



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

Local Review Body

Tuesday 13 December 2022 at 9.00 am

**The meeting will take place via
Video Conference (MS Teams)**

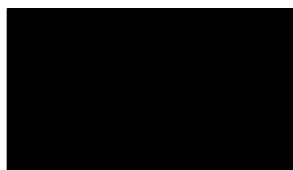
Scheme of Delegation: Duties and Responsibilities Delegated to Committees

Local Review Body

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

5 December 2022

MEETING of the LOCAL REVIEW BODY will be held via Video Conference, on TUESDAY 13 DECEMBER 2022 at 9.00 AM.



**LEE ROBERTSON
Solicitor, Legal Services**

B U S I N E S S

Page No.

- | | | |
|----|---|----|
| 1. | Apologies | -- |
| 2. | Declarations of Interest
Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer. | -- |

3. **Notice of Review: Change of Use of Agricultural Land to Garden Ground. (Planning Application Reference: 22/00155/FULL) at 49 Ochil Road, Menstrie, FK11 7BP**

**Applicants: Mr Paul Aldred and Mrs Helen Aldred
Agent: Ms Tracy Hughes, TH consulting**

Documents enclosed:

- | | | |
|----|--|----|
| a. | Notice of Review Application (including Report of Handling and Decision Notice) 18-08-22 | 05 |
| b. | Letter of Acknowledgement from Clerk 01-11-22 | 35 |
| c. | Letter to Interested Parties with List of Recipients 01-11-22 | 37 |
| d. | Combined responses from interested parties | 39 |
| e. | Applicant response to interested parties' comments 29-11-22 | 47 |
| f. | Original Planning Application | 53 |

Members of the Local Review Body:

Councillor Denis Coyne (Convener)

Councillor Jane McTaggart

Councillor Kenneth Earle

Plans and papers relating to the applications and reviews can be viewed online at www.clacks.gov.uk



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.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 100598162-001

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:

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="Tracy Hughes Consulting Limited"/>
First Name: *	<input type="text" value="Paul and Helen"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Aldred"/>	Address 1 (Street): *	<input type="text" value="Royal Crescent"/>
Company/Organisation	<input type="text" value="c/o"/>	Address 2:	<input type="text" value="c/o Benham Conway"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="G3 7SL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire 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

Northing	<input type="text" value="697103"/>	Easting	<input type="text" value="284996"/>
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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)

See Review Statement submitted in support of the request

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.

See Review Statement

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)

Review Statement and enclosures

Application Details

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

22/00155/FUL

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

11/05/2022

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

12/07/2022

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection to understand there will be no harm to amenity and appreciated that the area of ground is maintained as if it were private garden.

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)

The owner can arrange access

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

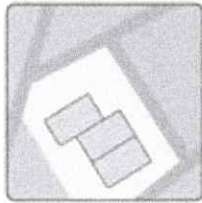
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

