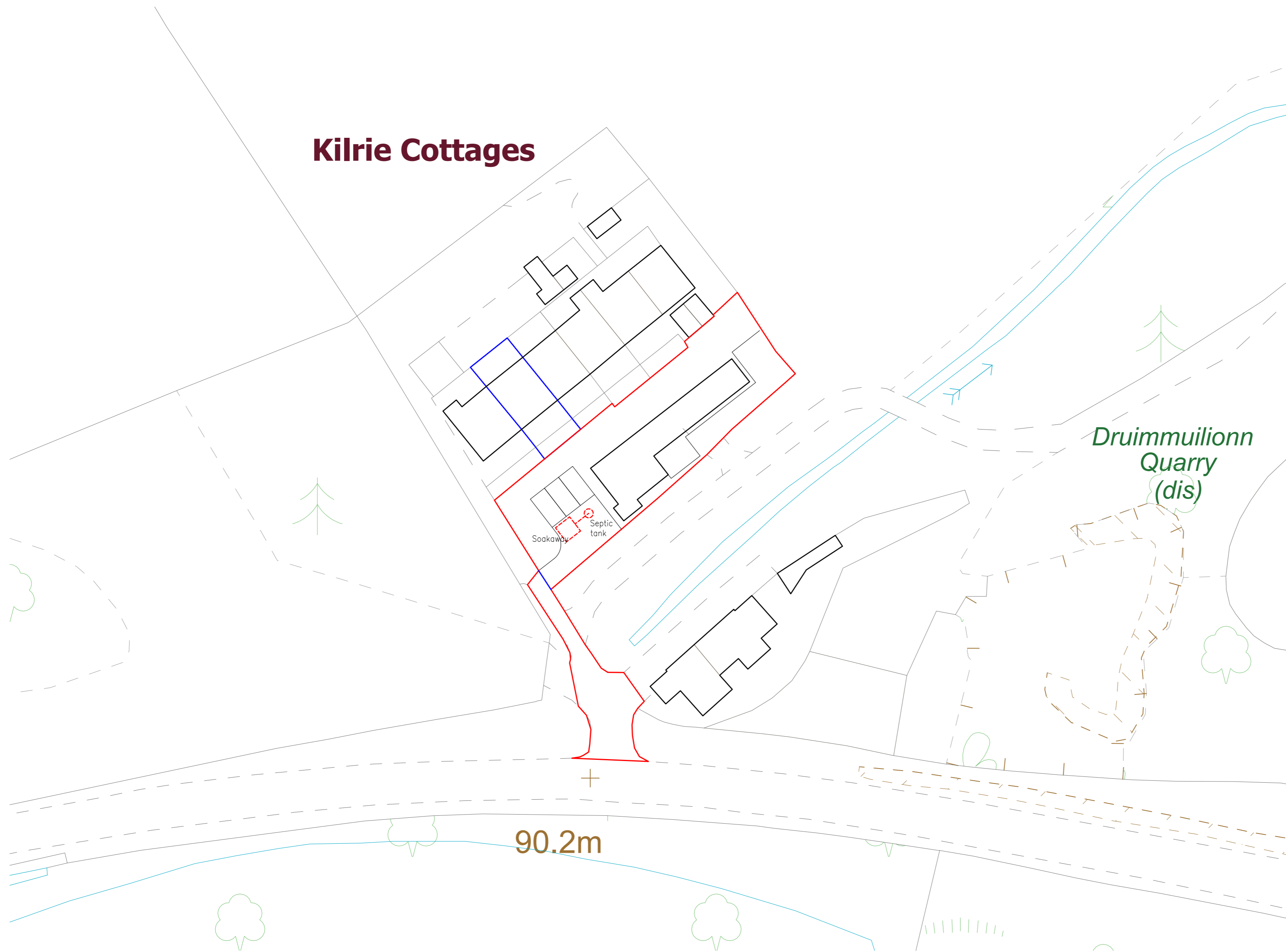
TITLE: Location Plan

PLANNING

SCALE: 1:2500 @ A2	DATE: 08/08/2024	DRAWN BY: BD	CHECKED:
PROJECT REFERENCE: 24-061	DRAWING NUMBER: PL-LOC-01	REVISION: A	

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6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



A	Drawing redrawn	AKN	03/10/2024
REV:	DESCRIPTION:	BY:	DATE:

REVISIONS



Planning Services UK
 The Circle, 69-71 Aberdalgie Road,
 Easterhouse, Glasgow, G34 9HJ
 Tel: 0141 266 6666
 www.planning-services.co.uk

CLIENT: Maureen Wilkie
 SITE: Kilrie Cottages,
 Kilkcaldy KY2 5UX

PROPOSED: Dwelling House

TITLE: Site plan as Proposed

PLANNING

SCALE: 1:500 @ A2	DATE: 08/08/2024	DRAWN BY: BD	CHECKED:
PROJECT REFERENCE: 24-061	DRAWING NUMBER: PL-LAY-02	REVISION: A	



CLIENT
Client Name

PROJECT
Project Name

PROJECT NO.
245.170

DRAWN BY
NH, MB

ISSUE
MM.DD.YY

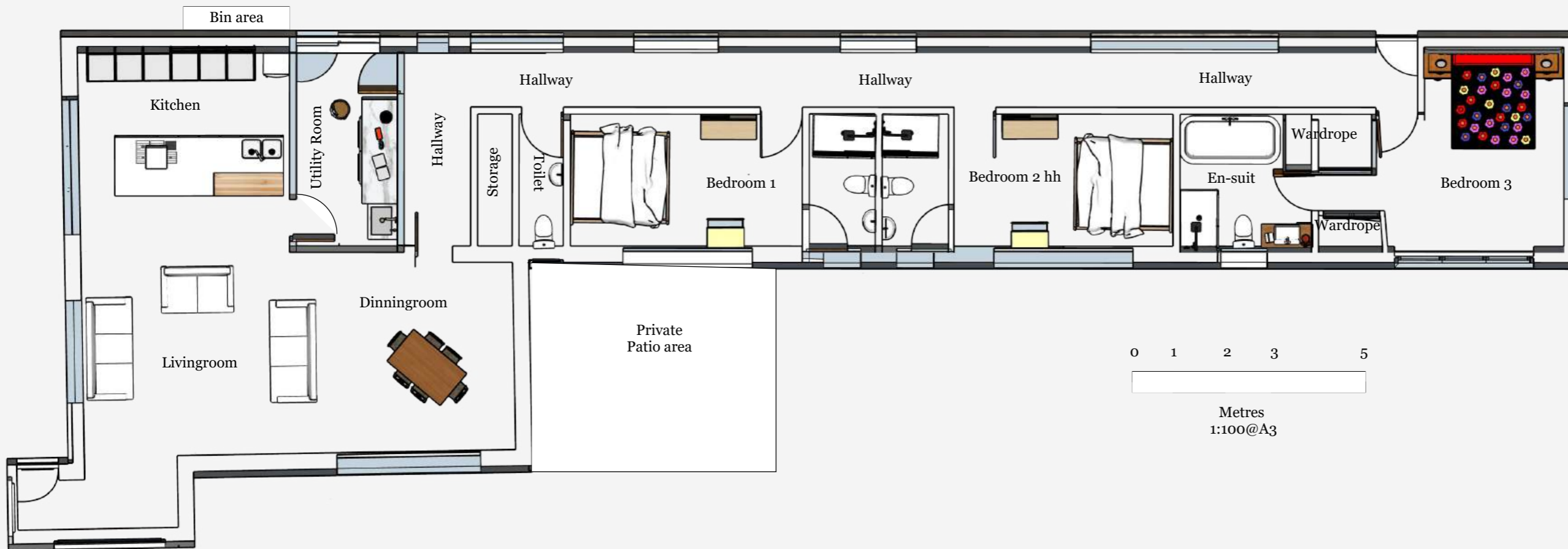
DESCRIPTION
Sheet Description

2c The Circle
69-71 Aberdalgie Road
Glasgow
G34 9HJ



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6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



CLIENT
Mrs Maureen Wilkie
2 Kilrie Cottages
Kilcaldy
KY2 5UX

PROJECT
Single Dwellinghouse

DRAWN BY
Thomas Cochrane

ISSUE
01/09/2024

RE-ISSUE

DESCRIPTION
Floor plan to show no habitual rooms
on the north side of the building



CLIENT
Client Name

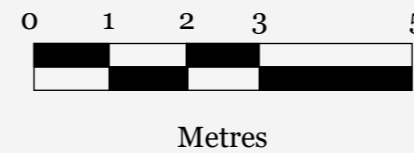
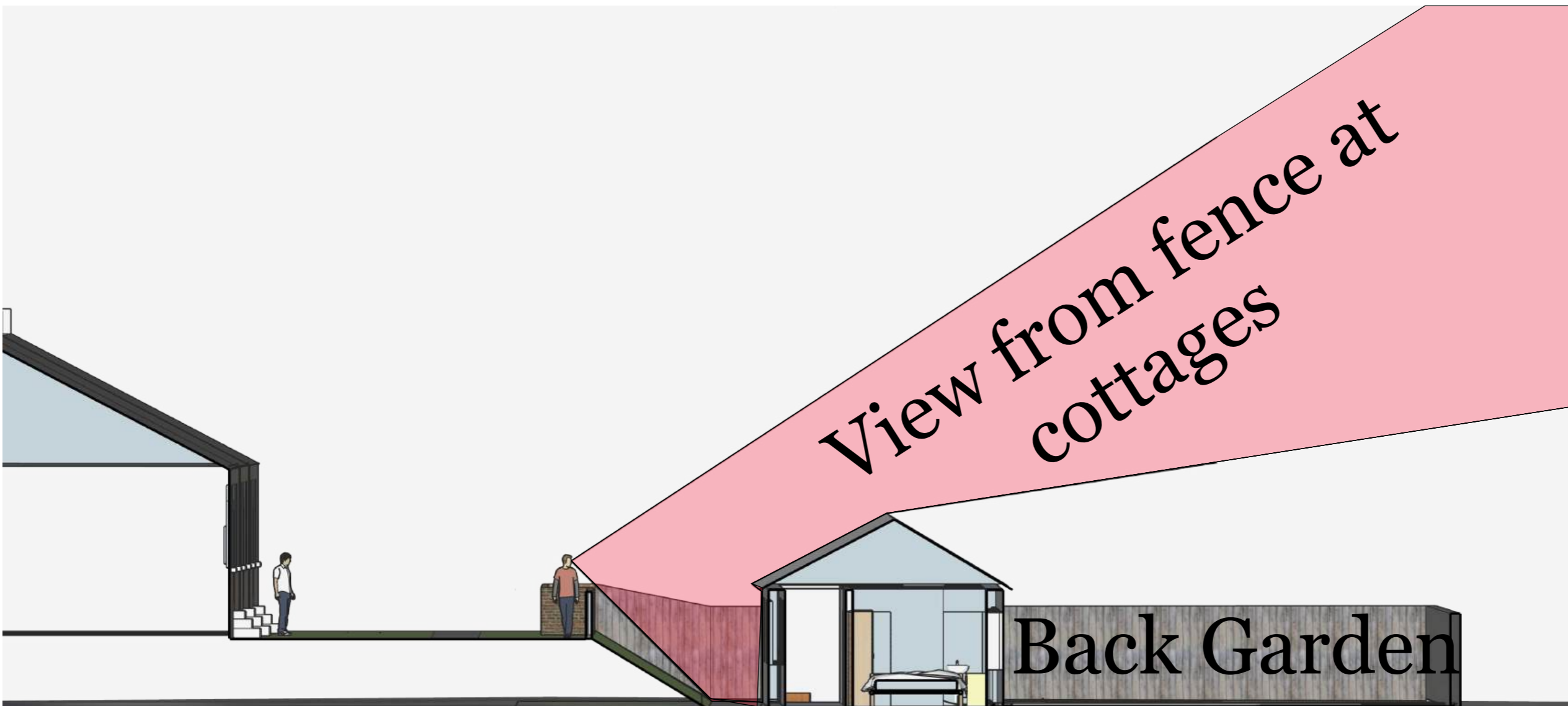
PROJECT
Project Name

PROJECT NO.
245.170

DRAWN BY
NH, MB

ISSUE
MM.DD.YY

DESCRIPTION
Sheet Description







#



Planning Statement for
Erection of a Single
Dwellinghouse at Kilrie
Cottages, Kirkcaldy,
Fife, KY2 5UX (Planning
in Principle)

Planning Services UK
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
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0141 266 6666
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Executive Summary

The proposed development of a three-bedroom dwellinghouse at Kilrie Cottages is a well-conceived project that aligns with the National Planning Framework 4 (NPF4) and the Fife Local Development Plan. This development aims to provide a high-quality, sustainable housing option that enhances the rural community.

Alignment with National Planning Framework 4 (NPF4)

Policy 8: Housing in the Countryside

The development respects green belt principles, ensuring it blends with the rural landscape. It is essential and cannot be located elsewhere, thus preserving the integrity of the green belt.

Policy 9: Brownfield, Vacant, and Derelict Land

The project reuses previously developed land, aligning with the "brownfield-first" approach to minimise greenfield development and promote sustainability.

Policy 14: Design, Quality, and Place

High design standards are maintained, enhancing the sense of place and community. The development uses sustainable materials and integrates with the existing housing cluster.

Policy 15: Local Living and 20-Minute Neighbourhood

The proximity to Kirkcaldy town centre ensures access to essential services within a short distance, supporting a balanced and sustainable lifestyle.

Policy 16: Quality Homes

The development provides a modern, energy-efficient home that meets contemporary living standards, incorporating advanced energy-saving technologies and sustainable materials.

Policy 29: Rural Development

The development promotes sustainable rural growth by enhancing the local economy, supporting community vitality, and integrating seamlessly with the rural landscape.

Alignment with Fife Local Development Plan

Policy 1: Development Principles

The project ensures compatibility with the rural environment, integrates with the existing housing cluster, and enhances the landscape and environmental quality.

Policy 2: Homes

The development addresses local housing needs by providing a high-quality, energy-efficient home, supporting the community's sustainability.

Policy 7: Development in the Countryside

The dwelling is of appropriate scale and nature, leveraging existing infrastructure and protecting the landscape and environmental quality.

Policy 8: Houses in the Countryside

The project promotes the reuse of previously developed land, offering significant environmental and visual improvements while respecting the rural setting.

Policy 9: Green Belt

The proposal maintains the green belt's character and openness, preventing urban sprawl and protecting the countryside.

Policy 10: Amenity

The design safeguards the quality of life for new and existing residents, ensuring privacy and addressing potential noise, light, and air quality issues.

Policy 11: Low Carbon Fife

Energy-efficient features and renewable energy sources are incorporated, significantly reducing the carbon footprint and promoting sustainable living.

The proposed development of a three-bedroom dwellinghouse at Kilrie Cottages is valuable to the local housing stock. It aligns with the National Planning Framework 4 (NPF4) and the Fife Local Development Plan, promoting sustainable, high-quality rural development. This project justifies approval by addressing local housing needs, enhancing the rural character, and supporting community well-being. It promises to contribute positively to the local environment and broader sustainability goals.

1.0 INTRODUCTION

1.1 On behalf of our client, Planning UK Services is pleased to submit this carefully prepared supporting statement as part of our Full Planning Permission application for the proposed construction of a single dwellinghouse at Kilrie Cottages, Kirkcaldy, Fife KY2 5UX. This statement exhaustively presents the proposed development's technical specifications and architectural merits, showcasing our commitment to excellence in urban planning and development.

1.2 Project Overview

1.2.1 The proposed development at Kilrie Cottages aims to introduce a high-quality single-dwelling house that will significantly enhance the local housing stock. The dwelling has been meticulously designed to offer aesthetic appeal and functionality, ensuring a modern living space that meets contemporary standards while preserving the area's historical and environmental integrity. The architectural design reflects a harmonious blend of traditional and contemporary elements, incorporating sustainable materials and energy-efficient technologies to ensure the new dwelling is environmentally responsible and future-proof.

1.3 Architectural and Design Considerations

1.3.1 The architectural design of the proposed dwellinghouse considers the unique characteristics of the Kilrie Cottages area. The building's façade will feature a combination of locally sourced stone and timber cladding, providing a natural and aesthetically pleasing appearance that complements the surrounding landscape. Large windows will be strategically placed to maximise natural light, reduce energy consumption, and provide residents with stunning views of the local scenery. Additionally, the internal layout has been designed to offer flexible living spaces that can adapt to the changing needs of modern families.

1.4 Commitment to Sustainable Development

1.4.1 Our proposal is firmly rooted in sustainable development principles and aligns with local and national planning policies. By adhering to the National Planning Framework 4 (NPF4) and the Fife Local Development Plan, we ensure that our project meets and exceeds the regulatory standards for new developments. Our choice of materials, construction methods, and overall design philosophy reflects this commitment to sustainability. Sustainable features include high-performance insulation, solar panels, rainwater harvesting systems, and a comprehensive waste management plan. These measures will minimise the development's environmental impact and reduce long-term energy costs for future occupants.

1.5 Community Enhancement

- 1.5.1 The development is poised to deliver significant benefits to the local community. It provides much-needed housing that addresses a critical demand while enhancing the neighbourhood's character. The new dwelling is designed to blend seamlessly with the area's existing architecture, contributing to the visual and social fabric of the community. Furthermore, the development will create local employment opportunities during construction, stimulate economic activity in the surrounding area, and foster a sense of community pride. Public consultations have been conducted to ensure that the proposed development aligns with the aspirations and concerns of residents.

1.6 Comprehensive Site Analysis

- 1.6.1 This submission is a commitment to providing the planning authority with a clear and comprehensive understanding of the site. Our analysis includes a detailed examination of the site's topography, soil conditions, vegetation, and infrastructure. This understanding is enhanced by a critical analysis of historical adjustments and supported by visual elements such as **Figure 1: Location Plan and Google Maps**. We have also conducted an environmental impact assessment to identify and mitigate potential adverse effects on the local ecosystem. By presenting a thorough site analysis, we aim to demonstrate that our proposal is well-informed, contextually appropriate, and sensitive to the unique characteristics of the Kilrie Cottages area.

1.7 Adherence to Planning Policies

- 1.7.1 Our assessment method includes a detailed scrutiny of current planning policies, such as the National Planning Framework 4 (NPF4), the Fife Local Development Plan, and applicable supplementary guidelines. Through this meticulous process, we affirm that the proposal adheres to key developmental criteria, effectively addresses potential challenges, and is poised to deliver significant benefits in line with established planning practices. We have also engaged with local planning authorities and stakeholders throughout the design process to ensure compliance with all relevant regulations and promptly and effectively address any concerns.

1.8 Infrastructure and Accessibility

- 1.8.1 The proposed development includes comprehensive plans for infrastructure improvements to support the new dwellinghouse. This involves installing modern utilities such as water, electricity, and telecommunications. Additionally, we have designed an efficient drainage system to manage surface

water runoff and prevent flooding. Access to the site has been carefully planned to ensure safe and convenient entry and exit for residents and visitors. Adequate parking spaces will be provided, and pathways will be constructed to enhance pedestrian connectivity within the area. The development also includes provisions for sustainable transport options, such as bicycle storage facilities and electric vehicle charging points.

1.9 Environmental Considerations

- 1.9.1 We have conducted a thorough environmental assessment to ensure that the proposed development will have minimal impact on the local ecosystem. Measures have been put in place to protect existing flora and fauna, and landscaping plans have been designed to enhance biodiversity. Native plant species will be used in the landscaping to create a natural habitat for wildlife and maintain the area's ecological balance. Additionally, we have implemented strategies to minimise construction noise and air pollution, ensuring that the development process is as environmentally friendly as possible.
- 1.9.2 The proposed erection of a single dwellinghouse at Kilrie Cottages represents a well-considered development that aligns with the strategic vision for the area. This project embodies our dedication to sustainable development, community enhancement, and architectural excellence. We trust that this comprehensive supporting statement, along with the accompanying visual aids and detailed policy analysis, will provide the planning authority with a clear and thorough understanding of the proposed development, facilitating a fair and informed decision. Planning UK Services is committed to delivering a project that meets our clients' needs and contributes positively to the local community and environment.

2.0 SITE BACKGROUND

2.1 LOCATION OF SITE

- 2.1.1 The proposed development site is approximately 4.1 miles (a ten-minute drive) from Kirkcaldy town centre, offering convenient access to the town's amenities and services. This strategic location ensures that future residents can enjoy the tranquillity of a rural setting while benefiting from proximity to urban conveniences. **Figure 2: Location Plan**
- 2.1.2 According to the FIFE plan, the site is located within a 'rural housing cluster,' which supports the development of small-scale housing projects that complement the surrounding countryside. This designation underscores the site's suitability for residential development, providing a framework that balances rural character with sustainable growth.
- 2.1.3 The cluster's existing dwellings are north and south of the proposed site. The new development will harmoniously integrate with these homes, maintaining the established settlement pattern while enhancing the area's overall aesthetic and functional coherence. The red boundary on the accompanying plans delineates the proposed site, ensuring a clear understanding of its scope and context.

2.2 HISTORY OF THE SITE

- 2.2.1 The historical significance of the proposed development site is well-documented, as evidenced by the Ordinance Survey map from 1890, which indicates that the Kilrie Cottages were established by this time. These cottages have been integral to the local landscape for over a century, reflecting the area's rich heritage and longstanding residential character. **Figure 3: Site History**
- 2.2.2 Although no longer owned by the Drysdale family, the Kilrie cottages were historically part of the more significant Kilrie estate, including other listed buildings such as Kilrie Granary, Kilrie House, and Dovecot. The house was constructed in 1854, and the Dovecot was built in 1684. The area has long-standing significance as a community. However, as the listed buildings have become used as tourist attractions and venues rather than private dwellings in recent years, the cottages have become more isolated from the greater community.
- 2.2.3 The enduring presence of Kilrie Cottages since at least 1890 underscores this location's historical and cultural value. Over the years, these cottages have contributed to the area's rural charm and community fabric, serving as homes

for generations of residents. The proposed development seeks to build upon this legacy, introducing a new dwelling that respects and enhances the historical context of Kilrie Cottages while providing modern living accommodations.

- 2.2.4 By acknowledging and preserving the site's historical essence, our proposal aims to create a seamless blend of old and new, ensuring that Kilrie Cottages' heritage remains a cherished community aspect. This approach honours the past and fosters a sense of continuity and connection for current and future residents.

2.3 CURRENT LAND USE

- 2.3.1 As of 10th November, the proposed development site has been granted permission for a temporary change of use from an open space to a storage area for scaffolding, valid for two years (Planning Reference: 21/00416/FULL). This temporary use reflects a strategic decision to use the land for practical purposes while awaiting the approval and commencement of the proposed residential development. **Figure 4: Current Land Use**
- 2.3.2 Before this temporary change, the applicant used the site as a garden, considered an integral part of her property at 2 Kilrie Cottages, Kirkcaldy, KY2 50X. This garden use underscores the residential character of the site and its suitability for the proposed dwellinghouse development.
- 2.3.3 The transition from a garden to a temporary storage area and eventually to a residential dwellinghouse highlights the site's adaptability and continued alignment with residential and supportive uses. This planned evolution is in keeping with the property's historical and functional role within the community, ensuring that the development will be a natural extension of the existing land use patterns.

2.4 SITE ANALYSIS

FLOOD RISK MAP (SEPA)

- 2.4.1 **Figure 5: Flood Risk Map** provides a comprehensive overview of the flood risk associated with the proposed development site. Upon thoroughly examining the map, it is evident that the site is not affected by any flood risk. This assessment is based on the latest and most accurate flood risk data, ensuring that the proposed development will not be vulnerable to flooding, even in extreme weather conditions. The absence of flood risk is crucial in determining the site's suitability for residential development, as it guarantees the safety and security of future residents and reduces potential costs related to flood mitigation and insurance.

COAL MINING RISK ANALYSIS

2.4.2 **Figure 6: The Coal Mining Map** indicates that the proposed site lies outside the coal authority risk zone. This critical analysis confirms that the site is not subject to any risks associated with past, present, or future coal mining activities. The absence of coal mining risk is essential for several reasons. Firstly, it ensures that the ground stability is not compromised, which is vital for the structural integrity of the new dwelling. Secondly, it eliminates concerns related to subsidence, which can cause significant damage to buildings and infrastructure. Thirdly, it ensures compliance with planning regulations that restrict development in high-risk mining areas, thereby streamlining the approval process for the proposed project.

2.4.3 The combined analysis of Figures 5 and 6 demonstrates that the proposed site is free from flood and coal mining risks, reinforcing its suitability for constructing a new house. These findings provide a solid foundation for the proposed development, ensuring it meets all necessary safety and environmental criteria. The comprehensive site analysis highlights the suitability of the proposed development site for residential use. The absence of flood and coal mining risks ensures that the site is safe, stable, and compliant with all relevant planning regulations. These factors collectively justify the proposed development, ensuring it will be a secure, sustainable, and valuable addition to the local housing stock. The findings from the Flood Risk Map and Coal Mining Map offer assurance to stakeholders and future residents alike, supporting the overall viability and desirability of the project.

ROAD SAFETY DATA

2.4.4 According to [Crashmap.co.uk](https://www.crashmap.co.uk), 27 accident cases were recorded in the vicinity from 1999 to 2021, as detailed in **Figure 7: Crash Map**. The breakdown of these incidents is as follows:

- i. Fatal: 4 cases
- ii. Serious: 6 cases
- iii. Slight: 17 cases

2.4.5 Of particular note is that only one of these accidents occurred near the Junction, involving two vehicles on Monday, 29th January 2007. This incident did not happen within 20 meters of the Junction and was likely the result of an overtaking manoeuvre. Additionally, two accidents involved a single vehicle, with icy road conditions contributing to the incidents. The accident on 11th July 2003 also involved only one car. This analysis leads us to conclude that the Junction itself is safe and does not present a significant hazard to traffic.

Impact of Proposed Development

2.4.6 The proposed development is expected to generate minimal additional traffic. With the construction of new houses, approximately four additional vehicle movements are anticipated on the street. This increase is minimal, mainly since the development is located 4.1 miles from Kirkcaldy's urban centre, reducing the likelihood of significant traffic congestion. A road to the south of the proposed development further alleviates traffic pressure within the housing cluster. This alternative route distributes the increased traffic load, maintaining smooth traffic flow and minimising potential bottlenecks.

Road Safety Considerations

2.4.7 The road connecting the Junction to the proposed houses has a speed limit of 50mph. Transport Scotland's guidance recommends visual splays of 160 meters for speeds up to 53mph. The visual splays to the left and right of the development site exceed this requirement, ensuring that drivers have ample visibility and reaction time, thereby enhancing road safety. In summary, the proposed development's traffic impact is minimal and manageable. The historical accident data supports the safety of the Junction and surrounding roads, with no significant patterns of high-risk incidents.

2.4.8 Adding four vehicle movements is negligible and will not adversely affect the overall traffic conditions. The road infrastructure and speed limits are adequately designed to handle the anticipated increase in traffic, ensuring continued safety for all road users. This analysis underscores the suitability of the proposed site for development, affirming that the minor increase in traffic will be safely accommodated without compromising road safety.

