Fife Planning Review Body

FPRB Reference: 24/402

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: Land To South Somerville Avenue, Dunfermline, Fife
* Application for review by Mr David Gray against the decision by an appointed officer of Fife Council
* Application 24/00739/PPP for Planning permission in principle for the erection of dwellinghouse (Class 9) and associated works
* Application Drawings:

01 - Location Plan, 02 - Supporting Statement, 03 - Low Carbon Sustainability Checklist, 04 - Report, 05 - Report,

* No Site Inspection took place.

Date of Decision Notice: 13th January 2025

**Decision**

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

**1.0  Preliminary**

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

1.2 The above application for Planning Permission in Principle was considered by the FPRB at its meeting on 16 December 2024.   The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik, Ken Caldwell and Lesley Backhouse.

**2.0  Proposal**

2.1 This application relates to an area of land measuring approximately 780m2 located within the Dunfermline settlement boundary. The site is currently part of an arable field and is bounded by agricultural land to the south and west, Somerville Avenue to the north and a private vehicle road to the east. The site would be accessed via Sommerville Avenue to the north.

2.2 This application seeks planning permission, in principle, for the erection of a dwellinghouse and associated works.

**3.0  Reasoning**

3.1 The FPRB considered the principle of the proposed development and whether the proposal complied with FIFEplan Policy 1 Development Principles and DUN035 Strategic Land Allocation and prejudiced the future delivery of the allocation.

3.2 THE FPRB found that:

* The proposed use was compatible with the allocation within FIFEplan, however, the proposal for an individual dwelling did not meet the requirements of the DUN035 allocation in FIFEplan which requires a masterplan and design framework to be prepared and agreed for the allocation.
* The FPRB agreed that the proposal for an individual unit could prejudice future options for delivering strategic infrastructure requirements for the delivery of the DUN 035 Strategic Land Allocation.
* The proposal did not comply with FIFEplan Policy 1 Development Principles Part (C) by not meeting the requirements to provide design briefs or development frameworks for the site.

3.3 The FPRB considered whether there were any material considerations associated with the proposal. The FPRB considered that there were no material considerations that should be afforded significant weight sufficient to set aside the decision in accordance with the Development Plan.

3.4 Overall, the FPRB concluded that the principle of development would not be acceptable as the proposal did not comply with Policy 1 Development Principles Part (C) or the requirements set out in DUN035 Strategic Land Allocation. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position.  The FPRB therefore decided that planning permission should be refused, upholding the Appointed Officer’s decision.

**4.0** **Decision**

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

1. In the interest of safeguarding the delivery of DUN035 Strategic Land Allocation. The proposed development could prejudice the future delivery of the DUN035 Strategic Land Allocation and no development framework/masterplan has been submitted with this application. The proposed development is therefore contrary to Policy 1: Development Principles of the Adopted FIFEplan Local Development Plan.

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Proper Officer

**NOTICE TO ACCOMPANY REFUSAL ETC.**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or*

*on the grant of permission subject to conditions*

**NOTICE TO ACCOMPANY REFUSAL ETC.**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

1. If the applicant is aggrieved by the decision of the planning authority -

(a) to refuse permission for the proposed development;

(b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or

(c) to grant permission or approval, consent or agreement subject to conditions,

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

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