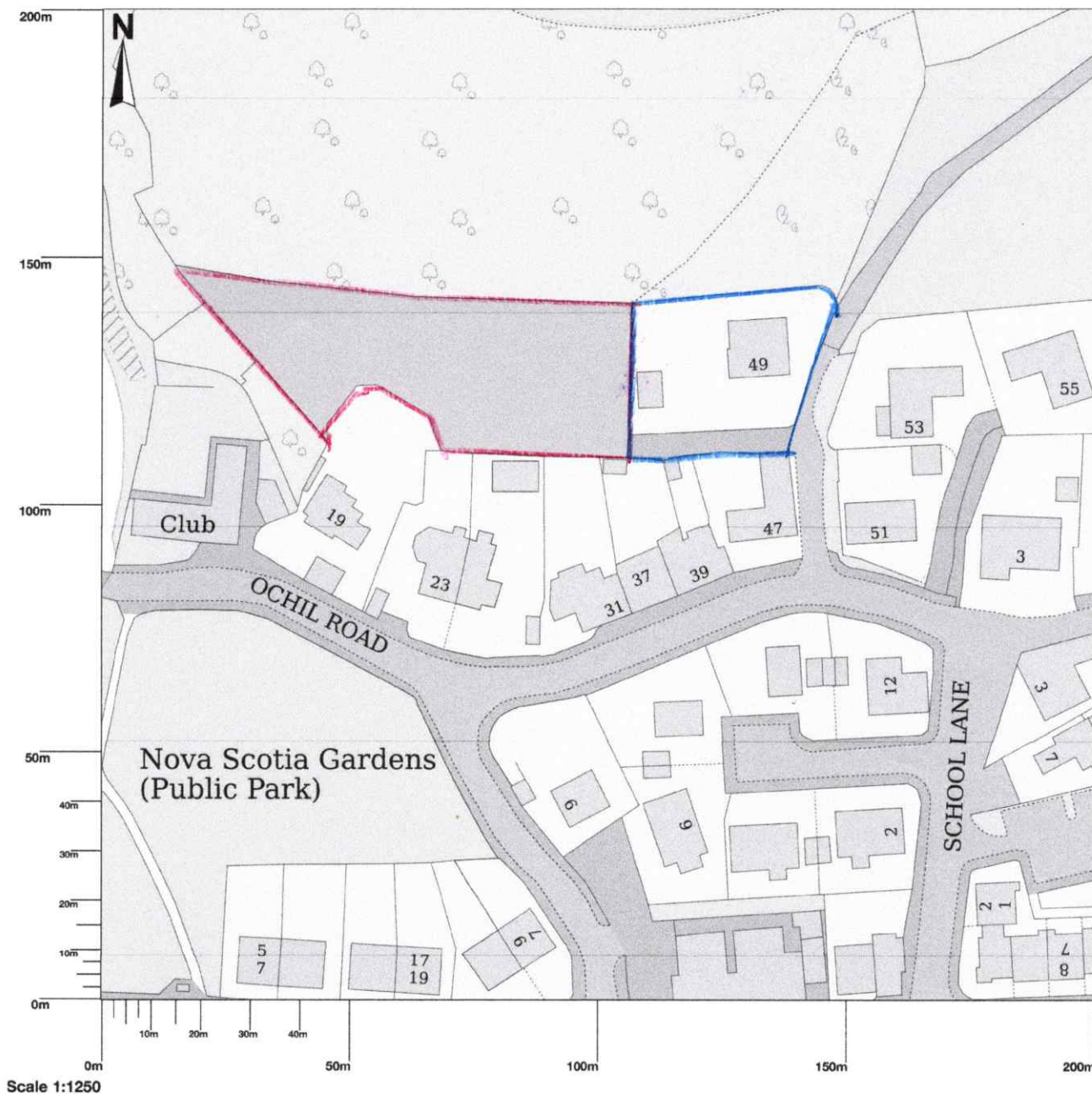
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Tracy Hughes

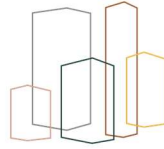
Declaration Date: 12/09/2022



49 Ochil Road, Menstrie, FK11 7BP



Map area bounded by: 284921,696976 285121,697176. Produced on 18 January 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4b/uk/738981/999678



TH Consulting
LAND USE PLANNING

Review Statement

Planning Application Ref: 22/00155/FULL

Change of Use of Agricultural Land to Garden
Ground

49 Ochil Road, Menstrie, Clackmannanshire,
FK11 7BP,

On behalf of **Mr and Mrs Aldred**

Date of Report: **September 2022**

Contents

1. Introduction
2. Application, Proposal and Site
3. Planning History
4. Grounds of Appeal
5. Conclusion

Appendix 1: Written Letter from Previous Owner

Appendix 2: Report of Handling

Appendix : Decision Notice

Prepared By: Tracy Hughes BA (Hons) MSc MRTPI,

T. 

E. 

W. www.th-consult.co.uk

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Appeal to Clackmannanshire Council’s Local Review Body against the decision of the planning officer to refuse full planning permission for a change of use of agricultural land to garden ground.