2.5 LOCATION IN CONTEXT FIFE LDP

2.5.1 Although the housing cluster the site would join is technically part of Kirkcaldy, the proposed site is considered green belt rather than urban, according to the FIFEplan. Consequently, the proposed development falls under Policy 8: Housing in the Countryside. Policy 8 of the Fife Local Development Plan governs housing developments within green belt areas, ensuring that such developments are carefully managed to maintain these regions' rural character and environmental integrity. Our proposal for a single dwellinghouse at Kilrie Cottages aligns with the criteria outlined in this policy, addressing the specific requirements and considerations for rural housing developments.

- 2.5.2 One of Policy 8's primary considerations is integration with existing settlements. The proposed dwellinghouse is designed to blend seamlessly with the existing housing cluster, maintaining the area's cohesive character. This ensures that the new development will not appear out of place but complement the established settlement pattern. Sustainable development is a cornerstone of our proposal, in line with Policy 8's emphasis on environmental responsibility. We prioritise using sustainable materials and energy-efficient technologies, minimising the environmental impact and promoting long-term sustainability. This approach aligns with the broader goals of the Fife Local Development Plan, which seeks to encourage developments that contribute positively to the environment.
- 2.5.3 Respecting the rural character of the green belt is another critical aspect of Policy 8. The architectural design and landscaping of the proposed dwelling are intended to complement the natural surroundings and uphold the rural aesthetic of the area. This careful consideration ensures that the development will enhance, rather than detract from, the scenic quality of the green belt.
- 2.5.4 In conclusion, while the proposed site is classified as a green belt under the FIFE plan, the development complies with Policy 8: Housing in the Countryside. The project has been meticulously planned to enhance the local housing cluster while preserving the area's rural character and environmental integrity. This alignment with the Fife Local Development Plan's objectives ensures that the proposed development is appropriate and beneficial for the community. By adhering to the principles of sustainable development, integrating with the existing settlement pattern, and respecting the rural character of the green belt, the proposed dwellinghouse at Kilrie Cottages represents a thoughtful and responsible approach to rural housing development.

3.0 PLANNING HISTORY

- 3.1.1 The proposed site gained retrospective planning permission in 2021 for a temporary storage structure (Planning Reference: 21/00416/FULL). This permission was granted for two years, commencing on the 10th of November 2021. The planning officer's decision affirmed that the temporary storage structure did not contradict the Local Development Plan (LDP). Specifically, the proposal was found to "not cause any significant detrimental visual impacts on the surrounding landscape; would not cause any detrimental impacts on surrounding residential properties; and is considered acceptable regarding road safety."
- 3.1.2 While the proposed development of a single dwellinghouse is significantly larger than the existing temporary structure, it is essential to highlight that the deciding officer acknowledged the appropriateness of development on this site within the context of the LDP. This previous approval establishes a precedent that development at this location is compatible with the surrounding environment and adheres to planning policies.
- 3.1.3 The prior approval provides a strong foundation for the current proposal, indicating that the site is suitable for development and that the planning principles applied in the previous decision continue to support new, more permanent structures. This continuity in planning decisions reinforces the validity and appropriateness of our proposed dwellinghouse, ensuring that it aligns with local and national planning objectives while contributing positively to the community and landscape.

4.0 PROPOSED DEVELOPMENT

4.1.1 The proposed development entails the construction of a single dwellinghouse with three bedrooms, complemented by a back garden and a dedicated parking space. This carefully designed residence aims to provide a high-quality living environment that meets modern standards while enhancing the local housing stock. [Refer to Figure 8: Proposed Design](#)

4.1.2 Design and Layout

4.1.3 The proposed three-bedroom dwellinghouse will feature a contemporary yet timeless architectural design, harmoniously blending with the existing housing cluster at Kilrie Cottages. The exterior will be finished with locally sourced materials, including stone and timber, to ensure durability and aesthetic appeal. Large windows will be incorporated to maximise natural light and provide picturesque views of the surrounding landscape.

4.1.3 Interior Features

4.1.4 The interior layout of the dwellinghouse is designed to offer spacious and functional living areas. The ground floor will include an open-plan kitchen, dining, and living area, creating a cohesive space for family activities and entertaining. A utility room and guest bathroom will also be conveniently located on this level. The upper floor will house three generously sized bedrooms, including a master bedroom with an en-suite bathroom and a family bathroom. This arrangement ensures comfort and privacy for all residents.

4.1.5 Outdoor Space

4.1.6 The back garden will be an integral part of the property, offering a private outdoor space for relaxation, recreation, and gardening. The garden will be landscaped with native plants and shrubs to enhance biodiversity and create a serene environment. This green space will serve as an extension of the indoor living area, promoting a healthy and balanced lifestyle for the residents.

4.1.7 The garden is designed to extend the indoor living space, offering a private outdoor area for relaxation and recreation. It will be landscaped with native plants and shrubs to promote biodiversity and create a tranquil environment. This green space encourages a healthy lifestyle by providing outdoor activities and gardening opportunities.

4.1.8 Privacy and Overlooking

4.1.9 The design of the proposed dwellinghouse has been carefully considered to ensure privacy for both the new residents and existing neighbours. Strategic placement of windows and careful landscaping will minimise any potential overlooking issues. Fencing and natural barriers such as hedges and trees will further protect the garden's privacy and outdoor living spaces, ensuring a tranquil and secluded environment for the occupants.

4.1.10 Privacy is a priority for both the new residents and neighbouring properties. The design strategically places non-habitable rooms, such as halls, facing the neighbours, while landscaping elements like hedges and trees create natural barriers. Fencing further enhances privacy, minimising overlooking issues and ensuring a serene environment.

4.1.11 Parking Space

4.1.12 A dedicated parking space within the property will ensure residents' and visitors' convenience and safety. The parking area will accommodate up to two vehicles, with permeable paving to facilitate proper drainage and reduce surface runoff. This feature will also include an electric vehicle charging point, supporting sustainable transport options and future-proofing the development.

4.1.13 Sustainability Features

4.1.14 The proposed dwellinghouse will incorporate several sustainability features to minimise its environmental impact. These include high-performance insulation, energy-efficient windows and doors, and a rainwater harvesting system. Solar panels will be installed on the roof to provide renewable energy, reducing the household's carbon footprint and energy costs.

4.1.15 In conclusion, the proposed development of a single three-bedroom dwellinghouse with a back garden and parking space at Kilrie Cottages represents a well-considered and sustainable addition to the local housing stock. The design and layout prioritise functionality, comfort, and aesthetic appeal, while the sustainability features ensure minimal environmental impact. Privacy and overlooking have been carefully addressed to protect new and existing residents, maintaining a peaceful and respectful community environment. This proposal aligns with the goals of the Fife Local Development Plan, promoting responsible and high-quality development in rural areas.

5.0 RELEVANT POLICIES

Section 25 of the Town and Country Planning (Scotland) Act 1997 lays a foundation emphasising the importance of evaluating planning applications within the framework provided by the Local Development Plan. This principle holds unless compelling material considerations arise, suggesting an alternative course of action. In full compliance with this statutory mandate, this planning statement meticulously delineates the policies and guidelines governing the proposed development within the National Planning Framework 4 (NPF4), the Fife Local Development Plan, and associated Supplementary Guidance.

5.1 NATIONAL PLANNING FRAMEWORK 4 (NPF4)

5.1.1 SUSTAINABLE PLACES

5.1.2 POLICY 8: GREEN BELTS

5.1.3 POLICY 9: BROWNFIELD, VACANT AND DERELICT LAND AND EMPTY BUILDINGS

5.1.4 RESPONSE:

5.1.5 Policy 8: Green Belts

5.1.6 The proposed development aligns with Policy 8 of the National Planning Framework 4 (NPF4), which governs housing in rural areas and green belts. This policy permits housing developments in rural settings if specific conditions are met, ensuring that such developments are sustainable and respectful of the countryside. The site for the proposed dwellinghouse is part of a rural housing cluster and is designated as a green belt.

5.1.7 According to Policy 8, development in the green belt is permissible under the following conditions: the development must be essential. It cannot be reasonably located elsewhere, which the proposed dwellinghouse fulfils by addressing a specific housing need in the rural community. It should not undermine the primary purposes of the green belt, such as preventing urban sprawl and preserving the countryside's character and openness.

5.1.8 The design ensures harmony with the surroundings, avoiding disrupting the green belt's integrity. The development must also be compatible with the countryside and landscape character, which is achieved by incorporating traditional and sustainable materials that blend seamlessly with the local architectural style. Additionally, using natural, locally sourced materials and strategic landscaping minimises visual impact, maintaining the aesthetic quality of the countryside.

5.1.9 Lastly, the development should have no significant long-term environmental consequences. The proposed dwelling includes sustainable features such as energy-efficient systems and rainwater harvesting, ensuring a minimal ecological footprint and alignment with green belt preservation goals.

5.1.10 Policy 9: Brownfield, Vacant, and Derelict Land and Empty Buildings

5.1.11 Policy 9 of the NPF4 is a cornerstone in promoting sustainable development. It emphasises a "brownfield-first" approach to development, prioritising the reuse and redevelopment of previously used land over greenfield and green belt sites. This policy addresses environmental and social challenges for vacant and derelict sites. The Scottish Government and local authorities continue to advocate for this approach, prioritising brownfield redevelopment to preserve natural landscapes and open spaces, thereby supporting sustainability and climate resilience.

5.1.12 The availability of infrastructure is a crucial consideration, with sites featuring existing infrastructure prioritised to ensure efficient resource use and minimal new infrastructure development, thus reducing overall environmental impact. Ensuring the deliverability of brownfield sites is essential for successful redevelopment, necessitating addressing any legal, financial, or logistical barriers that might hinder the reuse of such sites.

5.1.13 Redeveloping brownfield sites also contributes to greening urban and rural neighbourhoods, improving environmental quality, and providing green spaces for community use. More importantly, it aligns with broader sustainability goals and enhances the livability of redeveloped areas. Policy 9 addresses the climate crisis by focusing on brownfield redevelopment. Reusing existing sites reduces the pressure to develop greenfield land, preserving natural habitats and promoting sustainable land use.

5.1.13 The potential for reusing vacant and derelict sites is significant, offering numerous benefits across various areas of public policy. A concerted national effort to bring these sites back into productive use can support economic regeneration, environmental sustainability, and social cohesion, aligning with the overarching goals of NPF4 to create sustainable, liveable, and productive places across Scotland.

5.2 SUSTAINABLE PLACES

5.2.1 POLICY 14: DESIGN, QUALITY AND PLACE

5.2.2 POLICY 15: LOCAL LIVING AND 20-MINUTE NEIGHBOURHOOD

5.2.3 POLICY 16: QUALITY HOME

5.2.4 RESPONSE:

5.2.5 Policy 14: Design, Quality and Place

5.2.6 The proposed development aligns with Policy 14 of the National Planning Framework 4 (NPF4), which emphasises the importance of high-quality design that enhances the sense of place and community. The design of the proposed three-bedroom dwellinghouse incorporates sustainable materials and energy-efficient systems, ensuring a minimal environmental impact. The architectural style is intended to blend seamlessly with the existing rural housing cluster, respecting the local character and aesthetic. Strategic landscaping and natural barriers such as hedges and trees are included to enhance privacy and prevent overlooking, thus maintaining a high quality of life for new and existing residents. The development's thoughtful design promotes a sense of place, contributing positively to the local community's social and visual fabric.

5.2.7 Policy 15: Local Living and 20-Minute Neighbourhood

5.2.8 While the proposed development is situated in a rural area, it aligns with the principles of Policy 15 by promoting local living. The site is located 4.1 miles from Kirkcaldy town centre, providing residents with convenient access to urban amenities within a short drive. This proximity supports the concept of a 20-minute neighbourhood where essential services and facilities are accessible within a short travel time. The development encourages a balanced lifestyle, offering the tranquillity of rural living while maintaining accessibility to necessary urban services. Additionally, including a back garden and green spaces supports outdoor activities and community interactions, enhancing the overall living experience.

5.2.9 Policy 16: Quality Homes

5.2.10 The proposed development directly supports Policy 16 by delivering a high-quality home that meets modern comfort, sustainability, and functionality standards. The three-bedroom dwellinghouse is designed to provide spacious and adaptable living areas, including an open-plan kitchen, dining, living space, generous bedrooms, and modern amenities. Sustainable features such as high-performance insulation, energy-efficient windows and doors, and solar panels ensure the home is energy-efficient and environmentally friendly. Using sustainable construction practices and materials further enhances the home's quality, contributing to long-term sustainability and resilience. By addressing

local housing needs and providing a high standard of living, the proposed development embodies the principles of Policy 16, promoting quality and sustainability in residential development.

5.2.11 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages aligns with key policies of the National Planning Framework 4 (NPF4) related to sustainable places. By adhering to Policy 14, the development ensures high-quality design and a strong sense of place. The principles of Policy 15 support local living and accessibility despite its rural location. Finally, following Policy 16, the development delivers a quality home that meets modern standards and sustainability goals.

5.3 PRODUCTIVE PLACES

5.3.1 POLICY 29: RURAL DEVELOPMENT

5.3.2 RESPONSE:

5.3.3 Policy 29: Rural Development

5.3.4 The proposed development aligns with Policy 29 of the National Planning Framework 4 (NPF4), which promotes sustainable rural development to support the vitality and sustainability of rural communities. Policy 29 encourages development that contributes positively to the rural economy and enhances the quality of life for rural residents.

5.3.5 The proposed single dwellinghouse at Kilrie Cottages exemplifies the principles of Policy 29 in several key ways:

5.3.6 **Supporting Rural Sustainability:** By providing a new, high-quality home within an existing rural housing cluster, the development supports the sustainability of the rural community. It helps meet the local demand for housing, ensuring that residents can continue to live and work in the area. This contributes to maintaining the population base necessary for the viability of local services and amenities.

5.3.7 **Enhancing the Rural Economy:** The construction of the new dwellinghouse will create local employment opportunities during the building phase, stimulating economic activity in the area. Additionally, the presence of new residents can support local businesses and services, further boosting the rural economy.

- 5.3.8 **Respecting Rural Character:** The design of the dwellinghouse respects the character and aesthetics of the rural landscape. By using traditional materials and incorporating thoughtful landscaping, the development enhances the area's visual appeal without compromising its rural charm. This sensitivity to the local environment ensures that the development contributes positively to the rural setting.
- 5.3.9 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages aligns with Policy 29: Rural Development of the National Planning Framework 4 (NPF4). It supports rural sustainability, enhances the local economy, promotes sustainable living, respects the rural character, and improves infrastructure and connectivity. By adhering to these principles, the development contributes positively to the vitality and sustainability of the rural community, embodying the objectives of NPF4 for productive places.
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5.4 FIFE LOCAL DEVELOPMENT PLAN

5.4.1 POLICY 1: DEVELOPMENT PRINCIPLES

5.4.2 POLICY 2: HOMES

5.4.3 POLICY 7: DEVELOPMENT IN THE COUNTRYSIDE

5.4.4 POLICY 8: HOUSES IN THE COUNTRYSIDE

5.4.5 POLICY 9: GREEN BELTS

5.4.6 POLICY 10: AMENITY

5.4.7 POLICY 11: LOW CARBON FIFE

5.4.8 RESPONSE:

- 5.4.9 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages is a meticulously planned project that aligns with the Fife Local Development Plan's key policies, ensuring a sustainable, high-quality, and contextually appropriate addition to the rural housing cluster. This statement outlines how the development adheres to and supports the specific policies within the plan, demonstrating its compatibility and benefits to the local area.

5.4.10 Policy 1: Development Principles

- 5.4.11 The proposed development strictly adheres to Policy 1 by ensuring that the scale and nature of the new dwellinghouse are harmonious with the surrounding rural uses. The dwellinghouse's design reflects a sensitive approach, blending seamlessly with the existing housing cluster while respecting the area's rural character. Located just 4.1 miles from Kirkcaldy town centre, the site benefits from existing infrastructure, including roads and utilities, while contributing to sustainable infrastructure by including an electric vehicle charging point. The development's design and landscaping strategies are crafted to protect and

enhance the area's overall landscape and environmental quality, ensuring minimal disruption and maximum visual harmony with the existing rural setting.

5.4.12 Policy 2: Homes

5.4.13 The proposed dwellinghouse significantly contributes to the local housing stock, directly addressing local housing needs as outlined in Policy 2. By providing a high-quality home that meets modern standards for comfort, sustainability, and functionality, the development enhances the living conditions within the rural community. The design incorporates spacious, adaptable living areas and state-of-the-art amenities, ensuring it meets contemporary family needs while promoting long-term sustainability through energy-efficient systems and materials.

5.4.14 Policy 7: Development in the Countryside

5.4.15 Policy 7 emphasises that development in the countryside must be compatible with the surrounding landscape and infrastructure. The proposed dwellinghouse aligns with this policy by being modest in scale and nature, ensuring it fits well within the existing rural landscape. It leverages existing infrastructure efficiently and includes provisions for sustainable improvements, such as permeable paving and advanced drainage systems, contributing to the area's infrastructure needs. The development's design and location are carefully chosen to protect and enhance the landscape's environmental quality, incorporating natural materials and strategic landscaping to maintain and improve the area's visual and ecological integrity.

5.4.16 Policy 8: Houses in the Countryside

5.4.17 While the proposed development is for a single dwellinghouse rather than a cluster of five houses, it aligns with the principles of Policy 8 by promoting the reuse of previously used land. The site was previously granted permission for temporary storage, demonstrating it is no longer required for its original purpose. Redeveloping this site into a residential dwelling brings about significant environmental and visual improvements, as the new design enhances the rural setting through thoughtful architecture and landscaping. The proposal respects the rural environment, ensuring minimal impact and maximum integration with the existing housing cluster.

5.4.18 Policy 9: Green Belt

5.4.19 The proposed development respects and supports the objectives of Policy 9 by maintaining the character and openness of the green belt. The design and siting of the new dwellinghouse ensure that it does not undermine the primary purposes of the green belt, such as preventing urban sprawl and protecting the countryside's character. The development's careful integration into the landscape preserves the green belt's essential functions while enhancing its aesthetic and environmental value.

5.4.20 Policy 10: Amenity

5.4.21 The proposed development adheres to Policy 10 by ensuring that the amenities of both new and existing residents are protected and enhanced. Privacy is a critical consideration, and the design strategically places windows and utilises natural barriers like hedges and trees to prevent overlooking. This approach ensures a high quality of life for all residents, maintaining tranquillity and privacy within the rural setting. The development also considers noise, light, and other potential disturbances, implementing measures to mitigate adverse effects and enhance the overall living environment.

5.4.22 Policy 11: Low Carbon Fife

5.4.23 Supporting Policy 11, the proposed dwellinghouse incorporates numerous low-carbon and energy-efficient features. High-performance insulation, energy-efficient windows and doors, and solar panels are integral to the design, significantly reducing the building's carbon footprint. These sustainable practices align with Fife's goals for promoting a low-carbon economy and sustainable living, ensuring the development contributes positively to environmental goals and sets a standard for future rural developments.

5.4.24 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages is a prime example of a well-planned, sustainable rural development that aligns with the Fife Local Development Plan's key policies. By adhering to the principles of growth, housing needs, countryside compatibility, green belt protection, amenity preservation, and low-carbon initiatives, the project ensures a high-quality, contextually appropriate addition to the rural housing cluster. This development not only enhances the local community by providing a modern, sustainable home but also respects and improves the environmental and landscape quality of the area. The meticulous planning and thoughtful design demonstrate a solid commitment to creating a sustainable, high-quality living environment that benefits current and future residents.

5.5 SUPPLEMENTARY GUIDANCE AND PLANNING GUIDANCE

5.5.1 MAKING FIFE'S PLACES SUPPLEMENTARY GUIDANCE (AUGUST 2018)

5.5.2 LOW CARBON FIFE SUPPLEMENTARY GUIDANCE

5.5.3 AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE

5.5.4 DESIGN AND ACCESS STATEMENT

5.5.5 DAYLIGHT AND SUNLIGHT GUIDANCE

5.5.6 RESPONSE:

5.5.7 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages aligns closely with the relevant Supplementary Guidance (SG) documents, ensuring the project meets high design, sustainability, and community integration standards. This expanded statement outlines how the proposed development adheres to and supports these guidance documents' key principles and requirements.

5.5.8 Affordable Housing Supplementary Guidance 2018

5.5.9 The Affordable Housing SG emphasises the need for high-quality, sustainable housing that meets local needs. While the proposed development does not directly provide affordable housing, it aligns with the broader principles of this guidance in several important ways. By enhancing the local housing stock with a well-designed, energy-efficient home, the development improves housing options within the rural setting. The project addresses the community's need for sustainable, high-quality housing, thereby supporting the objectives of providing housing that benefits the local community. This alignment with the Affordable Housing SG ensures the proposed development is consistent with Fife's broader housing strategy.

5.5.10 Low Carbon Fife Supplementary Guidance January 2019

5.5.11 The proposed development is strongly aligned with the Low Carbon Fife SG, which promotes sustainable building practices and the reduction of carbon emissions. Key features of the development include the incorporation of high-performance insulation, energy-efficient windows and doors, and modern heating systems that significantly reduce energy consumption. Additionally, installing solar panels allows the dwelling to utilise renewable energy sources, considerably lowering its carbon footprint. Using locally sourced, sustainable materials further minimises the environmental impact of construction and supports local economies. These measures demonstrate the project's commitment to sustainability and contribute to Fife's objectives of achieving a low-carbon economy.

5.5.12 Daylight and Sunlight Guidance March 2024

5.5.13 The proposed development adheres to the Daylight and Sunlight Guidance, ensuring that the new dwellinghouse will not adversely affect the daylight and sunlight received by neighboring properties. The project achieves this compliance through careful design, strategic window placement, and building orientation. The design includes a thorough daylight assessment, implementing 45-degree and 25-degree evaluations to ensure that neighbouring windows receive adequate daylight. This protects the amenity of surrounding properties and ensures that the new dwelling does not cast significant shadows on neighboring buildings. Furthermore, the design ensures that the back garden and outdoor spaces receive sufficient sunlight, enhancing their usability and enjoyment for future residents. By adhering to these guidelines, the proposed development supports the well-being of both new and existing residents.

5.5.14 Design and Access Statements 2016

5.5.15 The proposed development includes a comprehensive design and access statement in line with the Design and Access Statement guidance. This statement clearly explains the design rationale, demonstrating how the design respects the local context and integrates with the existing housing cluster using sustainable materials. The statement also addresses accessibility, ensuring the dwelling is accessible for all users, with features such as level access entries and adaptable interior spaces. Additionally, the statement highlights the environmental considerations incorporated into the design, detailing the sustainability measures that support the goals of reducing environmental impact and promoting energy efficiency. This thorough and transparent approach ensures that the development is well-considered and accessible, meeting the community's needs and supporting high standards of design and sustainability.

5.5.16 Making Fife's Places Supplementary Guidance August 2018

5.5.17 The Making Fife's Places SG emphasises the importance of creating successful, sustainable places. The proposed development aligns with this guidance by creating a sense of place that respects the local architectural style and rural character, enhancing the community's sense of identity and place. The design promotes social interaction by including outdoor spaces to encourage social activities among residents and the broader community. The development also integrates green infrastructure elements, such as landscaped gardens and permeable paving, which support biodiversity and sustainability. Additionally, the design prioritises safety and accessibility, ensuring that access and movement within the site and in connection to the surrounding area are safe and

convenient. By meeting these criteria, the development supports creating a high-quality, sustainable, and integrated living environment.

5.5.18 The relevant Supplementary Guidance documents thoroughly support the proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages. By aligning with the Affordable Housing SG, Low Carbon Fife SG, Daylight and Sunlight Guidance, Design and Access Statements guidance, and Making Fife's Places SG, the project demonstrates a strong commitment to sustainability, quality design, and community well-being. This alignment ensures that the development will provide a valuable addition to the local housing stock, enhance the area's rural character, and support Fife's broader goals for sustainable development and environmental stewardship. The proposed development is a testament to thoughtful planning and design, promising a high-quality living environment that benefits current and future residents.

6.0 JUSTIFICATION

The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages aligns comprehensively with the National Planning Framework 4 (NPF4), the Fife Local Development Plan, and relevant Supplementary Guidance. This alignment provides a strong foundation for the project's approval, demonstrating its adherence to established planning policies and potential community benefits.

6.1 Policy 8: Housing in the Countryside

6.1.1 The proposed development is essential and cannot be reasonably located elsewhere, thus respecting the primary purposes of the green belt. It is designed to be compatible with the countryside and landscape character, ensuring it blends seamlessly with the existing rural environment. Using natural, locally sourced materials and sustainable building practices minimises the development's visual impact and ensures no significant long-term environmental consequences. This alignment with Policy 8 provides that the new dwellinghouse will enhance the rural setting without compromising the integrity of the green belt.

6.2 Policy 9: Brownfield, Vacant, and Derelict Land and Empty Buildings

6.2.1 The project strongly supports re-using previously developed land, adhering to the "brownfield-first" approach advocated by NPF4. By prioritising the redevelopment of brownfield sites, the proposal minimises the need for greenfield development, thereby preserving natural landscapes. This approach aligns with sustainable development principles and enhances climate resilience by promoting efficient land use and infrastructure use. The project's focus on reusing previously utilised land reflects a commitment to sustainability and responsible land use.

6.3 Policy 14: Design, Quality, and Place

6.3.1 The proposed development ensures high-quality design that enhances the sense of place and community. By blending with the existing rural housing cluster and incorporating sustainable materials, the project supports the creation of beautiful, sustainable living environments. The design promotes a strong sense of place, contributing to the visual and social fabric of the community. High-quality design standards are maintained throughout, ensuring the development enhances the area's overall aesthetic and functional quality.

6.4 Policy 15: Local Living and 20-Minute Neighbourhood

6.4.1 Although located in a rural setting, the proposed development supports the principles of local living by being in close proximity to the Kirkcaldy town centre. This strategic location ensures that essential services and amenities are accessible within a short travel distance, promoting a balanced and sustainable lifestyle. By providing a high-quality home in an area that offers easy access to urban amenities, the development supports the concept of the 20-minute neighbourhood, which is central to creating sustainable and resilient communities.

6.5 Policy 16: Quality Homes

6.5.1 The proposed dwellinghouse provides a high-quality home that meets modern comfort, sustainability, and functionality standards. This directly supports NPF4's aim to deliver quality housing that addresses the needs of contemporary living. The dwelling is designed with energy efficiency in mind, incorporating features such as high-performance insulation, energy-efficient windows, and renewable energy systems. These elements ensure that the home is comfortable and functional but also sustainable and cost-effective.

6.6 Policy 29: Rural Development

6.6.1 The proposed development promotes sustainable rural development by enhancing the local economy and supporting community vitality. The construction phase will create local employment opportunities, stimulating economic activity in the area. Once completed, the new dwelling will contribute to the local housing stock, supporting the sustainability of the rural community. By integrating seamlessly with the rural landscape, the development respects the character and identity of the countryside while providing modern, high-quality housing.

6.7 Alignment with Key Policies from the Fife Local Development Plan

6.7.1 Policy 1: Development Principles

6.7.2 The development adheres to the fundamental principles of sustainable development, ensuring compatibility with the surrounding rural environment. The design integrates seamlessly with the existing housing cluster, respects the local character, and enhances the landscape and environmental quality. The development minimises environmental impact and promotes long-term ecological balance by utilising sustainable building practices and materials.

6.8 Policy 2: Homes

6.8.1 The project provides a high-quality, energy-efficient home that addresses local housing needs. Adding to the rural housing stock, the development supports the community's sustainability and offers modern, comfortable living spaces. The dwelling incorporates advanced energy-saving technologies and sustainable materials, ensuring that it meets contemporary standards for environmental performance and resident comfort.

