

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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Decision by Roger Wilson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/250/847
- Site address: Land at Moor Road, Ceres
- Appeal by Lomond Group against the decision by Fife Council.
- Application for outline planning permission ref. 08/00395/EOPP dated 8 February 2008 refused by notice dated 17 December 2008.
- The development proposed: Housing and associated road works, landscaping and formation of sustainable urban drainage system.
- Application drawings:
- Date of site visit by Reporter: 23 April 2009

Date of appeal decision: 2 July 2009

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### Decision

**I dismiss the appeal and refuse outline planning permission.**

### Reasoning

1. The determining issues in this appeal are whether the proposal accords with the development plan and if not, whether material considerations indicate otherwise.
2. The appeal site is about 2.8ha in size, located on the north-western edge of Ceres, an attractive traditional Scottish village approx 5km southeast of Cupar. The site is undeveloped pastureland bounded by open countryside to the north and west, the rear gardens of houses on Moor Road to the east and Gladney to the south. A footpath runs from Gladney around the east and north boundary linking into the top of Moor Road.
3. The site is not included within the adopted local plan for residential development. Neither is the site within the settlement boundary of Ceres. It therefore can be regarded as housing in the countryside for which the St Andrews Local Plan (LP) policies E15, H2 and H4 are relevant. The development of about 50 houses on greenfield land unallocated for housing would not comply with any of the criteria set out in these policies, e.g. housing for agricultural/forestry workers, necessity for a rural location, conversions and renovations, use of brownfield sites, infilling or exclusively for affordable housing.

4. The Fife Structure Plan 2006-2026 (SP) was approved by Ministers on 22 May 2009 and both main parties were given the opportunity to comment on the approved version. In general terms, the strategic objectives include new house building to be focused in mid- and west-Fife with a smaller land requirement in northeast Fife (paragraph 1.12). In order to meet those objectives, it expects smaller-scale development in those settlements to be identified through local plans (paragraph 2.5). Within the Cupar and Northwest Fife Housing Market Area and taking account of existing housing land supply, land for 1400 houses in the period to 2026 will be identified, of which 1200 will come from 'Strategic Land Allocations to Settlements'; a further 200 units of Additional Strategic Supply (Proposal PH3) arising from Proposal PH1 will be required in 5-year tranches: 2006-2011 – Nil; 2011-2016 – 70; 2016-2021 – 70; and 2021-2026 – 60. The focus of the 1200 units will be on sites to the north of Cupar and other smaller sites, while the 200 units in PH3 "may be assigned to Cupar North following further assessments considered through the Local Plan and masterplan". From this, it seems to me that there is no immediate or pressing need for this site to meet that supply. Indeed, the reductions set out in PH2 in the period 2006-2011 from 50 to nil and in PH3 over the same period from 10 to nil reinforce my belief that bringing forward this site for development ahead of a local plan review is premature. Neither does the proposal meet the strategic SP aims of using brownfield land where possible, and the identification of future housing land through local plans (SP policy H2).

5. I have considered the other policy matters referred to in the representations, and while this proposal is in outline, I am satisfied that affordable housing could be incorporated, compliant with SP policy H4 and LP policy H6. Safeguarding prime agricultural land is not critical because the site is not prime agricultural land. Policies on density (SP H6), the provision of open space (LP I11), garden ground and design standards (LP E16 and H5) and residential amenity (LP E3) could be met by more detailed proposals.

6. The council's Education Service indicated that a financial contribution was required to address the school shortfall as required by SP policies SS1, DC1 and LP policies I1 and H5. SEPA also objected on the grounds that insufficient information had been provided, contrary to LP policies I1, I17 and H5, to show that the site was not at risk from flooding. However, the council report indicated that this could be addressed at a detailed stage.

7. The site is separated from the Ceres Conservation Area by some distance and in my opinion, the development would have little impact on its character or appearance. The site is a candidate Area of Great Landscape Value (AGLV) where the site's landscape character is defined as 'Pronounced Volcanic Hills and Valleys' which includes uplands leading to hills, burns, woodlands steadings and other buildings well-related to landform, and the lack of villages or larger settlements. From my site inspection, the site would be an extension to the current village, but it would nevertheless be a prominent feature on a rising slope, particularly when seen from the southeast. The structure plan expects local plans to detail policies to retain and enhance landscape settings of Fife's towns and villages.

8. The impact on traffic within Ceres was assessed by the council's Transportation Services as not requiring a Transport Impact Assessment (TIA). However, the private road access currently serves 3 properties and is required for turning and manoeuvring into/out from those properties; and an existing garage impedes visibility for vehicles negotiating the access. Transport Services also required a mini-roundabout at the junction of the road with

Moor Road, and this would involve 3<sup>rd</sup> party land. From my site inspection, and notwithstanding the affirmative views of Transportation Services, the implications of additional traffic from 50 houses on roads within Ceres are also uncertain. Taken together, and not discounting the possible use of conditions, there are unresolved matters that justify a TIA, and without it, compliance with SP policy T1 is doubtful.

9. Taken together, and based mainly on the principle of housing use, the proposal does not accord with the development plan, so I will now go on to consider other material considerations.

#### The emerging local plan

10. The adopted local plan dates from 1996 and is therefore somewhat old in the scale of local planning. The Finalised Draft St Andrews and East Fife Local Plan (FLP) policies have been approved by the council, but the plan has not yet been the subject of a public inquiry. With the SP housing strategy setting out the countywide housing allocations, and with the emphasis on local plan allocations, the council may wish to review the emerging plan to accord with the SP strategy. From the FLP, policy E16 reaffirms the adopted policy stance while adding 3 more criteria for support: e.g. small-scale affordable housing, within a defined cluster, or for the rebuilding to modern standards of an existing property. Policy E1 requires compliance with FLP policies E15-E28 while FLP policy E15 requires compliance with FLP policy E16. The FLP shows the site as h11, designated for housing, although the site was not included in the consultative draft of the FLP and therefore unavailable for public comment or representation. Moreover, the FLP has not yet been put on deposit for further public comment or representation. From the submissions on this appeal, the degree of assessment of this or other sites in Ceres is unclear. When added to the SP strategy, and a possible local review, there is significant doubt about the weight one can attach to the appeal site's designation. With all these factors in mind, I consider the proposal to be premature.

#### National policies and guidance

11. SPP1 supports the presumption in favour of the development plan, but recognises the importance of up to date policies and the responsiveness to local needs and the wider community interest. It also promotes the use of previously developed land and better access by sustainable transport modes, while SPP3 and SPP15 refer, among other things, to residential development being contained within existing settlements. SPP3 also supports the use of development plans as the preferred method of housing land delivery. The use of greenfield land for housing extensions has very guarded approval, and in all these circumstances, I am not satisfied that this development would be justified. SPP15 is also couched in guarded terms, and while there is some support for the principle of rural housing, it is not clear that this proposal fits the expectations of the policy, particularly in its fits to the landscape.

12. Drawing these strands together, the proposal does not meet the terms of the adopted local plan or the strategic aims of the approved structure plan. The inclusion of this site within the emerging local plan does not, in my opinion over-ride the presumption to refuse outline planning permission in this case, particularly having regard to the stage the emerging local plan has reached and the strategy of the more recently approved structure

plan. The national policies do not support an alternative reasoning, and for these reasons I have refused outline planning permission.

***This is a true and certified copy of the decision issued on 2 July 2009***

ROGER WILSON  
Reporter