6.9 Policy 7: Development in the Countryside

6.9.1 The proposed dwelling is of an appropriate scale and nature for its rural setting. It leverages existing infrastructure effectively and includes measures to protect and enhance the area's landscape and environmental quality, aligning with the objectives of this policy. The design respects the rural character and incorporates natural landscaping and traditional materials to blend harmoniously with the surroundings.

6.10 Policy 8: Houses in the Countryside

6.10.1 The development, in accordance with Policy 8, promotes the re-use of previously developed land, providing significant environmental and visual improvements. It integrates well with the surrounding landscape and respects the rural setting. By revitalising a site that is no longer required for its original purpose, the development enhances the area's visual appeal and environmental quality, contributing positively to the local community.

6.11 Policy 9: Green Belt

6.11.1 In full compliance with Policy 9, the proposal respects the green belt's objectives by maintaining its character and openness. The design ensures that it does not undermine the green belt's primary purposes, such as preventing urban sprawl and protecting the countryside. The development is thoughtfully sited and designed to minimise its visual footprint, ensuring that it preserves the integrity of the green belt while providing much-needed housing.

6.12 Policy 10: Amenity

6.12.1 The dwellinghouse safeguards the amenity of both new and existing residents. The design includes provisions for privacy and protection against overlooking, ensuring a high quality of life. It also addresses potential noise, light, and air quality issues, incorporating measures to mitigate any adverse impacts and enhance the living environment for all residents.

6.13 Policy 11: Low Carbon Fife

6.13.1 The development incorporates energy-efficient features and renewable energy sources, significantly reducing its carbon footprint. These measures align with Fife’s goals for promoting sustainable, low-carbon living. By integrating solar panels, high-performance insulation, and energy-efficient windows and doors, the dwelling reduces energy consumption and supports broader environmental objectives.

6.13.2 The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages is a well-conceived project that aligns with the key policies of the Fife Local Development Plan and the National Planning Framework 4 (NPF4). By adhering to the principles of sustainable development, high-quality design, and community enhancement, the project provides a valuable addition to the local housing stock. It enhances the area's rural character, promotes environmental sustainability, and supports the community's well-being. This alignment with Fife’s planning policies and NPF4 justifies the approval of the development, demonstrating its potential to contribute positively to the local environment and the broader goals of sustainable development in Fife.

7.0 SUMMARY

The proposed development of a single three-bedroom dwellinghouse at Kilrie Cottages represents a thoughtfully designed and strategically planned project that aligns with the key policies of the National Planning Framework 4 (NPF4) and the Fife Local Development Plan. This development addresses the pressing need for high-quality, sustainable housing in the rural community and upholds the principles of sustainable development, environmental stewardship, and community enhancement.

7.1 Alignment with National Planning Framework 4 (NPF4)

7.1.1 By adhering to Policy 8: Housing in the Countryside, the project ensures that the development is essential and cannot be reasonably located elsewhere, respecting the primary purposes of the green belt while being compatible with the countryside and landscape character. The development supports Policy 9: Brownfield, Vacant, and Derelict Land and Empty Buildings by prioritising the re-use of previously developed land, thereby minimising greenfield development and promoting sustainability. The project embodies the principles of Policy 14: Design, Quality, and Place by ensuring high-quality design that enhances the sense of place and community.

7.1.2 Furthermore, the proximity to Kirkcaldy town centre supports Policy 15: Local Living and 20-Minute Neighbourhood, ensuring that essential services and amenities are accessible within a short travel distance. The dwellinghouse meets modern comfort, sustainability, and functionality standards, directly supporting Policy 16: Quality Homes. Lastly, the development promotes sustainable rural development as outlined in Policy 29: Rural Development by enhancing the local economy, supporting community vitality, and integrating seamlessly with the rural landscape.

7.2 Alignment with the Fife Local Development Plan

7.2.1 The proposed development adheres to Policy 1: Development Principles, ensuring compatibility with the surrounding rural environment and integrating seamlessly with the existing housing cluster while enhancing the local landscape and environmental quality. By providing a modern, energy-efficient home, the project addresses local housing needs and supports the community's sustainability, in line with Policy 2: Homes. The development meets the objectives of Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside by promoting the re-use of previously developed land and respecting the rural setting.

- 7.2.3 It supports the principles of Policy 9: Green Belt by maintaining the character and openness of the green belt and safeguarding the quality of life for both new and existing residents through thoughtful design as required by Policy 10: Amenity. Incorporating energy-efficient features and renewable energy sources aligns with Policy 11: Low Carbon Fife, significantly reducing the carbon footprint and supporting Fife's goals for sustainable, low-carbon living.
- 7.2.4 The proposed dwellinghouse is a prime example of a development that balances modern living needs with preserving rural character and environmental integrity. It promises to enhance the local housing stock, stimulate the local economy, and provide a high-quality living environment for future residents. Given its strong alignment with National Planning Framework 4 (NPF4) and the Fife Local Development Plan, the proposed development at Kilrie Cottages justifies approval. It is a valuable contribution to the sustainable growth and development of the rural community.
- 7.2.5 We look forward to contributing to the area's ongoing development and vibrancy by realising this project. Considering these considerations, we request planning permission for this forward-thinking and beneficial project.

Contact Information

Prepared by:
Philip M. Landa, BSc. (Hon), MSc. In Town and Country Planning
Planning Consultant
Email: Planning-applications@planning-services.co.uk

Revised and edited by:
Thomas Cochrane BSc (Hons) HND, CPC
Principal Planning Consultant
Planning Services UK
tommy@planning-services.co.uk
Mobile: 07450939889
Office: 0141 266 666



Figure 1: Location Site

1890

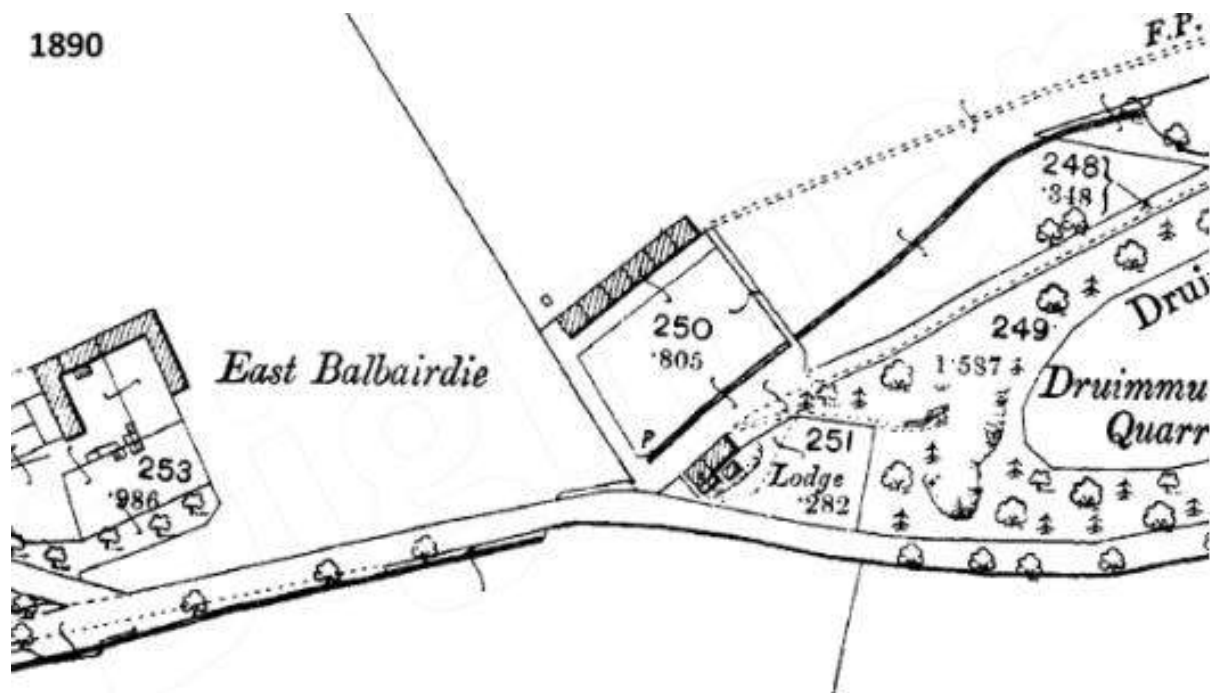


Figure 3: Site History





Figure 4: Current Land Use

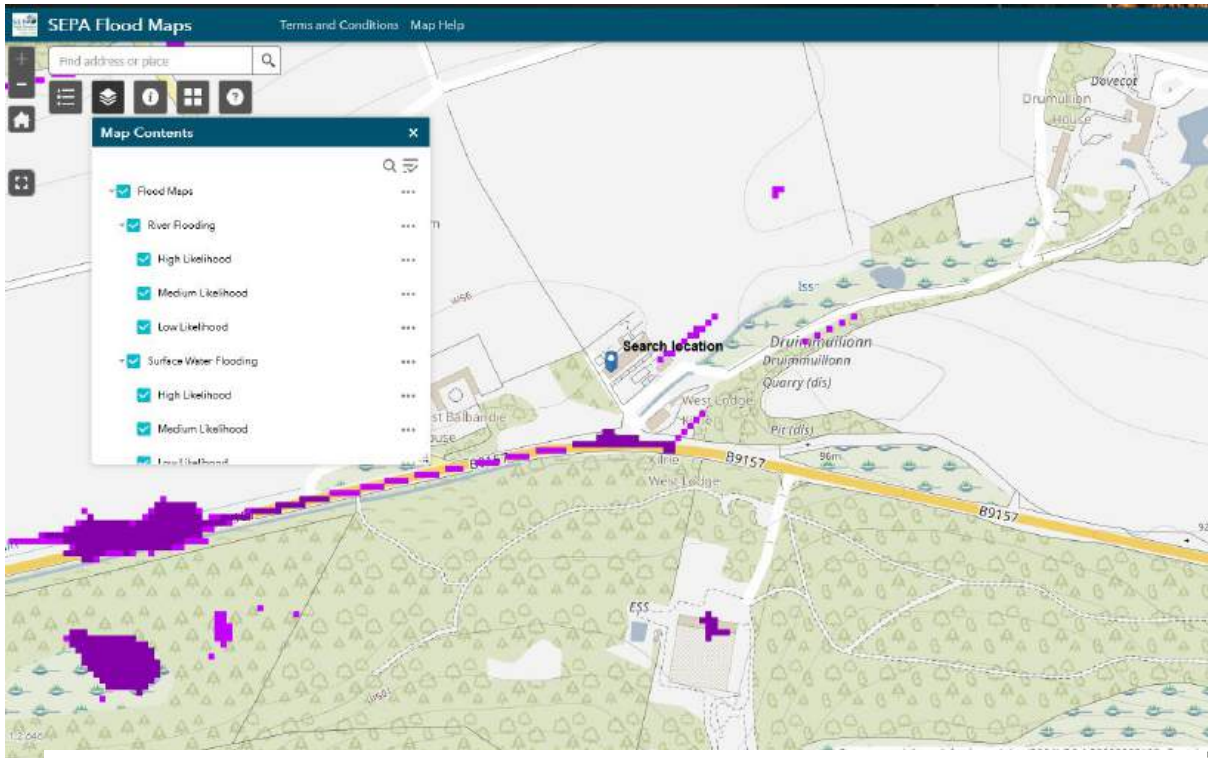


Figure 5: Flood Risk Map, SEPA

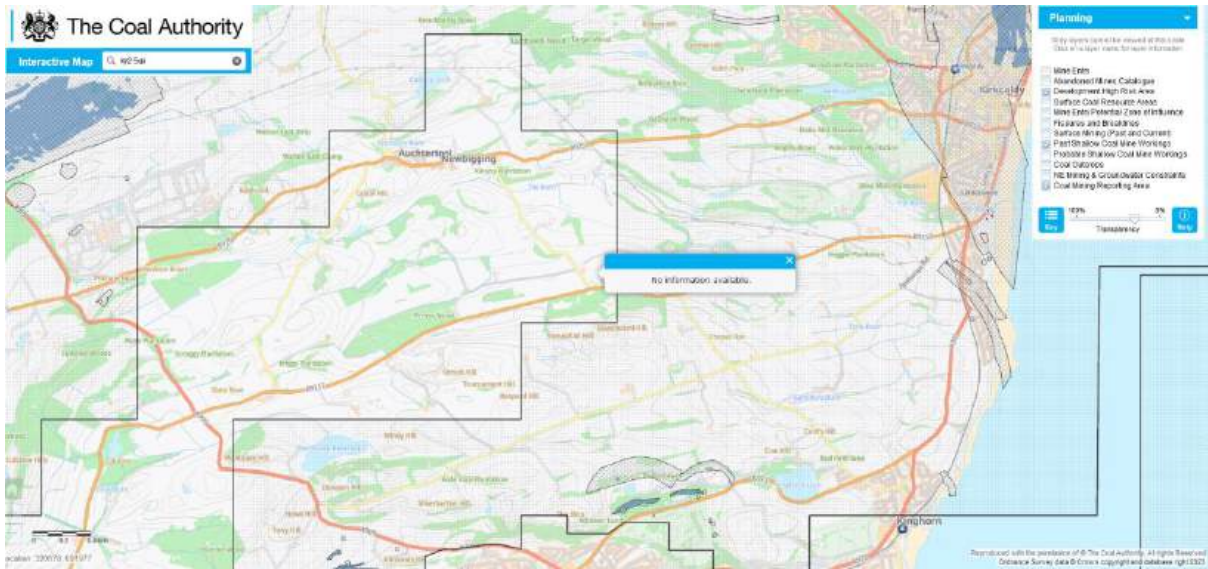


Figure 6: The Coal Mining Risk Map





Visual Splays



Road Levels from the Entrance to the East and West.

The map below shows that the road rises under a meter from the junction



VISIBILITY TO THE WEST.



VISIBILITY TO THE EAST



mm over 355 meters and to the east the road rises by junction to the proposed development.

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age	Vehicle Mass/weight	First Point of Impact	Intentional Purpose	HB Object - On Carriageway	HB Object - Off Carriageway
1	Car (including private hire car)	1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend.	Did not impact	Unknown	None	None
1	Car (including private hire car)	1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend.	Did not impact	Other	None	None
1	Car (including private hire car)	1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend.	Did not impact	Unknown	None	None

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	1 Slight	Driver or rider	Male	26 - 45	Unknown or other	Unknown or other
1	1	1 Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other
1	1	1 Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other
1	2	2 Slight	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	2	2 Slight	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	2	2 Slight	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other

Monday 29th January 2007 6.25pm (Not at or within 20m of junction)

Crash Date:	Monday, January 29, 2007	Time of Crash:	6:25:00 PM	Crash Reference:	2007940700245
Highest Injury Severity:	Slight	Road Number:	B9157	Number of Casualties:	1
Highway Authority:	Fife	Number of Vehicles:	2		
Local Authority:	Fife	OS Grid Reference:	322800 689300		
Weather Description:	Fine without high winds				
Road Surface Description:	Wet or Damp				
Speed Limit:	00				
Light Conditions:	Darkness: no street lighting				
Carriageway Hazards:	None				
Junction Details:	Not at or within 20 meters of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 meters				
Road Type:	Single carriageway				
Junction Control:	Not Applicable				



Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age	Vehicle Mass/weight	First Point of Impact	Intentional Purpose	HB Object - On Carriageway	HB Object - Off Carriageway
1	Car (including private hire car)	1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend.	Did not impact	Unknown	None	None

Thursday 29th January 2014 at Junction near junction single-vehicle accident

Crash Date:	Thursday, January 09, 2014	Time of Crash:	7:50:00 AM	Crash Reference:	2014941800051
Highest Injury Severity:	Serious	Road Number:	B9157	Number of Casualties:	2
Highway Authority:	Fife	Number of Vehicles:	1		
Local Authority:	Fife	OS Grid Reference:	322850 689370		
Weather Description:	Fine without high winds				
Road Surface Description:	Frost or Ice				
Speed Limit:	00				
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				
Junction Details:	Other Junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 meters				
Road Type:	Single carriageway				
Junction Control:	Give way or uncontrolled				



Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age	Vehicle Mass/weight	First Point of Impact	Intentional Purpose	HB Object - On Carriageway	HB Object - Off Carriageway
1	Car (including private hire car)	1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend.	Impact	Unknown	None	Road sign/traffic sign

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	1 Serious	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	2	2 Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other

Thursday January 9th 2014 at Junction near junction single-vehicle accident.

Crash Date:	Thursday, January 09, 2014	Time of Crash:	7:51:00 AM	Crash Reference:	2014941800051
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Highest Injury Severity:	Serious	Road Number:	B9157	Number of Casualties:	2
Highway Authority:	Fife	Number of Vehicles:	1		
Local Authority:	Fife	OS Grid Reference:	322850 689370		
Weather Description:	Fine without high winds				
Road Surface Description:	Frost or Ice				
Speed Limit:	00				
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				



Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	-1	Male	56 - 65	Vehicle proceeding normally along the carriageway, on a left hand bend	Front	Unknown	None	Road sign/Traffic signal

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Serious	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	2	Slight	Driver or rider	Male	56 - 65	Unknown or other	Unknown or other

Figure 7: Traffic and Crash Map





Figure 8: Proposed Development

Planning Services UK
Philip Landa
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
Glasgow
G34 9HJ

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/02059/PPP

Date 10th October 2024

Dear Sir/Madam

REQUEST FOR EXTENSION OF TIME FOR DETERMINATION OF APPLICATION

Application No: 24/02059/PPP
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

I refer to the above application under consideration by this Planning Authority.

Notwithstanding any previous correspondence which has been sent to you, I regret that it will not be possible to determine your application within the statutory 2 month period or any extended period that has already been agreed. This is because:

1. of the complex nature of the particular issues raised in the consideration of the application.

We now require an extended period for determination until **25 October 2024**. Whilst I appreciate it is disappointing to have to wait for the Council to reach a decision on your application, I would hope that in the circumstances you will find the requested extension acceptable.

Should you **not agree** with such an extension, please contact me via email **within 7 days** of this letter.

Yours faithfully,
Brian Forsyth

Brian Forsyth
Planner, Development Management

Planning Services
Fife House, North Street, Glenrothes, KY7 5LT

If on 25th October 2024 the Planning Authority have not given you notice of their decision and you have not agreed in writing that the decision period may be extended, you may ask for the application to be reviewed by the Council's Local Review Body. The local review should be made in accordance with section 43A of the above Town and Country Planning (Scotland) Act 1997 by notice sent within 3 months of the target date specified above. The target date cannot be extended. You can apply for a review on non-determination by downloading the forms from the Council website.

Planning Services UK
Philip Landa
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
Glasgow
G34 9HJ

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/02059/PPP

Date 23rd October 2024

Dear Sir/Madam

REQUEST FOR EXTENSION OF TIME FOR DETERMINATION OF APPLICATION

Application No: 24/02059/PPP
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

I refer to the above application under consideration by this Planning Authority.

Notwithstanding any previous correspondence which has been sent to you, I regret that it will not be possible to determine your application within the statutory 2 month period or any extended period that has already been agreed. This is because:

1. Time is required to consider your comments on the representations received and to then reach a decision.

We now require an extended period for determination until **7 November 2024**. Whilst I appreciate it is disappointing to have to wait for the Council to reach a decision on your application, I would hope that in the circumstances you will find the requested extension acceptable.

Should you **not agree** with such an extension, please contact me via email **within 7 days** of this letter.

Yours faithfully,
Brian Forsyth

Brian Forsyth
Planner, Development Management

Planning Services
Fife House, North Street, Glenrothes, KY7 5LT

If on 7th November 2024 the Planning Authority have not given you notice of their decision and you have not agreed in writing that the decision period may be extended, you may ask for the application to be reviewed by the Council's Local Review Body. The local review should be made in accordance with section 43A of the above Town and Country Planning (Scotland) Act 1997 by notice sent within 3 months of the target date specified above. The target date cannot be extended. You can apply for a review on non-determination by downloading the forms from the Council website.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land _____

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have _____ served notice on every person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Case Details and Neighbour Notification Audit Form

Application No	24/02059/PPP
Proposal	Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address	Kilrie Cottages Kilrie Auchtertool KY2 5UX
Applicant	Ms Maureen Wilkie
Agent (if applicable)	Philip Landa
Agent's address	The Circle Westerwood Business Park 69-71 Aberdalgie Road Glasgow G34 9HJ
Case Officer	Brian Forsyth

DATE VALID: 15th August 2024

DATE FOR DECISION: 15th October 2024

COMMENTS EXPIRY DATE: 19th September 2024

MAP GRID REF: (E) 323867 (N) 689436

NOTICES	DATE	EXPIRY
ADVERTS The Courier - Neighbour Notification - 21 days; Contrary to Development Plan - 21 days;	DATE 5th September 2024	EXPIRY 26th September 2024

POLICIES

NEIGHBOURS NOTIFIED

North Cottage Kilrie West Lodge
South Cottage Kilrie West Lodge
2 Kilrie Cottages Kilrie
3 Kilrie Cottages Kilrie
4 Kilrie Cottages Kilrie
Kilrie Milk Bar Balmuto
6 Kilrie Cottages Kilrie
1 Kilrie Cottages Kilrie
5 Kilrie Cottages Kilrie

Checked by:	Sent to IQ PostMe Date:
Stuart Murphy	22nd August 2024

Wednesday, 28 August 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,

Kilrie Cottages, Kilrie, Auchtertool, KY2 5UX
Planning Ref: 24/02059/PPP
Our Ref: DSCAS-0116461-RFB
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. 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

- There is currently sufficient capacity in the Glendevon 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

- According to our records there is no public 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. When planning permission has been granted and a formal connection application has been submitted, 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 refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

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."

Supplementary Guidance

- 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 Development Operations 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 a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

Planning Services UK
Philip Landa
The Circle
Westerwood Business Park
69-71 Aberdalgie Road
Glasgow
G34 9HJ

Planning Services

Lorraine Gardiner
development.central@fife.gov.uk

Your Ref: 100680986-001
Our Ref: 24/02059/PPP

Date 9th August 2024

Dear Sir/Madam

Application No: 24/02059/PPP
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)
Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

I acknowledge receipt of your application for Planning Permission in Principle dated 8th August 2024. However, I regret I cannot accept your application as valid for the following reasons:-

1. Please note that your location/block plan appears to breach Ordnance Survey copyright. You may wish to submit a location/block plan which contains an appropriate copyright acknowledgement and licence/serial number. If the plan is not derived from Ordnance Survey data, you are required to state the source of the plan.
2. Please amend the location and site plans to show a red line that includes the access of the site from the main junction as it meets with the public road. If the access road is within the differing ownership you may require to update the land ownership certificate and notify all other interested parties.
3. No application fee was included. Please arrange payment of the correct fee of £600.00.

Unfortunately we are unable to accept cash or cheques as a payment method for planning applications, unless you are a registered charity. If this is the case please email us at development.central@fife.gov.uk regarding payment.

You can make payments using the following method:

Fife Council Online Payments

You can access the payment section by using the PAY button from fife.gov.uk home screen or by using the Pay for Planning Application links on our web

Planning Services
Fife House, North Street, Glenrothes, KY7 5LT

pages at www.fife.gov.uk/planning and selecting the relevant payment section Pay For - Planning Application.

Please enter the planning application reference number into the Reference box, the Site Address/Location and add the amount you intend to pay i.e. £300.00 and click Add. Then add your Contact details and click Pay Now button.

Please make sure that you have added the correct details in Pay For especially if you need to pay for both a Planning Application and a Building Warrant. We require all of the above information to allow us to match your payment with your application. If we do not have the information this will delay the receipt of the Application fee.

Full details of how to make payments can be found on our web page www.fife.gov.uk/planning - Apply & pay for planning permission

4. Although this is not part of validation, we should highlight that the Council is required to advertise planning proposals where there are no premises situated on neighbouring land. The cost of this is then charged to the applicant under the Town and Country Planning (Charges for Publication of Notices (Scotland) Regulations 2009. As there are no premises situated on the neighbouring land in respect of the above planning application it requires to be advertised. The charge for this is £170.00. The application cannot be determined until this charge is paid.

Unfortunately we are unable to accept cash or cheques as a payment method for planning applications, unless you are a registered charity. If this is the case please email us at development.central@fife.gov.uk regarding payment.

You can make payments using the following method:

Fife Council Online Payments

You can access the payment section by using the PAY button from fife.gov.uk home screen or by using the Pay for Planning Application links on our web pages at www.fife.gov.uk/planning and selecting the relevant payment section Pay For - Advert Fee.

Please enter the planning application reference number into the Reference box, the Site Address/Location and add the amount you intend to pay i.e. £170.00 and click Add. Then add your Contact details and click Pay Now button.

Please make sure that you have added the correct details in Pay For especially if you need to pay for both a Planning Application and a Building Warrant. We require all of the above information to allow us to match your payment with your

application. If we do not have the information this will delay the receipt of the advert fee.

Full details of how to make payments can be found on our web page www.fife.gov.uk/planning - Apply & pay for planning permission

5. The Land Ownership Certificate submitted with the original application will become out of date from 29th August 2024 and will become dated more than 21 days from the date of original certification. To ensure the application is legislatively correct, please provide with any additional information submitted after this date, confirmation that the details of land ownership have not changed since the original Certificate was signed and dated.

Alternatively please provide an updated Land Ownership Certificate. Forms can be downloaded online by selecting the Paper forms link and is contained within the application forms package at <https://www.eplanning.scot/>

Processing of your application can only begin once your application is valid and all the information requested should be **submitted electronically**, to avoid further delays in processing your application.

Any subsequent documents or information should be sent to us via the online planning portal at <https://www.eplanning.scot/>. **We will only accept additional information** to your application using the Post Submission Additional Documents (PSAD) process. **We can no longer accept email submissions.**

We strongly advise that you read our guidance on submitting applications on our website at www.fife.gov.uk/planning - and the section **Apply & Pay for Planning Permission** before submitting additional information. You can also download a copy of Fife Council's Validation Standards from our website from the **What Plans do I Need?** section.

I would be grateful if you would attend to these matters within 14 days from the date of this letter to enable the Case Officer to begin consideration of your application. If you require any further information please contact Lorraine Gardiner

Yours faithfully,

Lorraine Gardiner
Graduate Planner

Current fee information is available at <https://www.fife.gov.uk/planning>

Planning Costs and How to Pay > Planning Scale of Fees (Publication)



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 100680986-002

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.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Maureen	Building Number:	2
Last Name: *	Wilkie	Address 1 (Street): *	Kilrie Cottages
Company/Organisation		Address 2:	2 Kirklie Cottages
Telephone Number: *	01412666666	Town/City: *	Kirkcaldy
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY2 5UX
Fax Number:			
Email Address: *	planning-applications@planning-services.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100680986-001, application for Planning Permission, submitted on 08/08/2024

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

1. Location Plan Revised 2. Site Plan as Existing Revised 3. Site Plan as Proposed Revised

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: The Thomas Cochrane

Declaration Date: 15/08/2024



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 100680986-003

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.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Maureen	Building Number:	2
Last Name: *	Wilkie	Address 1 (Street): *	Kilrie Cottages
Company/Organisation		Address 2:	2 Kirklie Cottages
Telephone Number: *	01412666666	Town/City: *	Kirkcaldy
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY2 5UX
Fax Number:			
Email Address: *	planning-applications@planning-services.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100680986-001, application for Planning Permission, submitted on 08/08/2024

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

1. Updated Ownership Certificate

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: The Thomas Cochrane

Declaration Date: 22/08/2024



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 100680986-005

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.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Maureen	Building Number:	2
Last Name: *	Wilkie	Address 1 (Street): *	Kilrie Cottages
Company/Organisation		Address 2:	
Telephone Number: *	01412666666	Town/City: *	Kirkcaldy
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY2 5UX
Fax Number:			
Email Address: *	planning-applications@planning-services.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100680986-001, application for Planning Permission, submitted on 08/08/2024

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

1. location plan 2. Indicative floor plan 3. Section Plan

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: The Thomas Cochrane

Declaration Date: 13/09/2024



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 100680986-006

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.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Maureen	Building Number:	2
Last Name: *	Wilkie	Address 1 (Street): *	Kilrie Cottages
Company/Organisation		Address 2:	
Telephone Number: *	01412666666	Town/City: *	Kirkcaldy
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY2 5UX
Fax Number:			
Email Address: *	planning-applications@planning-services.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100680986-001, application for Planning Permission, submitted on 08/08/2024

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

1. Location Plan Rev 2. Site Plan as Existing Rev 3. Site Plan as Proposed Rev

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

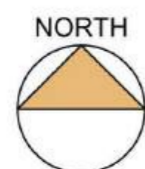
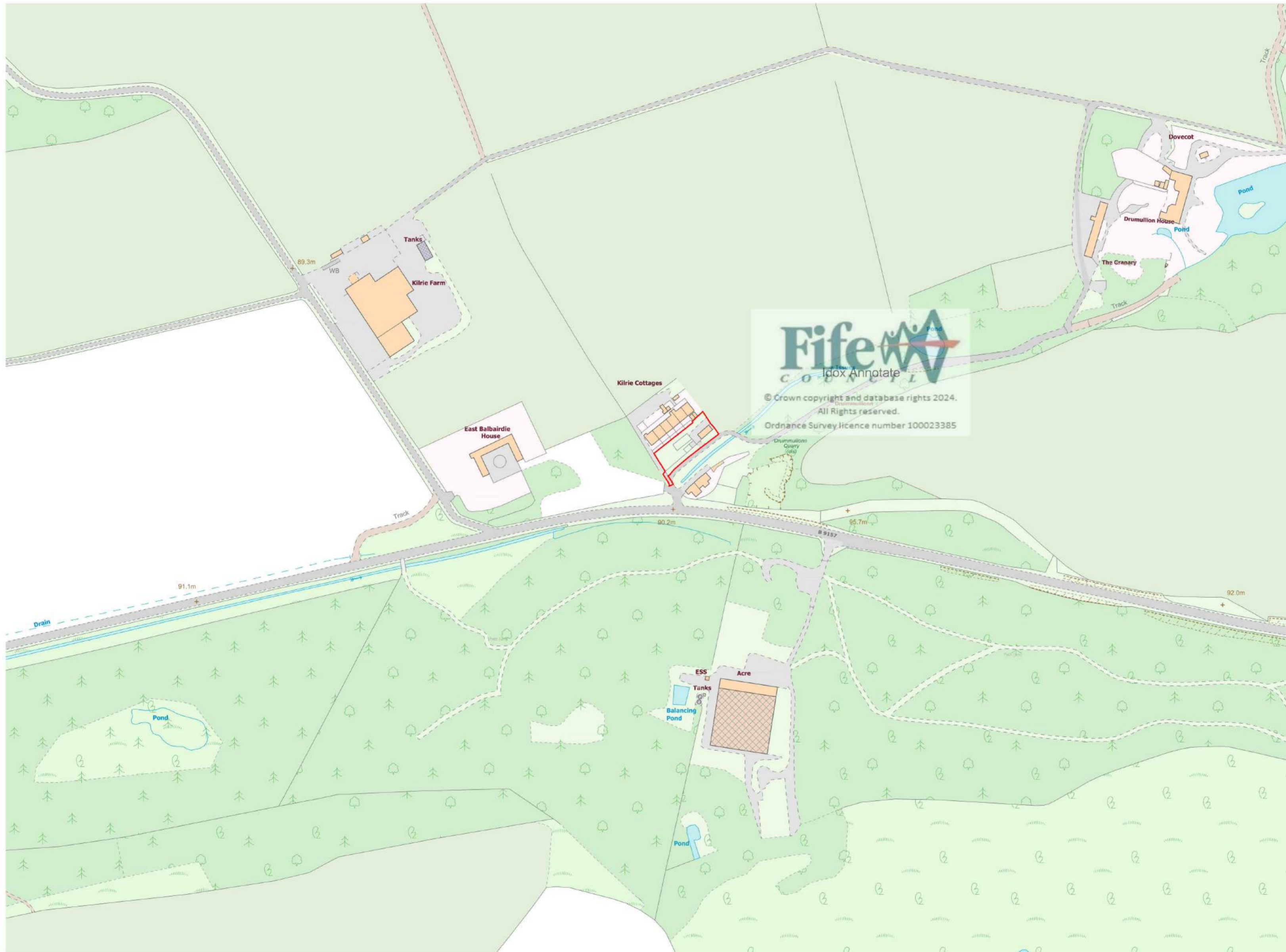
I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: The Thomas Cochrane

Declaration Date: 03/10/2024

Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



REV:	DESCRIPTION:	BY:	DATE:

REVISIONS



Planning Services UK
The Circle, 69-71 Aberdalgie Road,
Easterhouse, Glasgow, G34 9HJ
Tel: 0141 266 6666
www.planning-services.co.uk

CLIENT: Maureen Wilkie
SITE: Kirie Cottages,
Kirkcaldy KY2 5UX

PROPOSED: Dwelling House

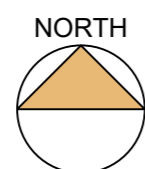
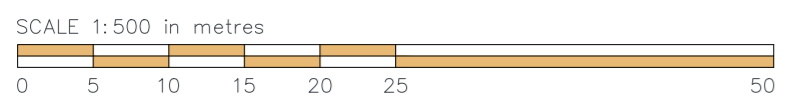
TITLE: Location Plan

PLANNING

SCALE:	DATE:	DRAWN BY:	CHECKED:
1:2500 @ A2	08/08/2024	BD	
PROJECT REFERENCE:	DRAWING NUMBER:		REVISION:
24-061	PL-LOC-001		

Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



REV:	DESCRIPTION:	BY:	DATE:
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REVISIONS



Planning Services UK
 The Circle, 69-71 Aberdalgie Road,
 Easterhouse, Glasgow, G34 9HJ
 Tel: 0141 266 6666
 www.planning-services.co.uk

CLIENT: Maureen Wilkie
 SITE: Kilrie Cottages,
 Kilkcaldy KY2 5UX

PROPOSED: Dwelling House

TITLE: Site plan as Proposed

PLANNING

SCALE: 1:2500 @ A2	DATE: 08/08/2024	DRAWN BY: BD	CHECKED:
PROJECT REFERENCE: 24-061	DRAWING NUMBER: PL-LOC-001	REVISION:	

Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



REV:	DESCRIPTION:	BY:	DATE:

REVISIONS



Planning Services UK
 The Circle, 69-71 Aberdalgie Road,
 Easterhouse, Glasgow, G34 9HJ
 Tel: 0141 266 6666
 www.planning-services.co.uk

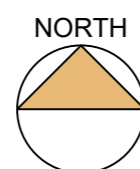
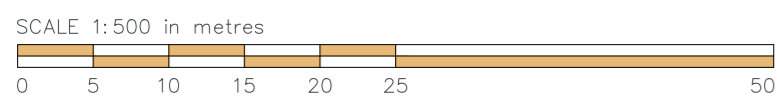
CLIENT: Maureen Wilkie
 SITE: Kilrie Cottages,
 Kilkcaldy KY2 5UX

PROPOSED: Dwelling House

TITLE: Site plan as Existing

PLANNING

SCALE: 1:2500 @ A2	DATE: 08/08/2024	DRAWN BY: BD	CHECKED:
PROJECT REFERENCE: 24-061	DRAWING NUMBER: PL-LOC-001	REVISION:	



Proposal Details

Proposal Name	100691684
Proposal Description	Non-determination for planning in principle the erection of a dwellinghouse (Class 9) Kilrie Cottages Kilrie Auchtertool KY2 5UX 24/02059/PPP
Address	
Local Authority	Fife Council
Application Online Reference	100691684-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Superseded Location Plan	Attached	A2
Location Plan 1	Attached	A2
Location 2	Attached	A2
Superseded Site Plan	Attached	A2
Existing Site Plan	Attached	A2
Superseded Proposed Site	Attached	A2
Proposed Site Plan	Attached	A2
Proposed Floor Plan	Attached	A2
Proposed Section Plan	Attached	A2
Proposed 3D View 1	Attached	A4
Proposed 3D View 2	Attached	A4
Planning Statement	Attached	A4
Application Form	Attached	A4
Invalid Letter	Attached	A4
Neighbour Notified	Attached	A4
Extension of Time 1	Attached	A4
Extension of Time 2	Attached	A4
Land Ownership form	Attached	A4
PSAD 1	Attached	A4
PSAD 2	Attached	A4
PSAD 3	Attached	A4
PSAD 4	Attached	A4

Scottish Water	Attached	A4
Non Determination Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 5(2)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

Representation(s)

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Mrs Anne Muirwell

Address: 5 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Here we go again... there have been several applications to build on this plot, and all have been turned down by the Planning Committee.

This current proposal is for a much larger dwelling than those in the vicinity, and would not fit in with the area at all.

The proposal 24_02059PPP-06 states (para 4.1.4) that an upper floor is proposed: this would cause considerable privacy issues both to the existing houses, and to any new development.

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Ms Helen Brogan

Address: 1 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to strongly object to this proposal based on the previous reasons given by Traffic Scotland. The safety issue is very important especially as one of the residents have already experienced a serious traffic collision at this road junction.

Even the drawings supplied show possibly three cars being added to the traffic coming and going using this small road opening.

I also object based on the look of the building and building materials to be used which would not be in keeping with the existing aged cottages.

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Miss Catriona Maclean

Address: 4 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the above application, and I believe the following are all material planning considerations which mean that it should not be given permission.

1. This is contrary to the local development plan - the FifePlan. This location is in an area which is designated as a "Local Landscape Area" named "Cullaloe Hills and Coast" and is not in the plan as an area for residential development. In this application it is suggested by the applicant that the land can be considered as "Brownfield, Vacant or Derelict land" - it is not and never has been.

Retrospective temporary planning permission to allow storage at the site was granted in November 2021 during the Covid pandemic (ref 21/00416/FULL) and as a result of the applicant using the area for that purpose without the relevant planning permission. It was clearly stated in the decision notice for 21/00416/FULL that the change of use was granted on a temporary basis only, for a period of 2 years, and thereafter the land was to be restored to its original pre-development condition.

2. As this location is not within a settlement boundary, NPF4 Policy 8 - Housing in the Countryside and FifePlan Policy 8: Houses in the countryside would apply.

This application does not fulfil the reasons stated in this policy where this would be allowed - as stated on the Fife Council, Adopted FifePlan internet site.

This application for a single 3 bedrooled dwelling does not fit with the existing properties in the area at 1-6 Kilrie Cottages or the other 2 cottages nearby (North & South Cottage, Kilrie West Lodge).

FifePlan Policy 8 states that 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.

Policy 8 of NPF4 around development of the green belt also states that "Development proposals within a green belt designated within the LDP will only be supported if: the proposal is compatible with the surrounding established countryside and landscape character"

The other cottages at this location are 6 traditional stone built terraced farm cottages. A 3 bedroomed detached property directly in front of these is therefore not in keeping with the other buildings in the location and would change the visual appearance of the area.

3. Road Safety / Traffic / parking / access. Previous attempts to obtain planning permission at this location have highlighted that it would result in intensification of use of the junction of the vehicular access with the public road.

The private access road from the B9157 is at a "bend" in the road. There have been several accidents on this road, some of which have been fatal. The speed restriction on this section of the road has also been reduced to 50mph due to safety concerns. The building of an additional house at this location would increase the number of cars using this junction and thus result in the intensification of this junction.

Fife Council Transport Development Management, in response to a previous application stated that they were:

"against the proposals, as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety. In addition, the existing private access already serves far in excess of the 5 dwellings permitted under current Fife Council Making Fife's Places Appendix G. The private access is unsuitable to serve any additional development".

As they have said that this private access already serves more dwellings than permitted, any additional houses should not be permitted - regardless of number.

4. The current properties at this location are positioned such that they overlook the land on which the proposed house would be built. This would result in insufficient privacy for the occupants of the new house - as they would be overlooked by the existing buildings.

5. The other houses in this location are remote ex-farmworkers cottages. They are by their very nature isolated in nature. The rural nature of this location means that it is not possible to live here without a vehicle, as there is no bus stop and no safe walking route to the nearest town. The bus route which is on the B9157 is an express one which cannot be safely "flagged" down in this location (indeed this policy is no longer supported by the operator). The closest bus stop for these services is located approximately 3.5km/2.2 miles west at "West Lodge/Bernards Smithy" along a road with no pavements or street lighting and could not be considered safe to walk to. This would mean any development did not align with NPF4 Policy Principles around Local Living and twenty

minute neighbourhoods.

6. This location is not in an area with superfast broadband area and is not intended for upgrade in the Scottish Government R100 programme for all homes in Scotland to be able to have access. The broadband speed provided through the adsl telephone lines is limited with download speeds as low as 2MB with the current use. Additional houses would impact even further on this. Access to mobile broadband is limited in this area and not all carriers provide coverage. The addition of more dwellings in this location would have a detrimental effect on the capacity available to the current residents.

Precedent has already been set for refusal of residential development at this location, with applications in 2022, 2006, 2000 and 1991 all being refused as they were contrary to provisions in the local area plans regarding housing development in the countryside and were detrimental to road safety at the same road junction. (As documented in Fife Council planning ref 06/00466/COPP).

In light of all of the above points, I believe that this planning permission should not be granted.

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Mr Andrew Barker

Address: South Cottage Kilrie West Lodge Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a narrow strip of land with a steep banking up to 6 cottages. If the steep banking is undermined this could cause subsidence issues.

8 properties in immediate proximity are of sandstone construction with slate roofing I assume that this proposal will be in keeping with these existing properties and constructed similar.

Any sewage overflow will end up in a burn which now has a much lower water level and flow than previously, I believe it has been diverted for other use.

Access onto B9157 is at a known accident black spot.

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Mrs Suzanne Drysdale

Address: Kilrie Mansion House Piteadie Kirkcaldy Fife KY2 5UW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Has the right of access to this proposed dwelling house been checked?

Comments for Planning Application 24/02059/PPP

Application Summary

Application Number: 24/02059/PPP

Address: Kilrie Cottages Kilrie Auchtertool KY2 5UX

Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Case Officer: Brian Forsyth

Customer Details

Name: Mr Colin Mathieson

Address: 3 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The following drawings that have been included in the application have incorrect boundaries and encompasses land that is not owned by the applicant.

01 - SUPERSEDED LOCATION PLAN

02 - EXISTING SITE PLAN

03 - PROPOSED SITE PLAN

ergo, any drawings based from these plans are incorrect and the location of any proposed dwellings will be approx. 1-2 metres closer to the cottages situated to the north of the plot.

The proposed development would cause the loss of the only significant useable green space within the local amenity, and would therefore be more applicable as a candidate for the Community Right to Buy scheme rather than being used for a proposed dwelling that is not required in the current location. There are currently a number of development opportunities currently in place to the north of Kilrie Cottages in Auchtertool that can cater for any demand to live in the surrounding area, and these will also already have the required infrastructure in place.

The proposed development is not visually or architecturally the same as the current terraced cottages and would therefore have an overall visual impact on the current landscape which will have a detrimental impact on the overall ambience.

Agenda Item 5(3)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

Consultee Comments

Wednesday, 28 August 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,

Kilrie Cottages, Kilrie, Auchtertool, KY2 5UX
Planning Ref: 24/02059/PPP
Our Ref: DSCAS-0116461-RFB
Proposal: Planning permission in principle for the erection of a dwellinghouse (Class 9)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. 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

- There is currently sufficient capacity in the Glendevon 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

- According to our records there is no public 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. When planning permission has been granted and a formal connection application has been submitted, 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 refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

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."

Supplementary Guidance

- 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 Development Operations 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 a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	24/02059/PPP
	Planning Permission in Principle for the Erection of a Dwellinghouse (Class 9) at Kilrie Cottages, Kilrie, B9157, South of Auchtertool
Date:	9th September 2024
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

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 PPP application is for the erection of a single dwelling with an application for 2 dwellings on the site having been refused previously.
- 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 Kirkcaldy and Auchtertool. In addition, the B9157 is not a road that would be attractive for use by recreational cyclists and is completely unsuitable for children to cycle on.

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 Transportation Development Management has a policy against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given to setting aside this policy, for example if the case officer accepts the application is justified in planning policy terms. This relaxation is only permissible if the necessary junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

1.4 The B9157 is subject to a 50mph speed limit in the vicinity of the site and according to the current Fife Council Making Fife's Places Appendix G, 4.5m x 180m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the private access and the public road (B9157). In addition, 180m forward visibility must be available for a driver turning right into the access from the B9157. Finally, 180m forward visibility of stationary right turning vehicles must be available for drivers travelling westbound on the B9157.

1.5 I visited the site again last week to reassess the junction and noted the following: -

The necessary 4.5m x 180m junction visibility splays were available, although there was signage adjacent to the junction which was minorly within the splays. However, this in isolation would not warrant a recommendation of refusal from TDM.

However, drivers turning right into the junction from the B9157 would have restricted forward visibility of approximately 110 metres (to the near and far side road channel lines) of vehicles travelling eastbound on the B9157. Due to the bend in the B9157 at this point, forward visibility crosses the extents of the field/verge on the south side of the B9157. The current forward visibility of 110 metres represents a reduction in the approximate 135m forward visibility that was available on my previous site visit. This is due to the height of foliage further obscuring visibility.

The available forward visibility of 110 metres for drivers of vehicles turning into the site from the B9157 is sub-standard (shortfall of 39%) when compared against the necessary 180m forward visibility, in accordance with Appendix G. Therefore, the junction is unsuitable to serve any further development.

Drivers of westbound vehicles on the B9157 would have 180m forward visibility of a stationary right turning vehicle into the junction to the application site.

1.6 According to the current Fife Council Making Fife's Places Appendix G, a private access can serve a maximum of 5 dwellings. From its junction with the B9157, the existing private access already serves 8 dwellings and would serve 9 dwellings if approval was granted. This is unacceptable to TDM, as the access is not suitable to serve any additional development.

2.0 CONCLUSIONS

- 2.1 The proposals are unacceptable to TDM, as they would result in the creation of an unsustainable dwelling which would have no viable opportunities for person trips via walking, cycling and public transport. This is not compliant with Policy 13 of NPF4.
- 2.2 TDM are against the proposals, as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety. If the proposals do not have support in terms of the relevant planning policies, then TDM's policy presumption in 1.2 above would also apply.
- 2.3 In addition, the existing private access already serves more than the 5 dwellings permitted under the current Fife Council Making Fife's Places Appendix G. The private access is unsuitable to serve any additional development.

3.0 RECOMMENDATIONS

- 3.1 Refusal for the reasons detailed above.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service 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.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 09/09/2024

Agenda Item 5(4)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

Further Representations

From: [Andy Forrester](#)
To: [Michelle McDermott](#)
Cc: [Brian Forsyth](#)
Subject: RE: Application Ref. 24/02059/PPP - Land to south of Kilrie Cottage, Auchtertool, Kirkcaldy, KY2 5UX
Date: 02 December 2024 09:35:36
Attachments: [image002.png](#)
[image003.png](#)

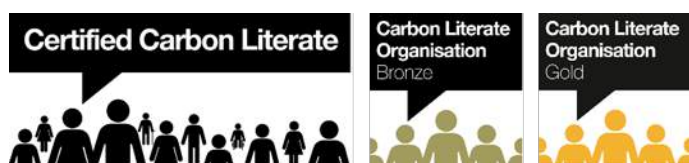
Morning Michelle,

I refer to your recent email regarding the application for review by the applicant to the Fife Planning Review Body.

I can confirm that all the reasons for refusal contained within Transportation Development Management's consultation response dated 9th September 2024 are still relevant and none of the content of Planning Services UK's Notice of Review Statement addresses any of TDM's concerns.

Regards

Andy Forrester
Fife Council
Planning Service, Transportation Development Management
3rd Floor West, Fife House
Glenrothes
Normal working hours Mon to Fri



Fife Council has been accredited a Bronze Carbon Literate Organisation (CLO) by The Carbon Literacy Project and is committed to delivering climate literacy within the organisation to address the climate emergency. Planning Services have achieved Gold Carbon Literate Organisation, further rising to the challenge of the climate emergency.

Please take a moment to complete the National Customer and Stakeholder Satisfaction Survey by the National Planning Improvement Team. Your feedback on the services from Planning Authorities in Scotland is important to help us make improvements.

The survey is open from Monday, 18th November for three weeks.

[Access the survey here](#)

Agenda Item 5(5)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

**Appointed Officer's Assessment of
Application**

Appointed Officer (Planning Authority) Assessment of Application 24/02059/PPP for the Local Review Body.

1.0 BACKGROUND

1.1 This c. 1.1 hectare application site is located between Kirkcaldy and Auchtertool, comprising a c. 1 hectare development plot and access thereto via a short stretch of passing private road off the north side of the B9157 Aberdour to Kirkcaldy road. The plot is a relatively flat area of garden ground laid to lawn and serving the applicant's dwellinghouse, one of a terrace of six dwellinghouses sitting elevated from the site on its northern side. The plot incorporates a number of domestic structures. The private road runs alongside the plot on its south side, with a burn and two semi-detached dwellinghouses over. The plot and a parking area to the rear (north side) of the terrace are accessed off the private access road. The site is otherwise surrounded by agricultural land.

1.2 Planning permission in principle is sought for the erection of a dwellinghouse (Class 9) on the plot. Indicative plans and drawings show a single-storey dwellinghouse with three in-curtilage parking spaces accessed off the private access road.

1.3 Planning permission (ref. 21/00416/FULL) was granted on 10 November 2021 for temporary storage of scaffolding on the plot, for a period of two years. A subsequent application for planning permission in principle for four dwellinghouses on the site (ref. 22/00132/PPP) was withdrawn on 3 October 2022. A further application for two dwellinghouses (ref. 22/03283/PPP) was refused on 9 February 2023, a decision subsequently upheld by Fife Planning Review Body on 19 June 2023.

1.4 The site was most recently visited by the case officer on 19 September 2024.

2.0 ASSESSMENT

2.1 NPF4 states that a plan-led approach is essential to supporting the delivery of Scotland's national outcomes and broader sustainable development goals. The issues to be assessed as part of the development plan and other guidance are as follows:-

- Principle of Development and Design/Visual Impact
- Residential Amenity
- Road Safety/Transportation

- Flood Risk and Water Management
- Sustainable Buildings

2.2 Principle of Development and Design/Visual Impact

Principle of Development

2.2.1 Several of the six objections raise objection in relation to the principle of development.

2.2.2 In terms of FIFEplan, the site is located within an area of countryside. In terms of Part A of Policy 1: Development Principles of FIFEplan, the principle of development in a countryside location is supported provided the use is otherwise supported by the local development plan. Policy 7: Development Principles of FIFEplan states that housing in the countryside will only be supported where it is for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development for 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

It is also a requirement of these provisions that, amongst other things, development is compatible in scale and nature with the existing situation and is located and designed to protect the overall landscape and environmental quality of the area.

2.2.3 In relation to criterion '2' above, which criterion is considered to apply in this case, supporting text states that existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals, generally single houses. It is stated that a housing cluster should be made up of a clearly defined grouping of five or more houses, up to a maximum of 24. The supporting text continues 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 the pattern of development. For housing proposed in a cluster to be acceptable, it is further stated that it requires to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping, with housing proposed clearly outwith or on the edge of the group not permitted; the new houses should not result in ribbon development or coalescence with nearby settlements/another housing cluster. Examples of the type of circumstances which would constitute appropriate development within clusters are shown in Figure 8.2 of FIFEplan.

2.2.4 In terms of Criterion '2' above, it will be noted from the above description that the plot is a clearly defined gap with built development on two sides, visually-contained, and within a cluster of five or more houses. As such, it is considered that the proposal accords with the above provisions of FIFEplan policy relating to the principle of development provided it can be demonstrated that development of a scale and nature compatible with surrounding uses, located and designed to protect the overall landscape and environmental quality, can be achieved.

2.2.5 In terms of NPF4, the plot is greenfield land within a rural area. NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings does not support proposals on greenfield land unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan. NPF4 Policy 14 Design, quality and place states that proposals that are inconsistent with the qualities of successful places including 'connected' (supporting well connected networks that make moving around easy and reduce car dependency) and 'sustainable' (supporting the efficient use of resources, etc.), will not be supported. NPF4 Policy 15 Local Living and 20 minute neighbourhoods states that proposals will contribute to local living; consideration to be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to: sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks. NPF4 Policy 16 Quality homes states that proposals for new homes on land not allocated for housing in the local

development plan will only be supported in limited circumstances where, amongst other things, the proposal is consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods, and the proposal is consistent with policy on rural homes. NPF4 Policy 17 Rural homes states that proposals for new homes in rural areas will be supported where, amongst other things, development of the site is provided for by the local development plan. NPF4 Policy 1 Tackling the climate and nature crises gives significant weight to the global climate crisis.

2.2.6 Subject to it being demonstrated that development of a scale and nature compatible with surrounding uses, located and designed to protect the overall landscape and environmental quality, can be achieved (which is addressed in 2.2.7-2.2.10 below), the principle of the development is supported in terms of FIFEplan; in turn according with the above provisions of NPF4 Policy 9 relating to development of greenfield land and not considered to conflict with the other above provisions of NPF4 to any significant degree, notwithstanding the views of the objectors.

Design/Visual Impact

2.2.7 Several of the six objections state that the proposals are not in keeping with the other buildings in the surrounds and would therefore harm the visual amenity of the area.

2.2.8 In terms of FIFEplan, Policy 1: Development Principles states that development proposals must address their individual and cumulative impacts by complying with relevant criteria and supporting policies. Collectively, Policies 1, 7, 8, 10 and 13 state that development will only be supported if it does not have a significant detrimental impact on amenity, including in relation to visual impact; in all cases, development must be of a scale and nature compatible with surrounding uses and located and designed to protect the overall landscape and environmental quality of the area. Development will only be supported where it protects or enhances landscape character and views, planning permission not being granted for development of a house on a prominent site.

2.2.9 In terms of NPF4, policies 17 Rural homes and 29 Rural development collectively state that proposals for new homes in rural areas will be supported where suitably scaled, sited and designed. NPF4 policy 14 states that proposals that are inconsistent with the qualities of successful places, including 'distinctive'; i.e. supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity; will not be supported.

2.2.10 It is not considered the applicant has demonstrated a single dwellinghouse could be accommodated on the site which accords with the above provisions of policy and guidance in relation to design/visual impact. This is a relatively prominent site which is read in the context of the existing cottages adjoining on its north side. A strong contextual pattern of

development and design is set by the simple form and linear layout of these small-scale, traditionally-designed terraced cottages, serving to limit opportunities for achieving an acceptable design solution. The indicative plans and drawings show a relatively large-scale suburban style three bedroom single-storey dwellinghouse to one side of the of the cottages, with an irregular layout, modern shallow pitched roofs, and modern picture windows. Such a scheme would appear overly-scaled in relation to and entirely at odds read against the existing cottages and in the context of its wider surrounds.

Principle of Development and Design/Visual Impact - Conclusion

2.2.11 In light of the above assessment, the proposal stands to be considered contrary to the above provisions of policy and guidance in relation to design/visual impact, in turn contrary to the above provisions of policy and guidance in relation to the principle of development.

2.3 Residential Amenity

2.3.1 Several of the six objections raise concerns in relation to privacy and residential amenity.

2.3.2 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, loss of natural light and privacy. Fife Council Planning Services' non-statutory Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight customer guidelines are also relevant here.

2.3.3 The indicative plans and drawings demonstrate that a dwellinghouse could be realised on the plot which satisfies in terms of the above guidelines as they relate to natural light, minimum distance between windows (the difference in levels between the plot and terrace mitigating), plot ratio, and private amenity space not overlooked (the 'back garden' being shown between the dwellinghouse and private road, and screened from the latter). The other houses within the terrace have their only meaningful area of private amenity space to their front, sloping down to the plot; one third party house/amenity space within the terrace is not screened off from the plot, however, taking into account the indicative layout and that that house/amenity space is already overlooked by virtue of the plot's use as garden ground, it is not considered that the proposal need give rise to any significant privacy implications for householders within the terrace. Notwithstanding, the proposals would not satisfy the above guidelines in relation to garden ground in so far as they may be related to the garden ground that would be left over to serve the applicant's house; the proposal would result in the

applicant's house losing the only area of useable (non-sloping) private amenity space serving her house. It is acknowledged that the other houses in the terrace do not benefit from such an additional area of private amenity space, however, it is not considered that justifies the applicant's house losing such space.

2.3.4 Overall, it is considered that the proposal is contrary to the above provisions of policy and guidance in relation to residential amenity.

2.4 Road Safety/Transportation

2.4.1 Several of the objectors raise concerns in relation to road safety.

2.4.2 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states 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, including local transport and safe access routes. Appendix G: Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.4.3 A number of the six objections received relate to road safety/transportation, in particular that the proposals would increase the number of vehicles using the junction of the private access road with the B9157, to the detriment of road safety. It is explained that there have been several accidents on this road, some of which have been fatal, the speed restriction on this section of the road having been reduced to 50mph due to safety concerns.

2.4.4 Planning Services' Transportation Development Management team (TDM) advises it has a policy against the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas, such as here. For clarification purposes, the built-up area, from a transportation point of view, is defined by TDM as the area within a 20, 30 or 40mph speed limit. The reason given by TDM for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given by TDM to setting aside this policy, for example if the case officer accepts the application is justified in planning policy terms; this relaxation is only permissible if the necessary junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

2.4.5 TDM states that the B9157 is subject to a 50mph speed limit in the vicinity of the site and, according to the current Fife Council Making Fife's Places Appendix G, 4.5m x 180m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level at the junction of the private access and the public road (B9157); 180m forward visibility must be available for a driver turning right into the access from the B9157; and 180m forward visibility of stationary right turning vehicles and available for drivers travelling west bound on the B9157.

2.4.6 During TDM's site visit, the following was noted:-

The necessary 4.5m x 180m junction visibility splays were available, although there was signage adjacent to the junction which was minorly within the splays. However, this in isolation would not warrant a recommendation of refusal from TDM.

Drivers turning right into the junction from the B9157 would have restricted forward visibility of approximately 110 metres (to the near and far side road channel lines) of vehicles travelling eastbound on the B9157. Due to the bend in the B9157 at this point, forward visibility crosses the extents of the field/verge on the south side of the B9157. The current forward visibility of 110 metres represents a reduction in the approximate 135m forward visibility that was available on my previous site visit. This is due to the height of foliage further obscuring visibility.

The available forward visibility of 110 metres for drivers of vehicles turning into the site from the B9157 is sub-standard (shortfall of 39%) when compared against the necessary 180m forward visibility, in accordance with Appendix G. Therefore, the junction is unsuitable to serve any further development.

Drivers of westbound vehicles on the B9157 would have 180m forward visibility of a stationary right turning vehicle into the junction to the application site.

2.4.7 TDM concludes by stating it is against the proposals as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety; and that the existing private access already serves well in excess of the five dwellings permitted under Making Fife's Places Appendix G, the private access being unsuitable to serve any additional development. TDM adds that, if the proposals do not have planning policy support, its abovementioned policy presumption would also apply.

2.4.8 In addition to the above-described existing development, the existing private access off the B9157 also serves a wedding venue and holiday accommodation. In this context, and notwithstanding the views of TDM, it is not considered that any intensification of vehicle movements arising from the development proposals would be significant. Further, it is noted that consideration can be given by TDM to setting aside its policy presumption against the intensification in use of existing accesses on unrestricted distributor roads where, such as

here, the case officer accepts the principle of development and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary. Notwithstanding the wider views of TDM and the objectors, and noting that the principle of development for housing is supported in principle and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary, it is not considered that the development proposals would give rise to any significant adverse impact in terms of road safety or transportation generally, according with the above provisions of policy and guidance in relation to road safety/transportation.

2.5 Flood Risk and Water Management

2.5.1 A number of the six objections received relate that the burn to the south of the proposal is already polluted by the outfall pipe from the shared septic tank serving the terrace, any further pollution from any outfall from the proposal considered unacceptable.

2.5.2 FIFEplan Policies 1: Development Principles, 3: Infrastructure and Services, and 12: Flooding and the Water Environment, collectively 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, including surface water drainage/Sustainable Urban Drainage Systems (SuDS). 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; reduce the water conveyance and storage capacity of a functional flood plain; etc.; development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Policy 12 sets out flood risk assessment (FRA) requirements.

2.5.3 NPF4 has introduced an avoidance approach to flood risk, Policy 22 Flood Risk and Water Management now presuming against development within actual areas of medium/high flood risk except, amongst other scenarios, redevelopment is for an equal or less vulnerable use.

2.5.4 Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) also applies.

2.5.5 The site is not within an area shown liable to flooding in the Scottish Environment Protection Agency (SEPA) flood maps. Scottish Water advises that it will not accept any surface water connections into its combined sewer system; noting this position and commenting in relation to the previous withdrawn application for four dwellinghouses (ref. 22/00132/PPP), the Council's Flooding, Shoreline & Harbours team (FSH) raised no objection in relation to flooding and drainage. Taking FSH's previous position into particular account, and notwithstanding the views of the objectors (FSH has raised no concerns in relation to water

quality and the matter is otherwise one for SEPA), the proposal stands to be considered to accord with the above provisions of policy and guidance relating to flood risk and water management, subject to conditions requiring SuDS certification. The water pollution concerns of objectors are properly a matter for SEPA.

2.6 Sustainable Buildings

2.6.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.6.2 The Council's Low Carbon Fife Supplementary Guidance (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. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.6.3 A Low Carbon Sustainability Checklist has not been submitted; however, it is considered this can be addressed by a condition of any planning permission in principle. Subject to such a condition, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to sustainable buildings.

Representations

Six separate individual objections have been received, principally raising concern in relation to the principle of the development, road safety, and design/visual impact.

Officer response: These concerns are addressed in the main body of this report.

Implications for broadband service of the development.

Officer response: This is not a material consideration.

Potential for subsidence of existing sloping gardens to the north consequent upon the development.

Officer response: This is not a material consideration.

Uncertain as to whether there is a right of access.

Officer response: Right of access is not a material consideration.

Plans are inaccurate.

Officer response: The applicant has submitted amended drawings to address.

Conclusion

Subject to conditions of planning permission in principle, the development accords with the provisions of policy and guidance relating to road safety/transportation, flood risk and water management, and sustainable buildings. However, the development does not accord with the provisions of policy and guidance relating to the principle of development and design/visual impact, and residential amenity. Overall, the development does not accord with the Development Plan, with no material considerations of sufficient weight to justify departing therefrom.

Policies

Development Plan

Adopted National Planning Framework 4 (2023)

Adopted FIFEplan Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)

Fife Council Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight planning customer guidelines.

Reasons for Refusal

1. In the interests of visual amenity; the applicant having failed to demonstrate that the development could accord with the provisions of policy and guidance relating to design/visual impact, the indicative scheme submitted would appear overly-scaled in relation to and otherwise at odds with the contextual pattern of development and design set by the existing cottages immediately to the north of the site, the development therefore standing to be considered to the detriment of landscape character and qualities; all contrary to adopted FIFEplan Fife Local Development Plan (2017) Policy 1: Development Principles, FIFEplan Policy 7: Development in the Countryside, FIFEplan Policy 8: Houses in the Countryside, FIFEplan Policy 10: Amenity,

FIFEplan Policy 13: Natural Environment and Access, adopted National Planning Framework 4 (2023) (NPF4) policy 14 Design, quality and place, NPF4 policy 17 Rural homes, and NPF4 policy 29 Rural development.

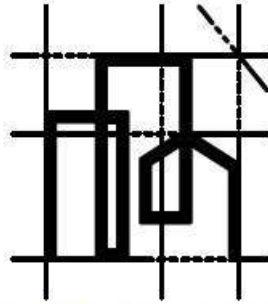
2. In the interests of residential amenity; the development would give rise to the loss of the only significant area of non-sloping/useable private amenity space serving the applicant's dwellinghouse, contrary to Fife Council Planning Services' Garden Ground planning customer guidelines and Policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017) in turn.

Agenda Item 5(6)

**Land to south of Kilrie Cottage, Auchtertool,
Kirkcaldy, KY2 5UX**

Application No. 24/02059/PPP

**Comments on Appointed Officer's
Assessment**



PLANNING SERVICES UK

Response to the Delegated Officer's Assessment

Response to the Delegated Officer’s Assessment

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1. Introduction

This response addresses the **Delegated Officer's assessment**. It demonstrates that the refusal of **Planning Permission in Principle (PPP)** (Application Ref: **24/02059/PPP**) is **not justified** when considered **in full context** with **National Planning Framework 4 (NPF4)** and **FIFEplan policies**.

The **Chief Planner's letter (February 2023)** to all Scottish planning authorities explicitly states that **no single policy should be used in isolation** when determining applications. Instead, **a balanced approach must be taken**, considering the full range of policies in **NPF4** and the **local development plan**.

The **Delegated Officer's report** fails to **apply this principle correctly** by interpreting policies **too restrictively** to justify refusal, rather than enabling a **positive and policy-compliant development**. This response demonstrates that:

- **NPF4 strongly supports the efficient use of land for housing, particularly in rural areas, to address Scotland's ongoing housing shortage.**
- The proposal **fully meets FIFEplan Policy 8**, which supports **housing in rural clusters**. The **officer's report acknowledges that the site qualifies as a cluster (Para 2.2.4)**, confirming the principle of development is acceptable.
- **Alleged visual impact concerns could have been addressed through conditions—** especially as this is an application for **Planning Permission in Principle (PPP)**. Detailed design matters should be **determined at the Matters Specified in Conditions (MSC) stage**, where aspects such as **scale, materials, and layout** can be refined.
- **The refusal on residential amenity grounds is unfounded**, as **similar homes in the terrace function effectively without excess garden space**. The indicative plans for the proposed development maintains a **building-to-plot ratio of 18% built area to 82% garden space**, significantly better than the standard **30% building to 70% garden ratio for detached dwellings**, demonstrating **ample private outdoor space** and a **high standard of residential amenity**.
- **NPF4 and FIFEplan policies must be read together**, and doing so **strongly supports approval of this proposal**.

2. Response to Refusal Reason 1: Principle of Development and Design/Visual Impact

2.1 The Proposal Meets the Criteria for a Housing Cluster (FIFEplan Policy 8)

The **officer's report (Para 2.2.4)** states:

"The plot is a clearly defined gap with built development on two sides, visually contained, and within a cluster of five or more houses."

Response to the Delegated Officer's Assessment

This confirms that the site **meets FIFEplan Policy 8 for housing in the countryside**. Given this **explicit acknowledgement**, the officer **should have focused on ensuring appropriate design through conditions** rather than **refusing the application outright**.

2.2 Design Concerns Should Be Addressed at the Detailed Planning Stage (MSC), Not Used as a Reason for Refusal

- **NPF4 Policy 14 (Design, Quality, and Place) does not require uniformity** but promotes **good placemaking and context-sensitive development**.
- The **officer's claim that the design is "suburban in style" is not a valid policy reason for refusal**. This housing cluster has no fixed architectural style, and **design elements could have been refined through conditions** rather than refusing the application outright.
- **FIFEplan explicitly allows single dwellings within housing clusters**, and the **scale and form of the proposal align with this policy**.

2.3 The Officer's Interpretation of NPF4 Policy 9 (Brownfield, Vacant, and Derelict Land) Is Incorrect

- **The Chief Planner's letter (Feb 2023) states "It is important to bear in mind NPF4 must be read and applied as a whole**. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. **Factors for and against development will be weighed up in the balance of planning judgment"**. The officer **selectively applies Policy 9** without **balancing it against other relevant policies** supporting rural housing delivery
- **NPF4 Policy 9 does not prohibit development on greenfield sites**—it prioritizes **land reuse where possible**. Still, it supports **rural housing when it aligns with the development plan**, which this proposal **clearly does** under FIFEplan Policy 8.
- This **site is NOT open countryside**—it is **ground with a separate title**, distinct from the applicant's existing property. Furthermore, it **is not classified as agricultural land**, reinforcing its **suitability for development under NPF4**.

2.4 Conclusion on Visual Impact and Principle of Development

- The **officer's report confirms that the site meets FIFEplan's housing cluster criteria**—therefore, **the principle of development is acceptable**.
- **Design concerns could have been managed through conditions**, ensuring that scale, materials, and layout were addressed at the **MSC stage** rather than being used as a reason for refusal.
- **The refusal misapplies NPF4 Policy 9**, failing to consider the broader **policy framework supporting rural housing**.
- **The decision contradicts national planning guidance, which requires policies to be read holistically**.

3. Response to Refusal Reason 2: Residential Amenity and Garden Space

3.1 The Officer's Report Misapplies Policy on Private Amenity Space

- **FIFEplan Policy 10 (Amenity) does not set a fixed minimum garden size requirement.**
- **The officer's report acknowledges that other homes in the terrace function adequately without excess garden ground.**
- **The indicative proposed development provides a building-to-plot ratio of 18% built area to 82% garden space, which exceeds the commonly accepted standard of 30% built area to 70% garden space for detached dwellings.**
- **There is no loss of garden space to number 2, as its title shows the garden area is the same as the other six cottages. (see appendix 1)**

3.2 The Proposal Is Consistent with NPF4 Policy 16 (Quality Homes)

- **NPF4 Policy 16 supports well-designed rural housing, provided it does not cause significant harm to residential amenities.**
- **The officer has not demonstrated any objective evidence of harm, nor shown that the applicant's living standards would be affected.**
- **Since other homes in the terrace function adequately without excessive garden ground, this refusal reason is weak and lacks a policy basis.**

3.3 Conclusion on Residential Amenity

- **There is no policy justification for refusal based on garden size of number 2 as this is in a separate title**
- **The officer fails to demonstrate any significant harm to residential amenity.**
- **NPF4 and FIFEplan policies support this proposal when read together.**

4. Conclusion and Request for Review

This response has demonstrated that:

1. **The officer's own report confirms the site meets FIFEplan's housing cluster criteria—making the principle of development acceptable.**
2. **Design concerns should have been addressed via conditions rather than refusal.**
3. **NPF4 strongly supports rural housing and the efficient use of land, particularly in areas with housing shortages.**
4. **The refusal fails to take a holistic view of national and local planning policies, contradicting the Chief Planner's directive (Feb 2023).**

Response to the Delegated Officer's Assessment

- 5. The alleged impact on residential amenity is unsubstantiated and does not justify refusal.**

Request for the Local Review Body

For these reasons, we respectfully request that the Local Review Body overturn the refusal and grant planning permission in principle.

Thomas Cochrane BSc(Hons),HND, CPC

Planning Consultant

Appendix 1,



Number 2 Title deeds outright ownership in Pink shared ownership Red, Brown, Blue and Yellow

Appendix 2



Title deeds for the application site, blue represents access rights

Agenda Item 6(1)

**67 Dunnikier Road, Kirkcaldy, KY1 2RL
Application No. 24/01773/FULL**

Decision Notice

D7 Architecture Ltd
David Christie
4 Dunnikier Road
Kirkcaldy
Scotland
KY1 2RN

Planning Services

David Shankland

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/01773/FULL

Date 18th September 2024

Dear Sir/Madam

Application No: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons)
(Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Mr Asif Hussain**, 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,

David Shankland, 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: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/01773/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

Dated: 18th September 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

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

Reference	Plan Description
01	Location Plan
02	Location Plan
03	Floor Plan Existing
04	Floor Plan Proposed
05	Photographs

Dated:18th September 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

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 6(2)

**67 Dunnikier Road, Kirkcaldy, KY1 2RL
Application No. 24/01773/FULL**

Report of Handling

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	67 Dunnikier Road, Kirkcaldy, Fife		
PROPOSAL	Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)		
DATE VALID	09/07/2024	PUBLICITY EXPIRY DATE	20/08/2024
CASE OFFICER	David Shankland	SITE VISIT	11/09/2024
WARD	Kirkcaldy East	REPORT DATE	11/09/2024

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

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.

National Planning Framework 4 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.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the Adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site relates to 67 Dunnikier Road which is a two storey dwellinghouse located on the corner of Dunnikier Road and Maria Street. The site itself is defined in the Adopted FIFEplan (2017) as being situated within the settlement envelope of Kirkcaldy. The immediate surrounding area is predominately residential in nature although the site is in close proximity of an allocated Local Shopping Area to the north. To the north, the site bounds onto residential properties; to the east is Dunnikier Road, adjacent to which are further residential properties; to the south the site bounds onto Maria Street, adjacent to which is a commercial unit; and to the west the site bounds onto a brownfield site that has an extant planning permission for the erection of 2 dwellinghouses under planning reference 22/00742/FULL. There is no existing amenity space associated with the existing dwellinghouse or any off-street parking spaces.

1.1.2 The retrospective planning application under consideration follows an earlier planning application that was submitted by the current agent on behalf of the applicant for the same retrospective development under planning reference 23/02953/FULL. That application was refused on road and pedestrian safety grounds in February 2024. The content of the 2023 planning application in addition to the relevant scaled drawings included a Supporting Statement (SS) for consideration. The SS advised at the time that the applicant has been operating the dwellinghouse as a 6-bedroom HMO since they bought the property in 2003. The agent also confirmed during the assessment of that application that the applicant had not however obtained the necessary planning permission for its alleged 6-bedroom HMO use. In this regard, and to establish if the alleged use of the building as a 6-bedroom HMO was lawful and also exempt from enforcement action, the agent was provided advice at the time on an alternative submission to the retrospective planning application that would have been in the form of a Certificate of Lawfulness Existing (CLE). In addition to the relevant completed application form, the agent was advised the applicant would be required to provide sufficient evidence that demonstrated the dwellinghouse had been in use as a 6-bedroom HMO for a continuous period of 10 years or more. A CLE application was not however forthcoming, and the agent confirmed he was instructed by the applicant to proceed with the retrospective planning application as it was their intention to submit an appeal to any refusal notice issued.

1.1.3 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, including those taken from the agent for the current submission for the site, that this is sufficient to determine the proposal.

1.2 Proposal

1.2.1 Planning permission is sought again in retrospect for the change of use from dwellinghouse (Class 9) to HMO (7 persons). In addition to the completed application form, the agent has submitted appropriate scaled drawings in the form of a location plan, block plan and existing and proposed floor plans of the existing dwellinghouse for consideration. No external

works are proposed. In addition to the said scaled drawings of the existing building, the agent has also submitted a location plan that identifies two public car parks and another car park that are located in relatively close proximity to the site on Victoria Road and Berwick Place. Unlike the earlier said 2023 retrospective planning application, the current planning application does not contain a Supporting Statement.

1.3 Planning History

1.3.1 The relevant recent planning history to the site includes the following:

- Planning permission for change of use (including alterations) of commercial to residential (Planning Reference 04/01151/CFULL) was approved subject to conditions in July 2004; and,
- Planning permission for change of use from dwellinghouse (Class 9) to HMO (7 persons) in retrospect (Planning Reference 23/02953/FULL) was refused on road and pedestrian safety grounds in February 2024. No appeal was submitted following refusal of the application.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 Planning Assessment

2.1 Issues to be assessed against the Development Plan are as follows:

- Principle of Development
- Residential Amenity
- Road and Pedestrian Safety

2.2 Principle of Development

2.2.1 The national context for new development is set out within the Adopted National Planning Framework 4 (2023) (NPF4). This document, amongst other matters, emphasises that planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect the long-term public interest. Past, present, and future challenges mean that we will need to make the right choices about where development should be located. The aim is to achieve the right development in the right place.

2.2.2 The application site, as detailed in section 1.1.1, relates to an existing lawful dwellinghouse that is identified within the Adopted Local Plan as being located within the settlement boundary of Kirkcaldy.

2.2.3 Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. In this regard, Policy 15 (a) requires development proposals to contribute to local living including, where relevant, 20 minutes neighbourhoods.

2.2.4 Policy 1, Part A, of the Adopted Local Plan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 2 of the Adopted Local Plan continues that Houses in Multiple Occupancy (HMO) will not be supported if; (1) it is a new dwelling, unless purpose built for HMO use; or (2) it is the conversion of an existing building in an area where restrictions on HMOs are in place.

2.2.5 In this case, the application site is not located within an area where restrictions on HMOs are in place. In simply land use terms, and consistent with the considerations on the earlier 2023 retrospective planning application (Reference 23/02953/FULL), the principle of the use of the dwellinghouse as an HMO is considered to meet the requirements of the Development Plan by virtue of the application site being located within the settlement envelope of Kirkcaldy. Notwithstanding the principle of the retrospective development being looked upon favourable, the overall acceptability of the application is also again however subject to the development satisfying other policy criteria which are considered in detail below.

2.3 Residential Amenity

2.3.1 Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Policies 1 and 10 of the Adopted Local Plan 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.

2.3.2 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.

2.3.3 Consistent with the considerations of the earlier 2023 retrospective planning application, the main consideration in this instance relates directly to any detrimental impact the proposed HMO (7 person) could have on the amenity of adjoining and adjacent residential properties. Again, as detailed in the background section of the report, the immediate surrounding area is predominately residential in nature. It is also acknowledged that the existing 'lawful' use of the building subject to the retrospective planning application is a dwellinghouse. Notwithstanding this, it is also recognised that despite the alleged unauthorised use of the dwellinghouse as a 6-bedroom HMO, this Planning Authority have not received any complaints to date on the alleged retrospective use of the building as an HMO. In light of this, and given the nature of the retrospective use that has its own private access to the building, it continues to be this Planning Authority's considerations that the HMO use of the building would not bring any significant detrimental concerns on the residential amenity of neighbouring residential properties. In this regard, and similar to that of the earlier 2023 retrospective planning application, it is therefore considered that the retrospective submission meets the overall aims and objectives of the Development Plan and relevant supplementary guidance relating to the protection of residential amenity.

2.4 Road and Pedestrian Safety

2.4.1 NPF4 (Sustainable transport) stipulates from the outset that its policy intent in this regard is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 (b) of NPF4, amongst other criteria, elaborates that development proposals will be supported where they are designed to incorporate safety measures for both pedestrians and road users.

2.4.2 Policy 1, Part C, criterion 2, of the Adopted Local Plan requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Making Fife's Places Supplementary Guidance and Fife Council's Transportation Development Guidelines (Appendix G). It is acknowledged from the content of Appendix G that HMO development require the provision of one off-street parking space per bedroom.

2.4.3 Two letters of objection have been received from 3rd parties that are concerned the retrospective HMO increases the demand for on-street parking to the detriment of road and pedestrian safety. In direct response of the submission of the application, Transportation Development Management (TDM) were consulted again and having assessed its content has recommended the retrospective HMO for refusal again in the interests of safeguarding road and pedestrian safety. Within their overall assessment, TDM acknowledged from the outset that the application is for a 7-bedroom HMO that has resulted from the conversion of a lawful 6 bed dwellinghouse. They continue to advise that in accordance with the current Fife Council Making Fife's Places Appendix G, the building's lawful use as a 6-bedroom dwellinghouse would have a notional off-street parking requirement of 3 off-street parking spaces. As detailed above, the lawful dwellinghouse does not however have any off-street parking spaces. TDM continue that the 7-bedroom HMO must have the provision of 1 parking space per bedroom in accordance with Fife Council Making Fife's Places Appendix G. As a result, 7 off-street parking spaces are therefore required for the retrospective HMO under consideration. In this regard, and when considering the lawful planning use of the building as a dwellinghouse, the 7 bed HMO creates an additional shortfall of 4 parking spaces within an area that already has a high demand for the limited on-street parking. As highlighted above, the agent has submitted a location plan with the current planning application that identifies 3 parking areas that are in relatively close proximity to the application site. TDM acknowledge that the two of these consist of public car parks on Victoria Road and the other is a car parking area that is accessed via Berwick Place. On review of these, TDM confirm that the 2 public car parks on Victoria Road are already very well used because of the majority of flats and dwellinghouses within the surrounding area having no dedicated off-street parking. In respect to the parking at Berwick Place, the team acknowledge that this is not actually a public car park and is therefore unlikely to have any spare capacity, as it will already be used by the surrounding residents. Overall, the additional information submitted with the current retrospective planning application does not address the concerns previously expressed by TDM in the earlier 2023 application and the team continue therefore to consider the demand for on-street parking as a result of the 7-bedroom HMO would undoubtedly result in the increase in vehicles parking on the surrounding public roads to the detriment of road and pedestrian safety. As such, TDM have again recommended the application for refusal on

these grounds. This assessment is concurred by this Planning Authority as approval of the application would undoubtedly exacerbate existing on-street parking for other motorists in an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety.

2.4.4 In light of the above, and consistent with that of the earlier 2023 planning application for the site, it is the continued consideration of this Planning Authority that the application fails to accord with the requirements of the Development Plan in relation to road and pedestrian safety. The planning application is therefore specifically contrary to Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted Local Plan and Making Fife's Places Supplementary Guidance - (Appendix G - Fife Council's Transportation Development Guidelines).

CONSULTATION RESPONSES

TDM, Planning Services	Has recommended the application for refusal in the interests of road safety.
Transportation And Environmental Services - Operations Team	Has not responded within the statutory period.

REPRESENTATIONS

2 letters of objection have been received from 3rd parties siting concerns that the development would increase the demand for on-street parking to the detriment of road and pedestrian safety.

CONCLUSION

The development is not considered to accord with the provisions of the Development Plan and its related guidance in terms of road and pedestrian safety. The proposed 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse that would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018). In addition, enforcement action is also considered appropriate for these reasons for the alleged use of the dwellinghouse as a 6-bedroom HMO.

DETAILED RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

Reason: In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places - Proposed Supplementary Guidance (2018)

Other Guidance

Fife Council's Policy for Development and Noise (2021)

Report prepared by David Shankland, Case Officer and Chartered Planner

Agenda Item 6(3)

**67 Dunnikier Road, Kirkcaldy, KY1 2RL
Application No. 24/01773/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 100649012-008

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:	D7 Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Christie	Building Number:	4
Telephone Number: *	01592 630600	Address 1 (Street): *	Dunnikier Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkcaldy
Fax Number:		Country: *	Scotland
		Postcode: *	KY1 2RN
Email Address: *	david@d7architecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="38"/>
First Name: *	<input type="text" value="Asif"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hussain"/>	Address 1 (Street): *	<input type="text" value="Victoria Road"/>
Company/Organisation	<input type="text" value="King Enterprises"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="07740432950"/>	Postcode: *	<input type="text" value="KY1 1DR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="asifgb1@yahoo.co.uk"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="67 DUNNIKIER ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY1 2RL"/>

Please identify/describe the location of the site or sites

Northing

Easting

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)

Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)

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.

The property has been used successfully as an HMO for a number of years, with no complaints from members of the public or neighbouring properties. If the application was unsuccessful, the property will still be used as a HMO as a 5 bedroom HMO property in line with the permitted development. The application is for a 7 bedroom HMO. In essence, if the property was to be used as a standard domestic property. There will still be 7 bedrooms.

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)

Plans and supporting statement.

Application Details

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

24/01773/FULL

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

18/07/2024

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

18/09/2024

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

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 David Christie

Declaration Date: 29/10/2024



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 100649012-004

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Conversion of existing dwelling into a 7 Bedroom HMO.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

13/09/2021

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Applicant was under the impression the development can under permitted development.

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:	D7 Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Christie	Building Number:	4
Telephone Number: *	01592 630600	Address 1 (Street): *	Dunnikier Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkcaldy
Fax Number:		Country: *	Scotland
		Postcode: *	KY1 2RN
Email Address: *	david@d7architecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Asif	Building Number:	38
Last Name: *	Hussain	Address 1 (Street): *	Victoria Road
Company/Organisation	King Enterprises	Address 2:	
Telephone Number: *		Town/City: *	Kirkcaldy
Extension Number:		Country: *	Fife
Mobile Number:		Postcode: *	KY1 1DR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Fife Council

Full postal address of the site (including postcode where available):

Address 1:

67 DUNNIKIER ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KIRKCALDY

Post Code:

KY1 2RL

Please identify/describe the location of the site or sites

Northing

692279

Easting

328188

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

550.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

4 Bedroom Domestic Dwelling

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Commercial Recycling Bins

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

200

If Class 1, please give details of internal floorspace:

Net trading spaces:

200

Non-trading space:

0

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: David Christie

On behalf of: King Enterprises

Date: 09/07/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

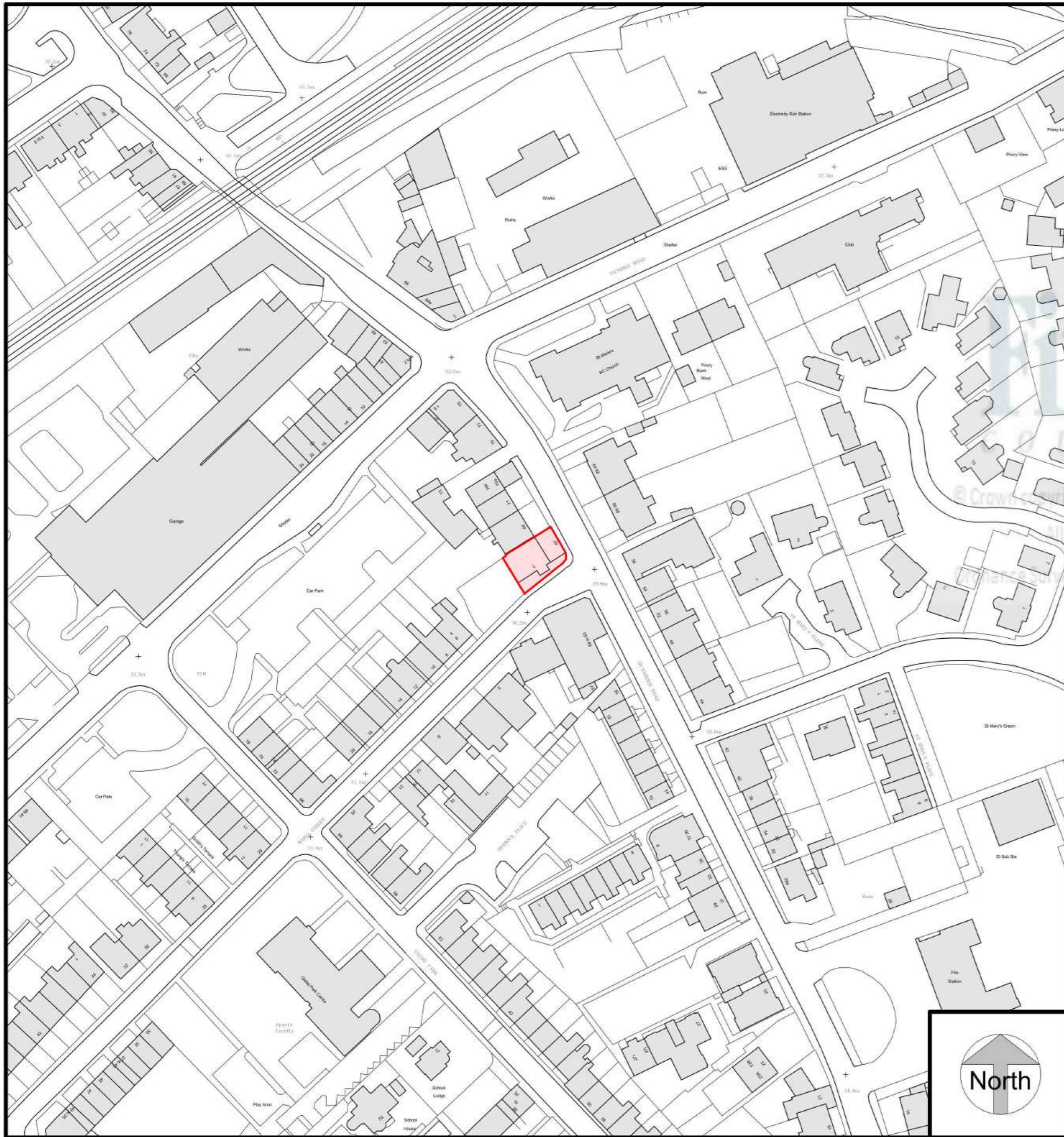
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

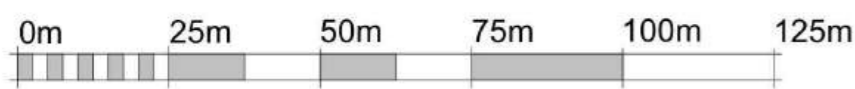
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Christie

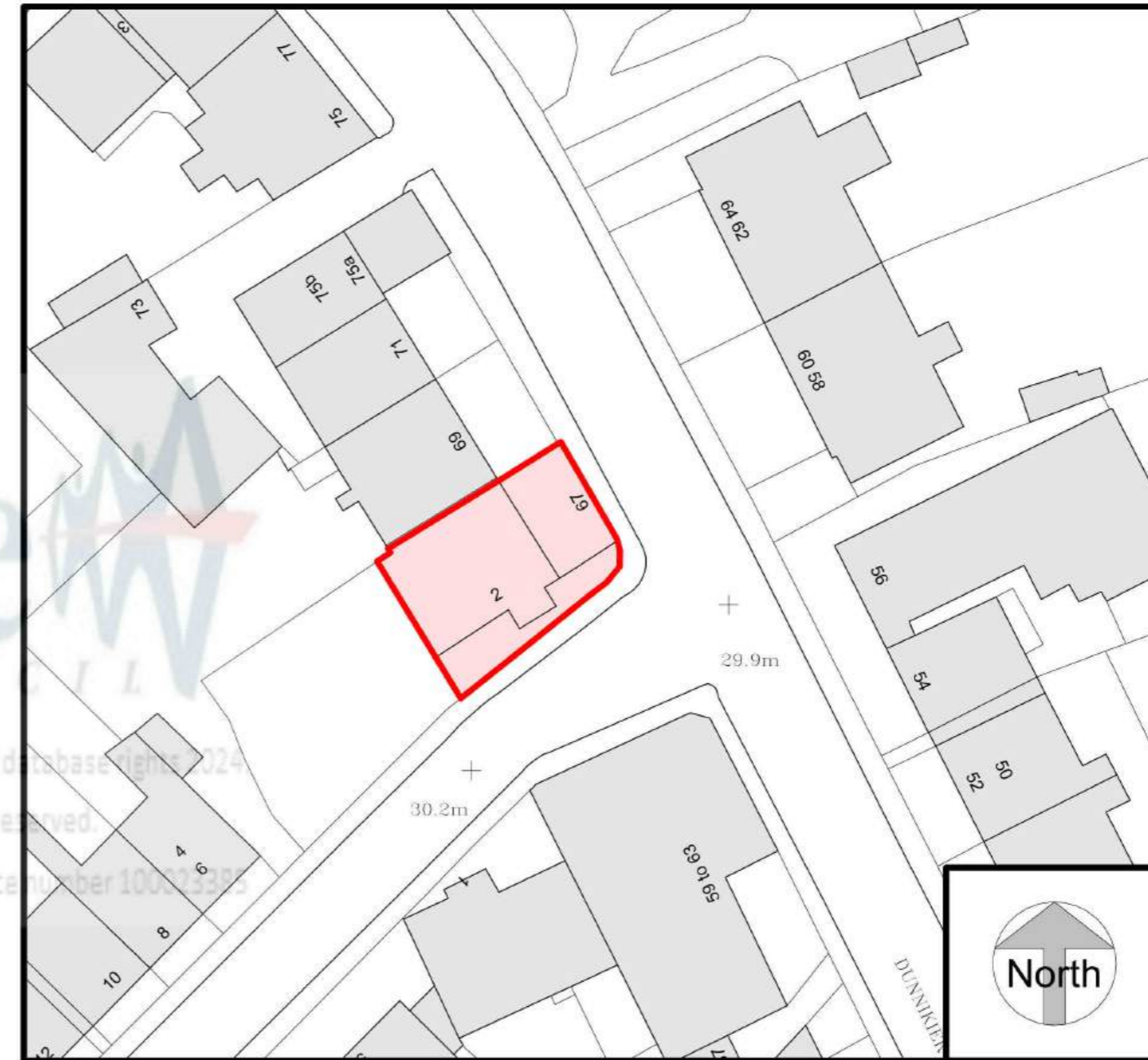
Declaration Date: 19/10/2023



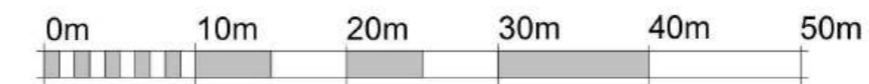
Location Plan
1 : 1250



Scale 1:1250 @ A2



Block Plan
1 : 500



Scale 1:500 @ A2

Rev.	Date	Revision Description
DRAWING STATUS		
PLANNING		
PROJECT REFERENCE		
A23-504		
DRAWING NUMBER		REVISION
100		



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THE CLIENT MUST APPOINT A PRINCIPAL DESIGNER SEPARATELY TO ENSURE COMPLIANCE WITH THE CURRENT CONSTRUCTION DESIGN MANAGEMENT REGULATIONS.

KEY LEGEND



NORTH POINT



RED LINE DENOTES APPLICATION BOUNDARY LINE

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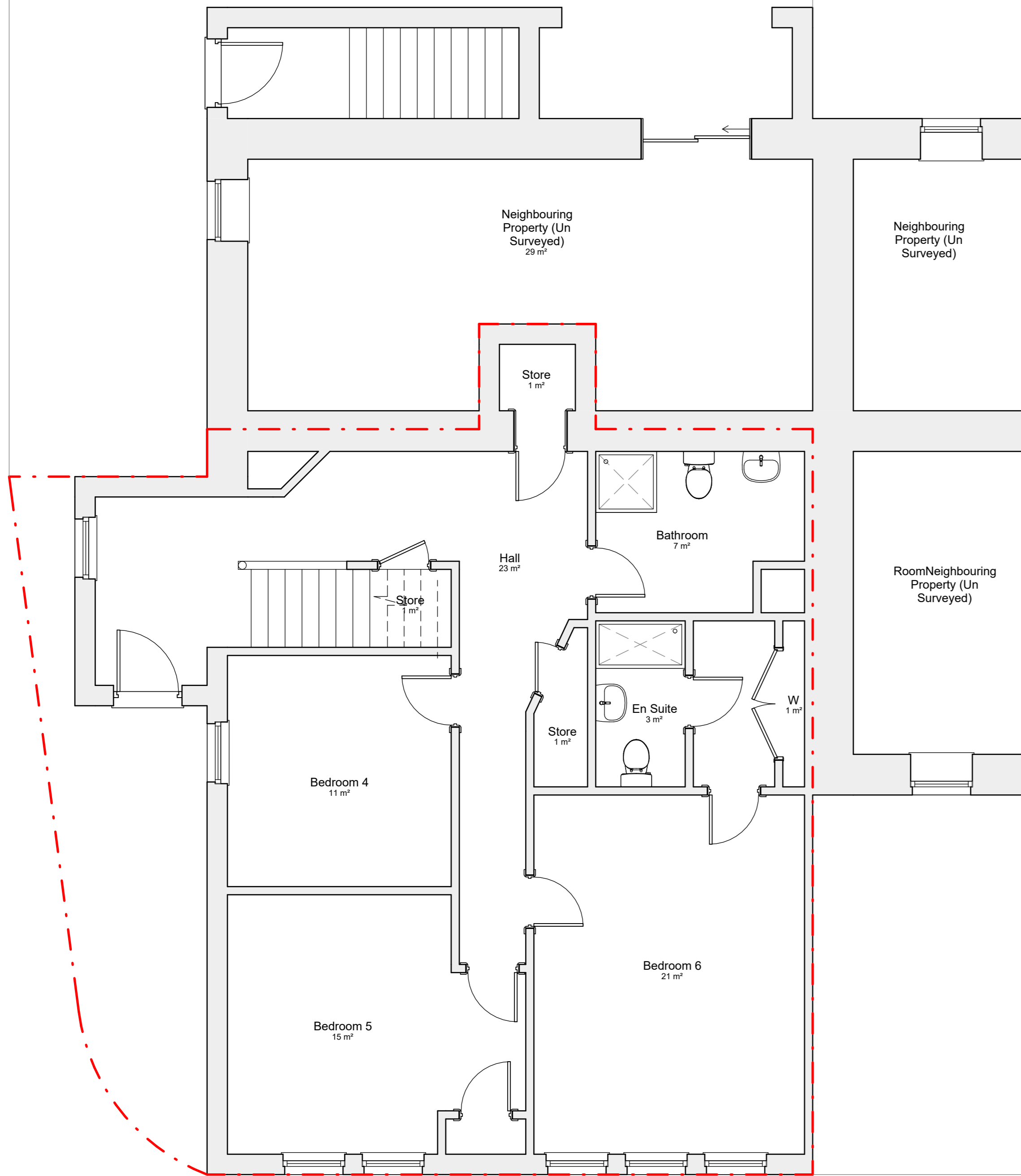
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CLIENT:	King Enterprises
PROJECT DETAILS	Retrospective Planning Application for 7 Bedroom HMO
PROJECT ADDRESS	67 Dunniker Road, Kirkcaldy, Fife, KY1 2RL

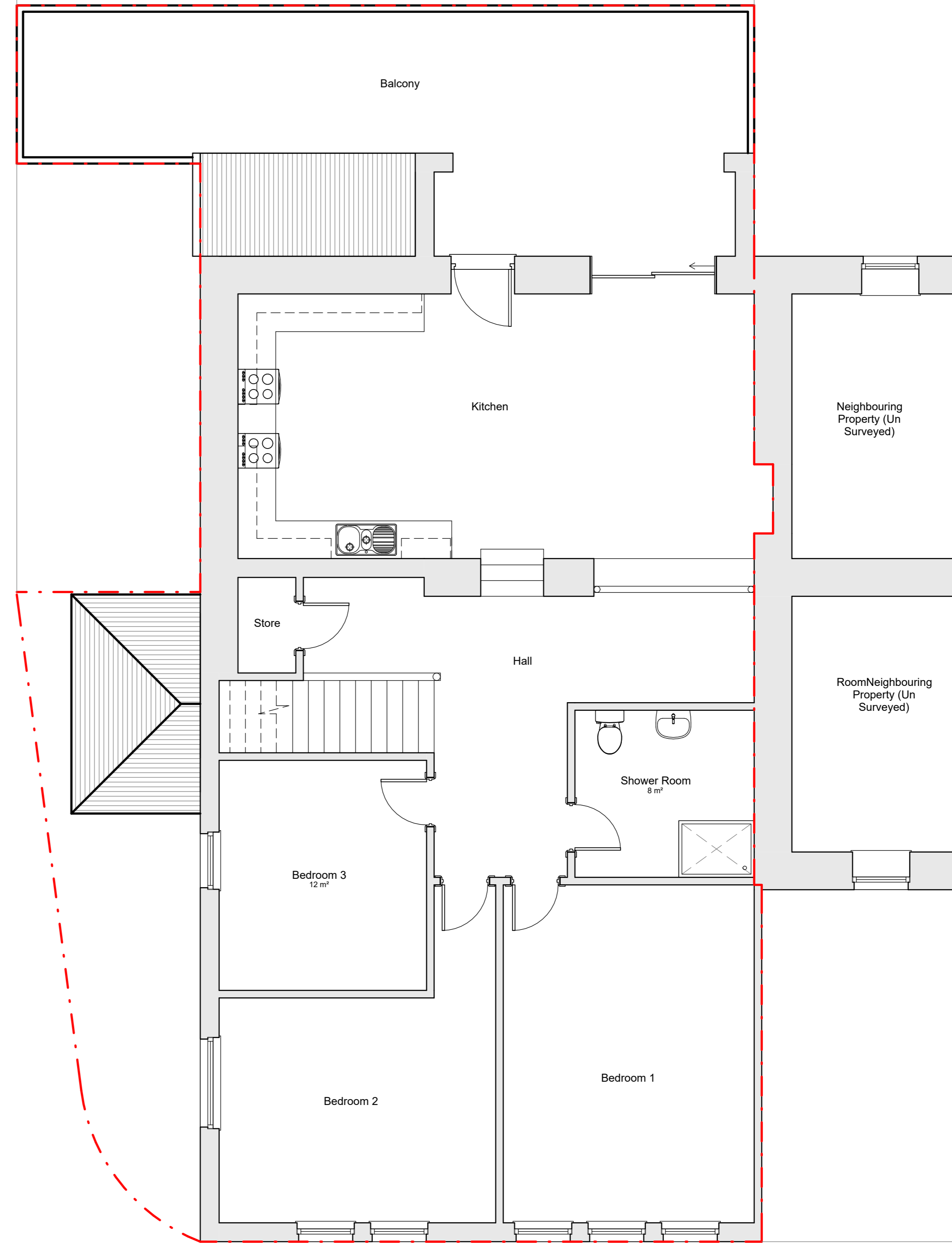
DRAWING	Location and Block Plan
DATE	JULY 2024
SCALE	As indicated

PROJECT REFERENCE	
A23-504	
DRAWING NUMBER	REVISION
100	

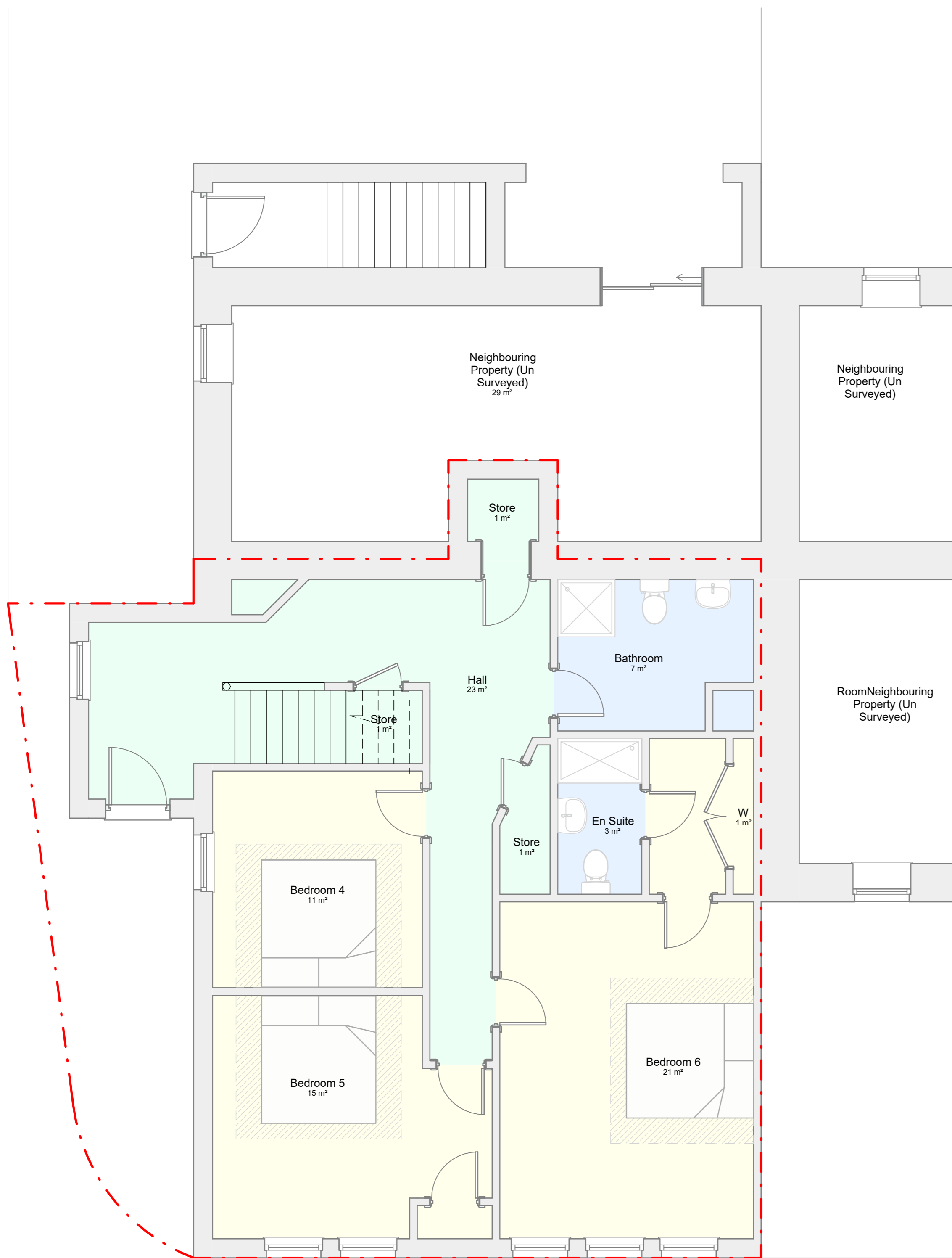
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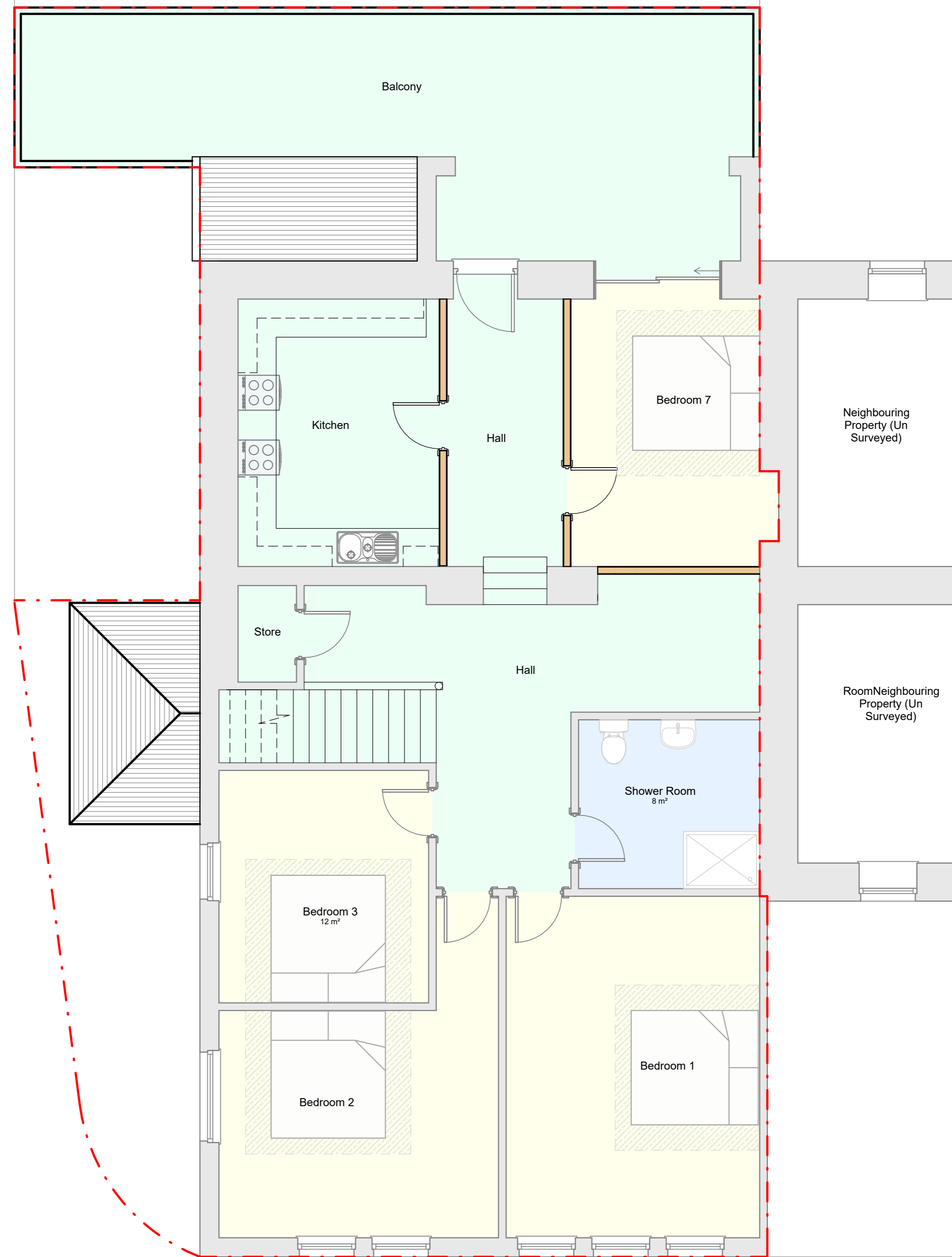
Ground Floor Plan as Existing
1 : 50



First Floor Plan as Existing
1 : 50



Ground Floor Plan as Proposed
1:50

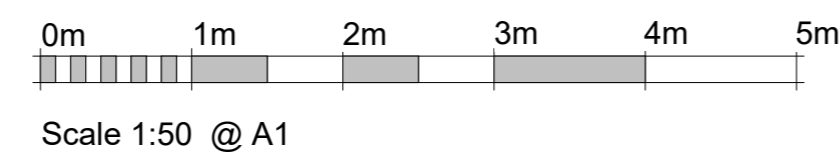


First Floor Plan as Proposed
1:50



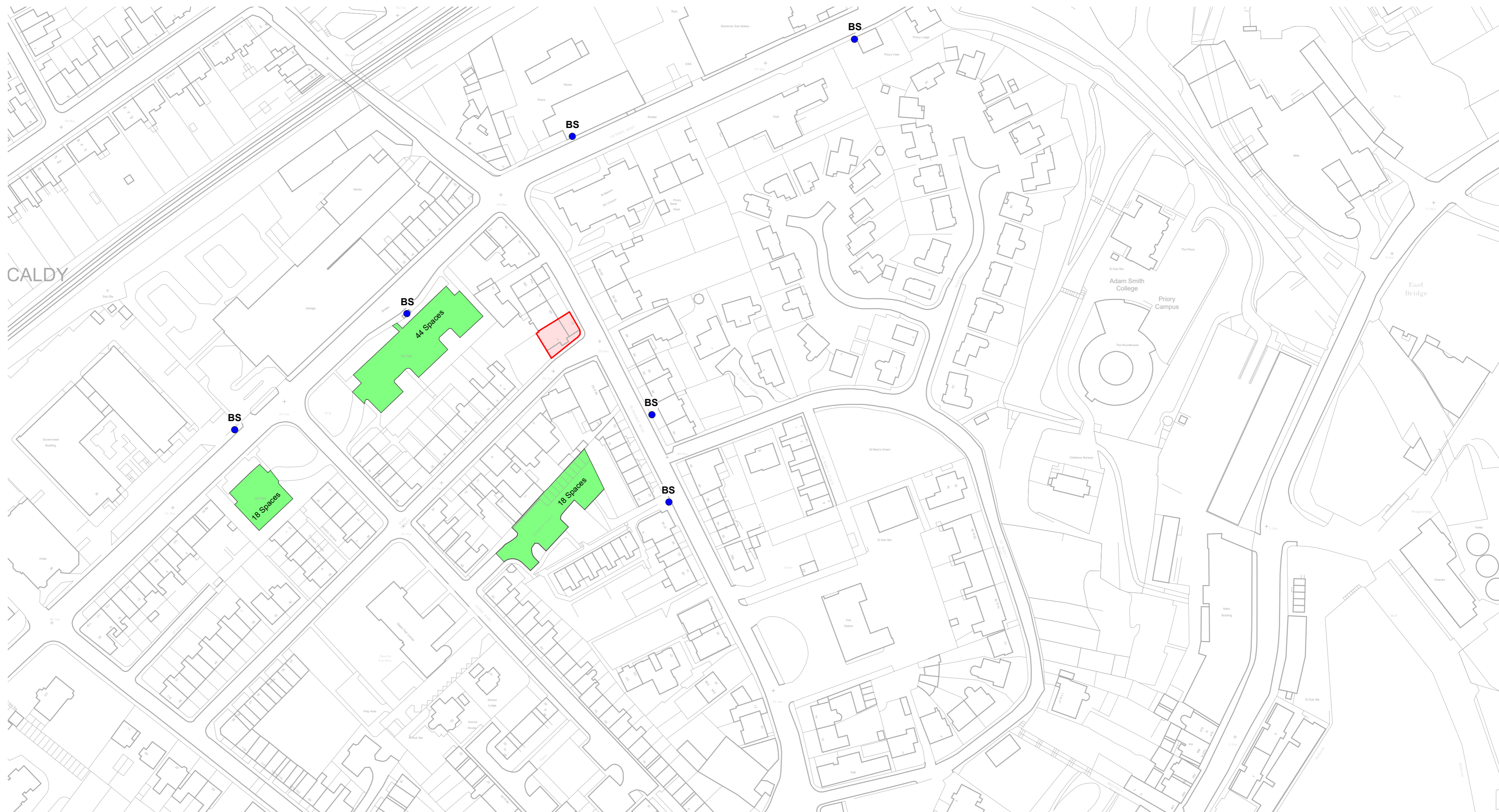
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CLIENT: King Enterprises	DRAWING	PROJECT REFERENCE
PROJECT DETAILS	Floor Plans as Proposed	A23-504
Retrospective Planning Application for 7 Bedroom HMO	DATE	DRAWING NUMBER
	JULY 2024	300
PROJECT ADDRESS	SCALE	REVISION
67 Dunmicker Road, Kilkenny, Fife, KY1 2RL	1:50	

Rev.	Date	Revision Description
DRAWING STATUS		
PLANNING		



Parking and Public Transport Locations

1 : 1250

Legend

- Public Off Street Parking** (Approx 3 min Walking Distance)
- Established Bus Route** (Approx 5 min Walking Distance)
- Application Site**

Rev.	Date	Revision Description
DRAWING STATUS		
PLANNING		



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IF YOU COME ACROSS ANY CONFLICTS IN DIMENSIONS OR DETAILS, PLEASE NOTIFY D7 ARCHITECTURE LTD IMMEDIATELY.

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THE CLIENT MUST APPOINT A PRINCIPAL DESIGNER SEPARATELY TO ENSURE COMPLIANCE WITH THE CURRENT CONSTRUCTION DESIGN MANAGEMENT REGULATIONS.



Scale 1:1250 @ A2

CLIENT: King Enterprises
PROJECT DETAILS
Retrospective Planning Application for 7 Bedroom HMO
PROJECT ADDRESS
67 Dunniker Road, Kirkcaldy, Fife, KY1 2RL

DRAWING	Parking and Public Transport Locations
DATE	JULY 2024
SCALE	As indicated

PROJECT REFERENCE	
A23-504	
DRAWING NUMBER	REVISION
301	

Sheet Size: A2 - 420 mm x 594 mm

D7 Architecture Ltd
David Christie
4 Dunnikier Road
Kirkcaldy
Scotland
KY1 2RN

Planning Services

David Shankland

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/01773/FULL

Date 18th September 2024

Dear Sir/Madam

Application No: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons)
(Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Mr Asif Hussain**, 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,

David Shankland, 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: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/01773/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

Dated: 18th September 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

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

Reference	Plan Description
01	Location Plan
02	Location Plan
03	Floor Plan Existing
04	Floor Plan Proposed
05	Photographs

Dated:18th September 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

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.

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	67 Dunnikier Road, Kirkcaldy, Fife		
PROPOSAL	Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)		
DATE VALID	09/07/2024	PUBLICITY EXPIRY DATE	20/08/2024
CASE OFFICER	David Shankland	SITE VISIT	11/09/2024
WARD	Kirkcaldy East	REPORT DATE	11/09/2024

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

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.

National Planning Framework 4 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.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the Adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site relates to 67 Dunnikier Road which is a two storey dwellinghouse located on the corner of Dunnikier Road and Maria Street. The site itself is defined in the Adopted FIFEplan (2017) as being situated within the settlement envelope of Kirkcaldy. The immediate surrounding area is predominately residential in nature although the site is in close proximity of an allocated Local Shopping Area to the north. To the north, the site bounds onto residential properties; to the east is Dunnikier Road, adjacent to which are further residential properties; to the south the site bounds onto Maria Street, adjacent to which is a commercial unit; and to the west the site bounds onto a brownfield site that has an extant planning permission for the erection of 2 dwellinghouses under planning reference 22/00742/FULL. There is no existing amenity space associated with the existing dwellinghouse or any off-street parking spaces.

1.1.2 The retrospective planning application under consideration follows an earlier planning application that was submitted by the current agent on behalf of the applicant for the same retrospective development under planning reference 23/02953/FULL. That application was refused on road and pedestrian safety grounds in February 2024. The content of the 2023 planning application in addition to the relevant scaled drawings included a Supporting Statement (SS) for consideration. The SS advised at the time that the applicant has been operating the dwellinghouse as a 6-bedroom HMO since they bought the property in 2003. The agent also confirmed during the assessment of that application that the applicant had not however obtained the necessary planning permission for its alleged 6-bedroom HMO use. In this regard, and to establish if the alleged use of the building as a 6-bedroom HMO was lawful and also exempt from enforcement action, the agent was provided advice at the time on an alternative submission to the retrospective planning application that would have been in the form of a Certificate of Lawfulness Existing (CLE). In addition to the relevant completed application form, the agent was advised the applicant would be required to provide sufficient evidence that demonstrated the dwellinghouse had been in use as a 6-bedroom HMO for a continuous period of 10 years or more. A CLE application was not however forthcoming, and the agent confirmed he was instructed by the applicant to proceed with the retrospective planning application as it was their intention to submit an appeal to any refusal notice issued.

1.1.3 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, including those taken from the agent for the current submission for the site, that this is sufficient to determine the proposal.

1.2 Proposal

1.2.1 Planning permission is sought again in retrospect for the change of use from dwellinghouse (Class 9) to HMO (7 persons). In addition to the completed application form, the agent has submitted appropriate scaled drawings in the form of a location plan, block plan and existing and proposed floor plans of the existing dwellinghouse for consideration. No external

works are proposed. In addition to the said scaled drawings of the existing building, the agent has also submitted a location plan that identifies two public car parks and another car park that are located in relatively close proximity to the site on Victoria Road and Berwick Place. Unlike the earlier said 2023 retrospective planning application, the current planning application does not contain a Supporting Statement.

1.3 Planning History

1.3.1 The relevant recent planning history to the site includes the following:

- Planning permission for change of use (including alterations) of commercial to residential (Planning Reference 04/01151/CFULL) was approved subject to conditions in July 2004; and,
- Planning permission for change of use from dwellinghouse (Class 9) to HMO (7 persons) in retrospect (Planning Reference 23/02953/FULL) was refused on road and pedestrian safety grounds in February 2024. No appeal was submitted following refusal of the application.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 Planning Assessment

2.1 Issues to be assessed against the Development Plan are as follows:

- Principle of Development
- Residential Amenity
- Road and Pedestrian Safety

2.2 Principle of Development

2.2.1 The national context for new development is set out within the Adopted National Planning Framework 4 (2023) (NPF4). This document, amongst other matters, emphasises that planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect the long-term public interest. Past, present, and future challenges mean that we will need to make the right choices about where development should be located. The aim is to achieve the right development in the right place.

2.2.2 The application site, as detailed in section 1.1.1, relates to an existing lawful dwellinghouse that is identified within the Adopted Local Plan as being located within the settlement boundary of Kirkcaldy.

2.2.3 Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. In this regard, Policy 15 (a) requires development proposals to contribute to local living including, where relevant, 20 minutes neighbourhoods.

2.2.4 Policy 1, Part A, of the Adopted Local Plan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 2 of the Adopted Local Plan continues that Houses in Multiple Occupancy (HMO) will not be supported if; (1) it is a new dwelling, unless purpose built for HMO use; or (2) it is the conversion of an existing building in an area where restrictions on HMOs are in place.

2.2.5 In this case, the application site is not located within an area where restrictions on HMOs are in place. In simply land use terms, and consistent with the considerations on the earlier 2023 retrospective planning application (Reference 23/02953/FULL), the principle of the use of the dwellinghouse as an HMO is considered to meet the requirements of the Development Plan by virtue of the application site being located within the settlement envelope of Kirkcaldy. Notwithstanding the principle of the retrospective development being looked upon favourable, the overall acceptability of the application is also again however subject to the development satisfying other policy criteria which are considered in detail below.

2.3 Residential Amenity

2.3.1 Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Policies 1 and 10 of the Adopted Local Plan 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.

2.3.2 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.

2.3.3 Consistent with the considerations of the earlier 2023 retrospective planning application, the main consideration in this instance relates directly to any detrimental impact the proposed HMO (7 person) could have on the amenity of adjoining and adjacent residential properties. Again, as detailed in the background section of the report, the immediate surrounding area is predominately residential in nature. It is also acknowledged that the existing 'lawful' use of the building subject to the retrospective planning application is a dwellinghouse. Notwithstanding this, it is also recognised that despite the alleged unauthorised use of the dwellinghouse as a 6-bedroom HMO, this Planning Authority have not received any complaints to date on the alleged retrospective use of the building as an HMO. In light of this, and given the nature of the retrospective use that has its own private access to the building, it continues to be this Planning Authority's considerations that the HMO use of the building would not bring any significant detrimental concerns on the residential amenity of neighbouring residential properties. In this regard, and similar to that of the earlier 2023 retrospective planning application, it is therefore considered that the retrospective submission meets the overall aims and objectives of the Development Plan and relevant supplementary guidance relating to the protection of residential amenity.

2.4 Road and Pedestrian Safety

2.4.1 NPF4 (Sustainable transport) stipulates from the outset that its policy intent in this regard is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 (b) of NPF4, amongst other criteria, elaborates that development proposals will be supported where they are designed to incorporate safety measures for both pedestrians and road users.

2.4.2 Policy 1, Part C, criterion 2, of the Adopted Local Plan requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Making Fife's Places Supplementary Guidance and Fife Council's Transportation Development Guidelines (Appendix G). It is acknowledged from the content of Appendix G that HMO development require the provision of one off-street parking space per bedroom.

2.4.3 Two letters of objection have been received from 3rd parties that are concerned the retrospective HMO increases the demand for on-street parking to the detriment of road and pedestrian safety. In direct response of the submission of the application, Transportation Development Management (TDM) were consulted again and having assessed its content has recommended the retrospective HMO for refusal again in the interests of safeguarding road and pedestrian safety. Within their overall assessment, TDM acknowledged from the outset that the application is for a 7-bedroom HMO that has resulted from the conversion of a lawful 6 bed dwellinghouse. They continue to advise that in accordance with the current Fife Council Making Fife's Places Appendix G, the building's lawful use as a 6-bedroom dwellinghouse would have a notional off-street parking requirement of 3 off-street parking spaces. As detailed above, the lawful dwellinghouse does not however have any off-street parking spaces. TDM continue that the 7-bedroom HMO must have the provision of 1 parking space per bedroom in accordance with Fife Council Making Fife's Places Appendix G. As a result, 7 off-street parking spaces are therefore required for the retrospective HMO under consideration. In this regard, and when considering the lawful planning use of the building as a dwellinghouse, the 7 bed HMO creates an additional shortfall of 4 parking spaces within an area that already has a high demand for the limited on-street parking. As highlighted above, the agent has submitted a location plan with the current planning application that identifies 3 parking areas that are in relatively close proximity to the application site. TDM acknowledge that the two of these consist of public car parks on Victoria Road and the other is a car parking area that is accessed via Berwick Place. On review of these, TDM confirm that the 2 public car parks on Victoria Road are already very well used because of the majority of flats and dwellinghouses within the surrounding area having no dedicated off-street parking. In respect to the parking at Berwick Place, the team acknowledge that this is not actually a public car park and is therefore unlikely to have any spare capacity, as it will already be used by the surrounding residents. Overall, the additional information submitted with the current retrospective planning application does not address the concerns previously expressed by TDM in the earlier 2023 application and the team continue therefore to consider the demand for on-street parking as a result of the 7-bedroom HMO would undoubtedly result in the increase in vehicles parking on the surrounding public roads to the detriment of road and pedestrian safety. As such, TDM have again recommended the application for refusal on

these grounds. This assessment is concurred by this Planning Authority as approval of the application would undoubtedly exacerbate existing on-street parking for other motorists in an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety.

2.4.4 In light of the above, and consistent with that of the earlier 2023 planning application for the site, it is the continued consideration of this Planning Authority that the application fails to accord with the requirements of the Development Plan in relation to road and pedestrian safety. The planning application is therefore specifically contrary to Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted Local Plan and Making Fife's Places Supplementary Guidance - (Appendix G - Fife Council's Transportation Development Guidelines).

CONSULTATION RESPONSES

TDM, Planning Services

Has recommended the application for refusal in the interests of road safety.

Transportation And Environmental Services - Operations Team

Has not responded within the statutory period.

REPRESENTATIONS

2 letters of objection have been received from 3rd parties citing concerns that the development would increase the demand for on-street parking to the detriment of road and pedestrian safety.

CONCLUSION

The development is not considered to accord with the provisions of the Development Plan and its related guidance in terms of road and pedestrian safety. The proposed 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse that would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018). In addition, enforcement action is also considered appropriate for these reasons for the alleged use of the dwellinghouse as a 6-bedroom HMO.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places - Proposed Supplementary Guidance (2018)

Other Guidance

Fife Council's Policy for Development and Noise (2021)

Report prepared by David Shankland, Case Officer and Chartered Planner

Laura Robertson

From: DPEA <Christopher.Kennedy@gov.scot>
Sent: 29 October 2024 12:45
To: Development Central
Subject: PPA-250-2410 Consent Appeal invalid
Attachments: No remit to consider_1044147.pdf; PPA-250-2410_20241029_122704_1.docx

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

Please find attached a document related to the case: PPA-250-2410

Site Address: 67 Dunnikier Road, Kirkcaldy, Fife, KY1 2RL

Case Detail: Change Of Use From Dwellinghouse (Class 9) To Hmo (7 Persons) (Retrospective)

Regards,

Christopher Kennedy



[Case Publication Website](#)

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This email was scanned by Fife Council

Telephone: 0131 244 6901
E-mail: Christopher.Kennedy@gov.scot

Mr D Christie
D7 Architecture Ltd
4 Dunnikier Road
Kirkcaldy
KY1 2RN

Sent by email

Our ref: PPA-250-2410
Planning Authority ref: 24/01773/FULL

29 October 2024

Dear Mr Christie,

**PLANNING PERMISSION APPEAL: 67 DUNNIKIER ROAD, KIRKCALDY, FIFE,
KY1 2RL**

Thank you for the appeal form and supporting information that was received in this office on 21 October 2024. The appeal has now been checked in line with The Town and Country Planning (Appeals) (Scotland) Regulations 2013, and I must inform you that it should have been sent to a Local Review Body.

The planning authority should have advised you which is the appropriate route to challenge in relation to your planning application. On this occasion you should have lodged your appeal with the Local Review Body.

Further information on seeking a local review can be found in Circular 5/2013 <http://www.gov.scot/Publications/2013/12/8902/0>, or alternatively contact Fife Council, the planning authority who dealt with your original application.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/) - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>.

A copy of this letter will be sent to the planning authority, for information.

I trust this explains the position.

Yours sincerely,

Christopher Kennedy

CHRISTOPHER KENNEDY
Case Officer
Planning And Environmental Appeals Division



Telephone: 0131 244 6901
E-mail: Christopher.Kennedy@gov.scot

Fife Council
Sent By E-mail

Our ref: PPA-250-2410
Planning Authority ref: 24/01773/FULL

29 October 2024

Dear To whom it may concern,

**PLANNING PERMISSION APPEAL: 67 DUNNIKIER ROAD, KIRKCALDY, FIFE,
KY1 2RL**

The above appeal was received in this office on 21 October 2024.
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=125641>.

Please find attached a copy of correspondence sent to the appellant/agent, advising that the appeal cannot proceed as the right of appeal is to the Local Review Body.

I trust this explains the position.

Yours sincerely,

Christopher Kennedy

CHRISTOPHER KENNEDY
Case Officer
Planning And Environmental Appeals Division



Telephone: 0131 244 6901
E-mail: Christopher.Kennedy@gov.scot

Mr D Christie
D7 Architecture Ltd
4 Dunnikier Road
Kirkcaldy
KY1 2RN

Our ref: PPA-250-2410
Planning Authority ref: 24/01773/FULL

29 October 2024

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PLANNING PERMISSION APPEAL: 67 DUNNIKIER ROAD KIRKCALDY FIFE KY1 2RL

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I trust this explains the position.

Yours sincerely,

Christopher Kennedy

CHRISTOPHER KENNEDY
Case Officer
Planning And Environmental Appeals Division





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 100649012-004

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Conversion of existing dwelling into a 7 Bedroom HMO.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

13/09/2021

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Applicant was under the impression the development can under permitted development.

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:	D7 Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Christie	Building Number:	4
Telephone Number: *	01592 630600	Address 1 (Street): *	Dunnikier Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkcaldy
Fax Number:		Country: *	Scotland
		Postcode: *	KY1 2RN
Email Address: *	david@d7architecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Asif	Building Number:	38
Last Name: *	Hussain	Address 1 (Street): *	Victoria Road
Company/Organisation	King Enterprises	Address 2:	
Telephone Number: *		Town/City: *	Kirkcaldy
Extension Number:		Country: *	Fife
Mobile Number:		Postcode: *	KY1 1DR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Fife Council

Full postal address of the site (including postcode where available):

Address 1:

67 DUNNIKIER ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KIRKCALDY

Post Code:

KY1 2RL

Please identify/describe the location of the site or sites

Northing

692279

Easting

328188

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

550.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

4 Bedroom Domestic Dwelling

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Commercial Recycling Bins

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

200

If Class 1, please give details of internal floorspace:

Net trading spaces:

200

Non-trading space:

0

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: David Christie

On behalf of: King Enterprises

Date: 09/07/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Christie

Declaration Date: 19/10/2023



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 100649012-008

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:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="38"/>
First Name: *	<input type="text" value="Asif"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hussain"/>	Address 1 (Street): *	<input type="text" value="Victoria Road"/>
Company/Organisation	<input type="text" value="King Enterprises"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="07740432950"/>	Postcode: *	<input type="text" value="KY1 1DR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="asifgb1@yahoo.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="67 DUNNIKIER ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY1 2RL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="692279"/>	Easting	<input type="text" value="328188"/>
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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)

Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)

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.

The property has been used successfully as an HMO for a number of years, with no complaints from members of the public or neighbouring properties. If the application was unsuccessful, the property will still be used as a HMO as a 5 bedroom HMO property in line with the permitted development. The application is for a 7 bedroom HMO. In essence, if the property was to be used as a standard domestic property. There will still be 7 bedrooms.

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)

Plans and supporting statement.

Application Details

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

24/01773/FULL

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

18/07/2024

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

18/09/2024

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

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

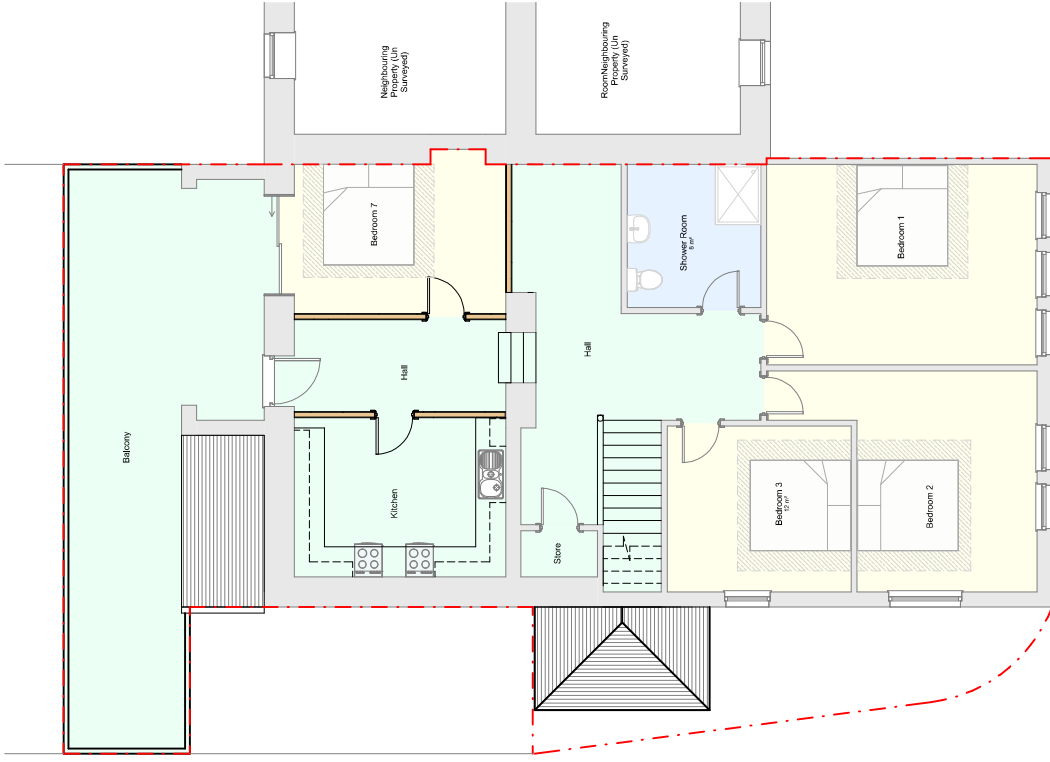
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declare – Notice of Review

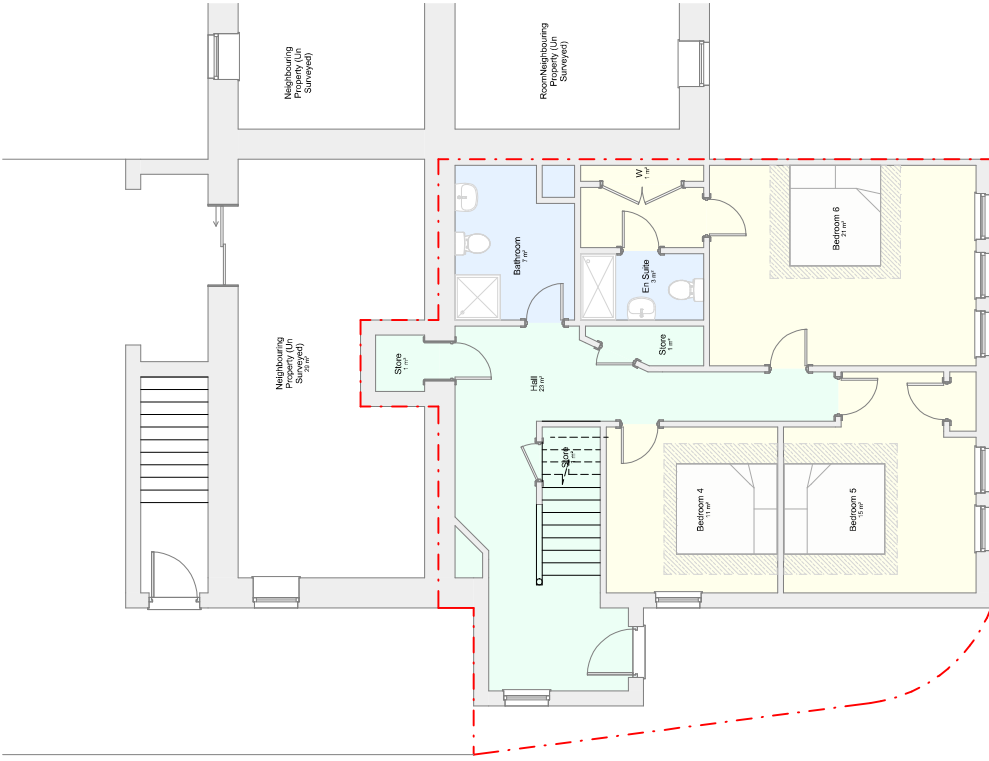
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr David Christie

Declaration Date: 29/10/2024



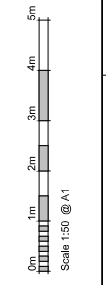
First Floor Plan as Proposed
1:50



Ground Floor Plan as Proposed
1:50



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DATE	15/07/2024
REVISION	300
PROJECT NUMBER	A23-504
PROJECT REFERENCE	PLANNING

CLIENT	WILSON
PROJECT STATUS	PROPOSED
PROJECT NUMBER	A23-504
PROJECT REFERENCE	PLANNING

DATE	15/07/2024
REVISION	300
PROJECT NUMBER	A23-504
PROJECT REFERENCE	PLANNING

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REVISION	300
PROJECT NUMBER	A23-504
PROJECT REFERENCE	PLANNING

Telephone: 0131 244 6901
E-mail: Christopher.Kennedy@gov.scot

Mr D Christie
D7 Architecture Ltd
4 Dunnikier Road
Kirkcaldy
KY1 2RN

Our ref: PPA-250-2410
Planning Authority ref: 24/01773/FULL

29 October 2024

Dear Mr Christie,

PLANNING PERMISSION APPEAL: 67 DUNNIKIER ROAD KIRKCALDY FIFE KY1 2RL

Thank you for the appeal form and supporting information that was received in this office on 21 October 2024. The appeal has now been checked in line with The Town and Country Planning (Appeals) (Scotland) Regulations 2013, and I must inform you that it should have been sent to a Local Review Body.

The planning authority should have advised you which is the appropriate route to challenge in relation to your planning application. On this occasion you should have lodged your appeal with the Local Review Body.

Further information on seeking a local review can be found in Circular 5/2013 <http://www.gov.scot/Publications/2013/12/8902/0>, or alternatively contact Fife Council, the planning authority who dealt with your original application.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/) - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>.

A copy of this letter will be sent to the planning authority, for information.

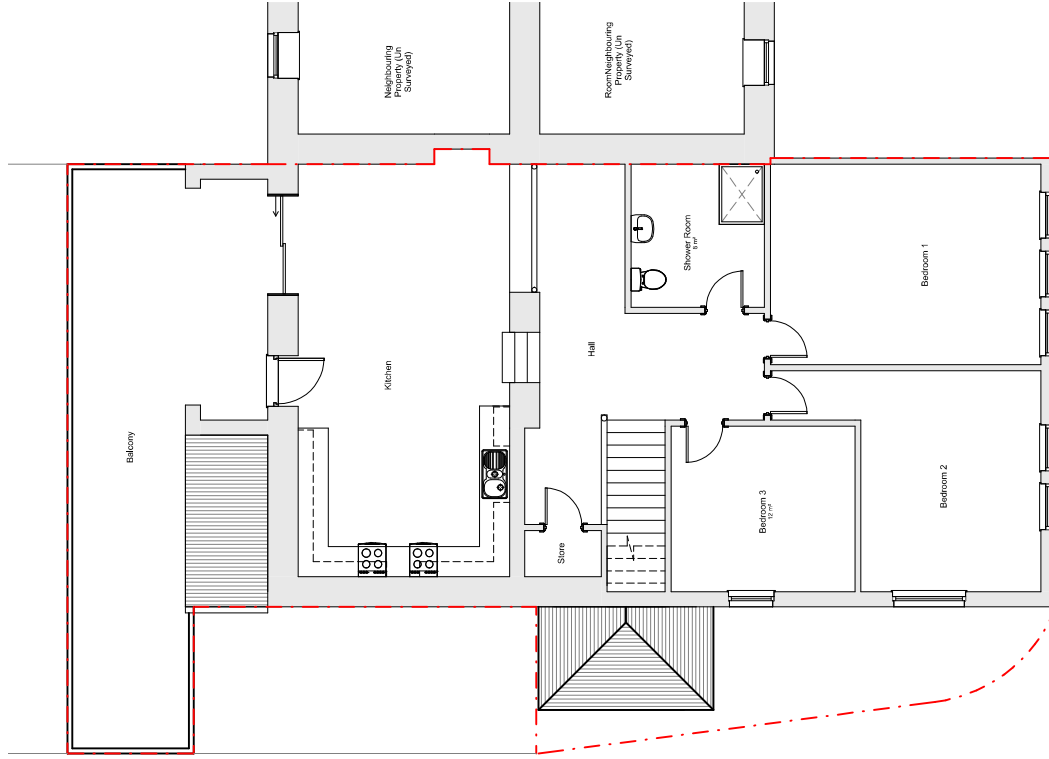
I trust this explains the position.

Yours sincerely,

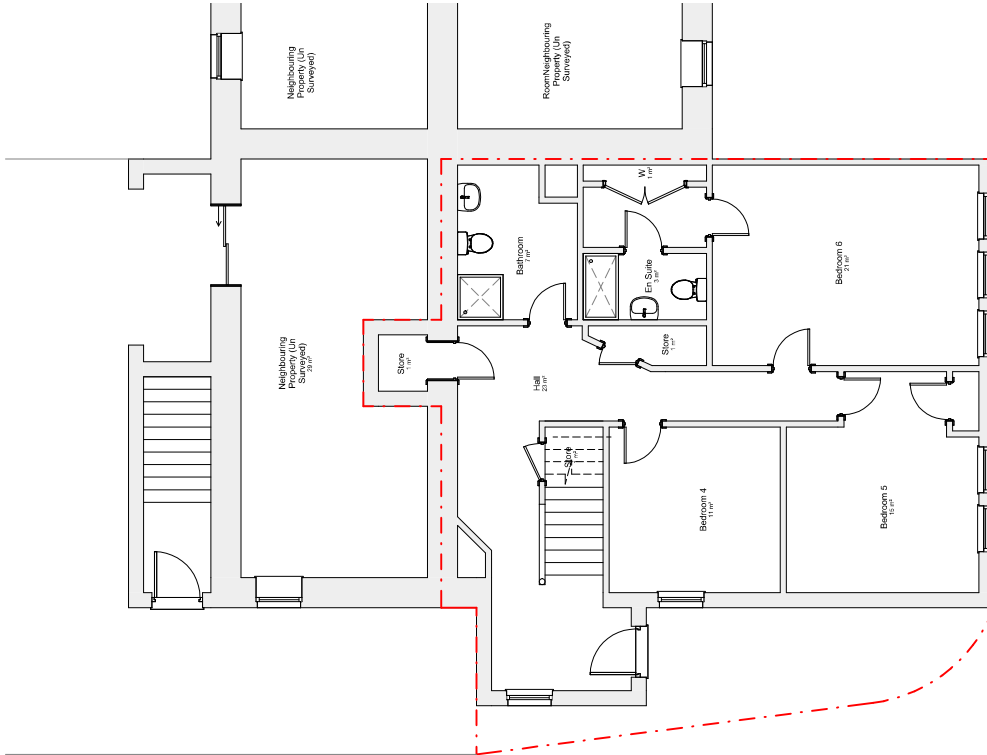
Christopher Kennedy

CHRISTOPHER KENNEDY
Case Officer
Planning And Environmental Appeals Division





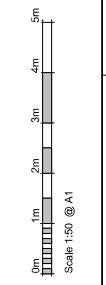
First Floor Plan as Existing
1:50



Ground Floor Plan as Existing
1:50

DATE	NO. OF REVISIONS	REVISIONS
PLANNING		
PROJECT REFERENCE	A23-504	
DATE	JULY 2024	
SCALE	200	

CLIENT / CONSULTANT	
PROJECT DETAILS	Floor Plans as Existing
PROJECT NUMBER	
PROJECT ADDRESS	
PROJECT REFERENCE	
DATE	
SCALE	



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REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	67 Dunnikier Road, Kirkcaldy, Fife		
PROPOSAL	Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)		
DATE VALID	09/07/2024	PUBLICITY EXPIRY DATE	20/08/2024
CASE OFFICER	David Shankland	SITE VISIT	11/09/2024
WARD	Kirkcaldy East	REPORT DATE	11/09/2024

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

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.

National Planning Framework 4 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.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the Adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site relates to 67 Dunnikier Road which is a two storey dwellinghouse located on the corner of Dunnikier Road and Maria Street. The site itself is defined in the Adopted FIFEplan (2017) as being situated within the settlement envelope of Kirkcaldy. The immediate surrounding area is predominately residential in nature although the site is in close proximity of an allocated Local Shopping Area to the north. To the north, the site bounds onto residential properties; to the east is Dunnikier Road, adjacent to which are further residential properties; to the south the site bounds onto Maria Street, adjacent to which is a commercial unit; and to the west the site bounds onto a brownfield site that has an extant planning permission for the erection of 2 dwellinghouses under planning reference 22/00742/FULL. There is no existing amenity space associated with the existing dwellinghouse or any off-street parking spaces.

1.1.2 The retrospective planning application under consideration follows an earlier planning application that was submitted by the current agent on behalf of the applicant for the same retrospective development under planning reference 23/02953/FULL. That application was refused on road and pedestrian safety grounds in February 2024. The content of the 2023 planning application in addition to the relevant scaled drawings included a Supporting Statement (SS) for consideration. The SS advised at the time that the applicant has been operating the dwellinghouse as a 6-bedroom HMO since they bought the property in 2003. The agent also confirmed during the assessment of that application that the applicant had not however obtained the necessary planning permission for its alleged 6-bedroom HMO use. In this regard, and to establish if the alleged use of the building as a 6-bedroom HMO was lawful and also exempt from enforcement action, the agent was provided advice at the time on an alternative submission to the retrospective planning application that would have been in the form of a Certificate of Lawfulness Existing (CLE). In addition to the relevant completed application form, the agent was advised the applicant would be required to provide sufficient evidence that demonstrated the dwellinghouse had been in use as a 6-bedroom HMO for a continuous period of 10 years or more. A CLE application was not however forthcoming, and the agent confirmed he was instructed by the applicant to proceed with the retrospective planning application as it was their intention to submit an appeal to any refusal notice issued.

1.1.3 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, including those taken from the agent for the current submission for the site, that this is sufficient to determine the proposal.

1.2 Proposal

1.2.1 Planning permission is sought again in retrospect for the change of use from dwellinghouse (Class 9) to HMO (7 persons). In addition to the completed application form, the agent has submitted appropriate scaled drawings in the form of a location plan, block plan and existing and proposed floor plans of the existing dwellinghouse for consideration. No external

works are proposed. In addition to the said scaled drawings of the existing building, the agent has also submitted a location plan that identifies two public car parks and another car park that are located in relatively close proximity to the site on Victoria Road and Berwick Place. Unlike the earlier said 2023 retrospective planning application, the current planning application does not contain a Supporting Statement.

1.3 Planning History

1.3.1 The relevant recent planning history to the site includes the following:

- Planning permission for change of use (including alterations) of commercial to residential (Planning Reference 04/01151/CFULL) was approved subject to conditions in July 2004; and,
- Planning permission for change of use from dwellinghouse (Class 9) to HMO (7 persons) in retrospect (Planning Reference 23/02953/FULL) was refused on road and pedestrian safety grounds in February 2024. No appeal was submitted following refusal of the application.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 Planning Assessment

2.1 Issues to be assessed against the Development Plan are as follows:

- Principle of Development
- Residential Amenity
- Road and Pedestrian Safety

2.2 Principle of Development

2.2.1 The national context for new development is set out within the Adopted National Planning Framework 4 (2023) (NPF4). This document, amongst other matters, emphasises that planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect the long-term public interest. Past, present, and future challenges mean that we will need to make the right choices about where development should be located. The aim is to achieve the right development in the right place.

2.2.2 The application site, as detailed in section 1.1.1, relates to an existing lawful dwellinghouse that is identified within the Adopted Local Plan as being located within the settlement boundary of Kirkcaldy.

2.2.3 Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. In this regard, Policy 15 (a) requires development proposals to contribute to local living including, where relevant, 20 minutes neighbourhoods.

2.2.4 Policy 1, Part A, of the Adopted Local Plan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 2 of the Adopted Local Plan continues that Houses in Multiple Occupancy (HMO) will not be supported if; (1) it is a new dwelling, unless purpose built for HMO use; or (2) it is the conversion of an existing building in an area where restrictions on HMOs are in place.

2.2.5 In this case, the application site is not located within an area where restrictions on HMOs are in place. In simply land use terms, and consistent with the considerations on the earlier 2023 retrospective planning application (Reference 23/02953/FULL), the principle of the use of the dwellinghouse as an HMO is considered to meet the requirements of the Development Plan by virtue of the application site being located within the settlement envelope of Kirkcaldy. Notwithstanding the principle of the retrospective development being looked upon favourable, the overall acceptability of the application is also again however subject to the development satisfying other policy criteria which are considered in detail below.

2.3 Residential Amenity

2.3.1 Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Policies 1 and 10 of the Adopted Local Plan 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.

2.3.2 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.

2.3.3 Consistent with the considerations of the earlier 2023 retrospective planning application, the main consideration in this instance relates directly to any detrimental impact the proposed HMO (7 person) could have on the amenity of adjoining and adjacent residential properties. Again, as detailed in the background section of the report, the immediate surrounding area is predominately residential in nature. It is also acknowledged that the existing 'lawful' use of the building subject to the retrospective planning application is a dwellinghouse. Notwithstanding this, it is also recognised that despite the alleged unauthorised use of the dwellinghouse as a 6-bedroom HMO, this Planning Authority have not received any complaints to date on the alleged retrospective use of the building as an HMO. In light of this, and given the nature of the retrospective use that has its own private access to the building, it continues to be this Planning Authority's considerations that the HMO use of the building would not bring any significant detrimental concerns on the residential amenity of neighbouring residential properties. In this regard, and similar to that of the earlier 2023 retrospective planning application, it is therefore considered that the retrospective submission meets the overall aims and objectives of the Development Plan and relevant supplementary guidance relating to the protection of residential amenity.

2.4 Road and Pedestrian Safety

2.4.1 NPF4 (Sustainable transport) stipulates from the outset that its policy intent in this regard is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 (b) of NPF4, amongst other criteria, elaborates that development proposals will be supported where they are designed to incorporate safety measures for both pedestrians and road users.

2.4.2 Policy 1, Part C, criterion 2, of the Adopted Local Plan requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Making Fife's Places Supplementary Guidance and Fife Council's Transportation Development Guidelines (Appendix G). It is acknowledged from the content of Appendix G that HMO development require the provision of one off-street parking space per bedroom.

2.4.3 Two letters of objection have been received from 3rd parties that are concerned the retrospective HMO increases the demand for on-street parking to the detriment of road and pedestrian safety. In direct response of the submission of the application, Transportation Development Management (TDM) were consulted again and having assessed its content has recommended the retrospective HMO for refusal again in the interests of safeguarding road and pedestrian safety. Within their overall assessment, TDM acknowledged from the outset that the application is for a 7-bedroom HMO that has resulted from the conversion of a lawful 6 bed dwellinghouse. They continue to advise that in accordance with the current Fife Council Making Fife's Places Appendix G, the building's lawful use as a 6-bedroom dwellinghouse would have a notional off-street parking requirement of 3 off-street parking spaces. As detailed above, the lawful dwellinghouse does not however have any off-street parking spaces. TDM continue that the 7-bedroom HMO must have the provision of 1 parking space per bedroom in accordance with Fife Council Making Fife's Places Appendix G. As a result, 7 off-street parking spaces are therefore required for the retrospective HMO under consideration. In this regard, and when considering the lawful planning use of the building as a dwellinghouse, the 7 bed HMO creates an additional shortfall of 4 parking spaces within an area that already has a high demand for the limited on-street parking. As highlighted above, the agent has submitted a location plan with the current planning application that identifies 3 parking areas that are in relatively close proximity to the application site. TDM acknowledge that the two of these consist of public car parks on Victoria Road and the other is a car parking area that is accessed via Berwick Place. On review of these, TDM confirm that the 2 public car parks on Victoria Road are already very well used because of the majority of flats and dwellinghouses within the surrounding area having no dedicated off-street parking. In respect to the parking at Berwick Place, the team acknowledge that this is not actually a public car park and is therefore unlikely to have any spare capacity, as it will already be used by the surrounding residents. Overall, the additional information submitted with the current retrospective planning application does not address the concerns previously expressed by TDM in the earlier 2023 application and the team continue therefore to consider the demand for on-street parking as a result of the 7-bedroom HMO would undoubtedly result in the increase in vehicles parking on the surrounding public roads to the detriment of road and pedestrian safety. As such, TDM have again recommended the application for refusal on

these grounds. This assessment is concurred by this Planning Authority as approval of the application would undoubtedly exacerbate existing on-street parking for other motorists in an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety.

2.4.4 In light of the above, and consistent with that of the earlier 2023 planning application for the site, it is the continued consideration of this Planning Authority that the application fails to accord with the requirements of the Development Plan in relation to road and pedestrian safety. The planning application is therefore specifically contrary to Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted Local Plan and Making Fife's Places Supplementary Guidance - (Appendix G - Fife Council's Transportation Development Guidelines).

CONSULTATION RESPONSES

TDM, Planning Services	Has recommended the application for refusal in the interests of road safety.
Transportation And Environmental Services - Operations Team	Has not responded within the statutory period.

REPRESENTATIONS

2 letters of objection have been received from 3rd parties siting concerns that the development would increase the demand for on-street parking to the detriment of road and pedestrian safety.

CONCLUSION

The development is not considered to accord with the provisions of the Development Plan and its related guidance in terms of road and pedestrian safety. The proposed 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse that would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018). In addition, enforcement action is also considered appropriate for these reasons for the alleged use of the dwellinghouse as a 6-bedroom HMO.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

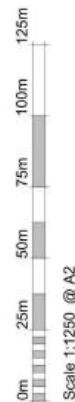
Development Plan
National Planning Framework 4 (2023)
Adopted FIFEplan (2017)
Making Fife's Places - Proposed Supplementary Guidance (2018)

Other Guidance
Fife Council's Policy for Development and Noise (2021)

Report prepared by David Shankland, Case Officer and Chartered Planner



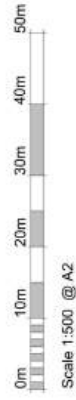
Location Plan
1:1250



Scale 1:1250 @ A2



Block Plan
1:500



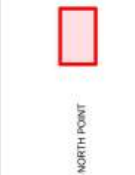
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KEY LEGEND



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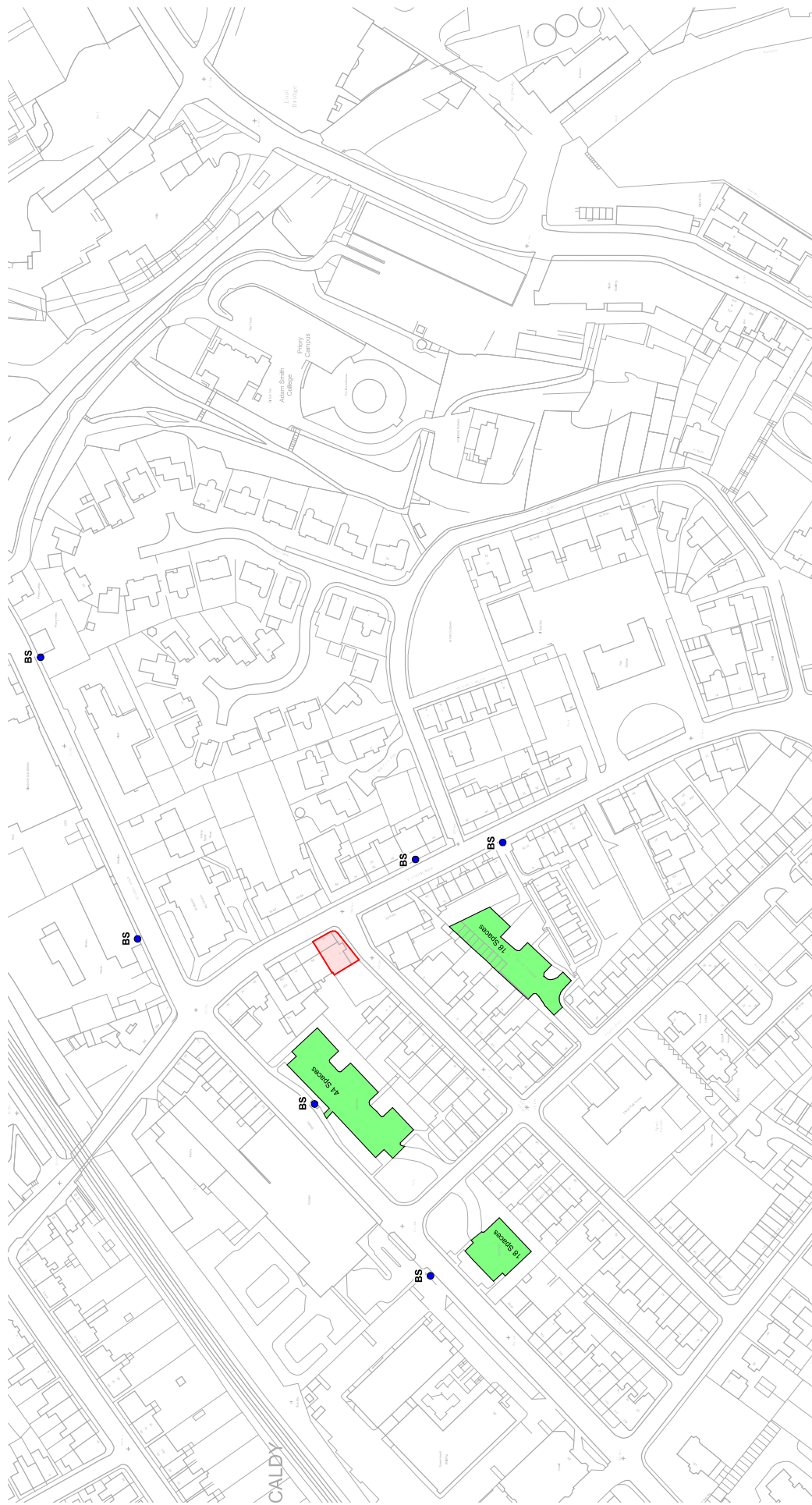
CLIENT: Any Churches
PROJECT DETAILS: Resubmission Planning Application for 7 Baxton Road
PROJECT ADDRESS: 17 Church Hill, Killybegs, Fife, KY1 2BL

DRAWING: Location and Block Plan
DATE: JULY 2024
SCALE: As Indicated

PROJECT REFERENCE: A23-504
DRAWING NUMBER: 100

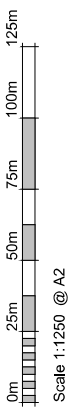
PLANNING

Rev.	Date	Revised Description



Parking and Public Transport Locations
1:1250

- Legend**
- Public Off Street Parking (Approx. 3 min Walking Distance)
 - BS Established Bus Route (Approx. 5 min Walking Distance)
 - Application Site



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CLIENT: King Enterprises
PROJECT DETAILS: Retrospective Planning Application for 7 Barrooms (AO)
PROJECT ADDRESS: 67 Dumbarton Road, Kilmarnock, PA1 1SL

DRAWING: Parking and Public Transport Locations
DATE: JULY 2024
SCALE: As indicated

DRAWING STATUS	PROJECT REFERENCE
PLANNING	A23-504
DRAWING NUMBER	REVISION
301	

D7 Architecture Ltd
David Christie
4 Dunnikier Road
Kirkcaldy
Scotland
KY1 2RN

Planning Services

David Shankland

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/01773/FULL

Date 18th September 2024

Dear Sir/Madam

Application No: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons)
(Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Mr Asif Hussain**, 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,

David Shankland, 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: 24/01773/FULL
Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)
Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/01773/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

Dated:18th September 2024

Derek Simpson

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	Location Plan
03	Floor Plan Existing
04	Floor Plan Proposed
05	Photographs

Dated:18th September 2024

Derek Simpson

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.

Proposal Details

Proposal Name	100649012
Proposal Description	Conversion of existing dwelling into a 7 bedroom HMO
Address	67 DUNNIKIER ROAD, KIRKCALDY, KY1 2RL
Local Authority	Fife Council
Application Online Reference	100649012-008

Application Status

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

Attachment Details

Notice of Review	System	A4
Refusal Notice	Attached	Not Applicable
Handling Report	Attached	Not Applicable
Application Form	Attached	Not Applicable
LOCATION_PLAN__AND_BLOCK_PLAN	Attached	A2
DEPA Reposne	Attached	Not Applicable
EXISTING_FLOOR_PLANS	Attached	A1
LOCATION_PLAN__PARKING_AND_PUBLIC_TRANSPORT	Attached	A1
300 - Floor Plans as Proposed	Attached	A1
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-008.xml	Attached	A0

Proposal Details

Proposal Name	100649012
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Address	67 DUNNIKIER ROAD, KIRKCALDY, KY1 2RL
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EXISTING_FLOOR_PLANS	Attached	A1
LOCATION_PLAN__PARKING_AND_PUBLIC_TRANSPORT	Attached	A1
300 - Floor Plans as Proposed	Attached	A1
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-008.xml	Attached	A0

Agenda Item 6(4)

**67 Dunnikier Road, Kirkcaldy, KY1 2RL
Application No. 24/01773/FULL**

Representation(s)

Comments for Planning Application 24/01773/FULL

Application Summary

Application Number: 24/01773/FULL

Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)

Case Officer: David Shankland

Customer Details

Name: Mrs Sandra Plummer

Address: 56 Dunnikier Road Kirkcaldy Fife KY1 2RL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are no parking facilities for another 7 households to live in this area, as a family we tried to get permission to renovate the house I live into apartments 30 years ago & there was not enough parking facilities then, nothing has changed .

Comments for Planning Application 24/01773/FULL

Application Summary

Application Number: 24/01773/FULL

Address: 67 Dunnikier Road Kirkcaldy Fife KY1 2RL

Proposal: Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)

Case Officer: David Shankland

Customer Details

Name: Mrs Lianne Aird

Address: 64 Dunnikier Road Kirkcaldy Fife KY1 2RL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Object to this property changing to a 7 persons use. The noise, rubbish and amount of vehicles added from this one address is bad enough. We've had to approach this property before as they leave all the blinds and curtains open on an evening and we are subjected to male genitals on full view! As neighbours we do not want anyone more issues arising from this property.

Agenda Item 6(4)

**67 Dunnikier Road, Kirkcaldy, KY1 2RL
Application No. 24/01773/FULL**

Consultee Comments

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	24/01773/FULL
	Change of Use from Dwellinghouse to 7 Bed HMO (Retrospective) at 67 Dunnikier Road, Kirkcaldy
Date:	19th August 2024
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

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 retrospective application is for a 7 bed HMO that has been created previously with the conversion of a 6 bed dwellinghouse. The application appears very similar to the previous application (23/02953/full) that TDM recommended for refusal.
- 1.2 According to the current Fife Council Making Fife's Places Appendix G, the former use as a 6 bedroom dwelling would have had a notional off-street parking requirement of 3 off-street parking spaces. However, no off-street parking spaces existed for the 6 bed dwelling.

The proposed 7 bedroom HMO must have the provision of 1 parking space per bedroom in accordance with Appendix G and therefore has a notional off-street parking requirement of 7 parking spaces. No off-street parking exists for the HMO.

Therefore, the 7 bed HMO creates an additional shortfall of 4 parking spaces when compared against the former use.

1.3 The agent has submitted a location plan that identifies the two public car parks on Victoria Road and another car parking area that is accessed via Berwick Place. The 2 public car parks on Victoria Road are already very well used as a result of the majority of flats and dwellinghouses within the surrounding area having no dedicated off-street parking.

The parking at Berwick Place is not a public car park and is unlikely to have any spare capacity, as it will already be used by the surrounding residents.

2.0 CONCLUSIONS

2.1 The 7 bed HMO would create an additional shortfall of 4 parking spaces within an area that already experiences a high demand for the limited on-street and parking that is available. The increase in vehicles parking on the surrounding public roads would be to the detriment of road and pedestrian safety.

3.0 RECOMMENDATIONS

3.1 Refusal.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service 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.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 19/08/2024

E-mail: andy.forrester@fife.gov.uk

Number: 03451 555555 extension 480211