49 Ochil Road, Menstrie FK11 7BP

1 Introduction

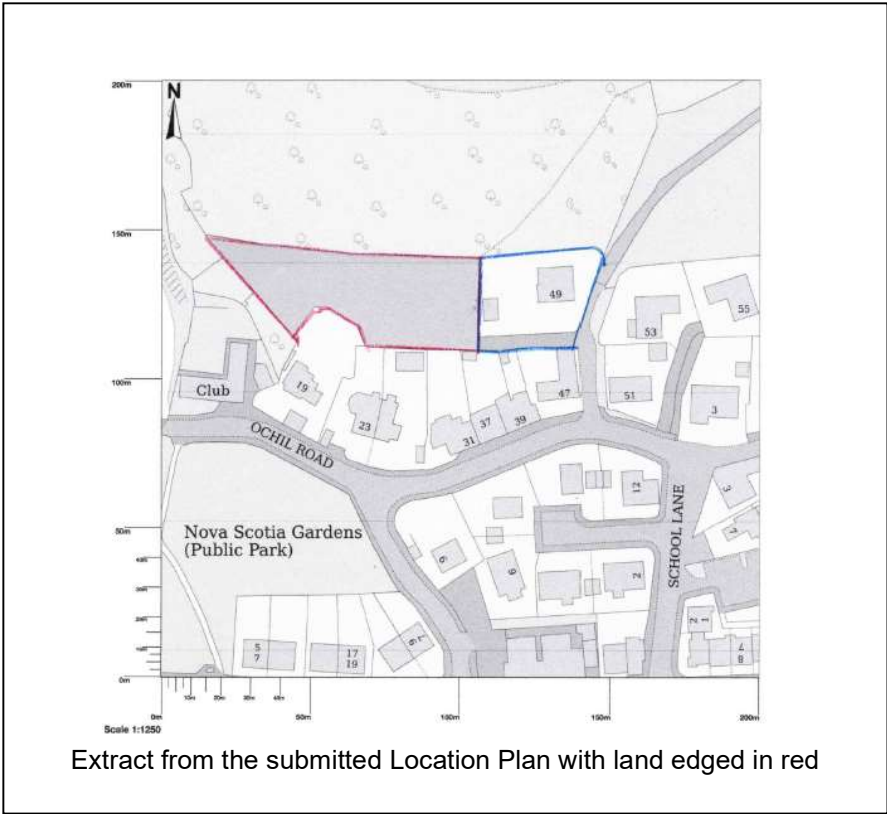
1.1 This Review Statement has been prepared by Tracy Hughes Consulting (“THC”) Chartered Planning Consultant, on behalf of our clients Mr Paul Aldred and Mrs Helen Aldred (“the Appellants”) of 49 Ochill Road, Menstrie, Clackmannanshire (“the Property”). We dispute the Planning Officers reasons for refusing the application and respectfully request that the Council’s Local Review Body review that decision and approve the application. To summarise, our grounds are given as:

- The proposal is found to fully comply with the applicable aspects of the Local Development Plan.
- The principal existing use of the area of land is garden ground. The officer accepts that the ground has been lawned and used informally for domestic activities and does not form agricultural land. The proposal will formalise the position.
- Our client purchased the area of land in 2015 which had already been maintained as if it were garden ground by the previous owners since 2006.
- It is our primary view that this is lawful development by virtue of the ground being maintained as garden ground since 2006.
- Of 12 comments received to the application 7 were in support of the proposals.
- No physical development is taking place.
- The planning officer relies heavily on previous decision making in their assessment of this change of use application and this is demonstrated in their Report of Handling. This is against the principal of “each case is determined on its own merits” a pre-requisite of the Scottish Planning System.
- The planning authority has recently (2015) accepted development of the Special Landscape Area by granting of planning permission for three houses at 51, 53 and 55 Ochil Road.

2 Application Proposal and Site

2.1 The ground subject of this change of use application comprises 1,990sqm of land that has been maintained as garden area for the property at 49 Ochil Road Menstrie.

- 2.2 The ground is lawned, bounded by hedges, mature vegetation and post and wire fences. There is free movement between the property and the proposed garden ground. There is no access from the ground to the Ochils. The ground is private property, there is no pedestrian access from adjoining houses. All house's neighbouring the ground are enclosed by long established walls, timber fences and barbed wire. There are larger trees set well back from the perimeter wall, which form the extensive planting and natural vegetation surrounding the site.
- 2.3 We have included an extract from the Location Plan below with the site edged in red and the property in blue.



- 2.4 Our client purchased 49 Ochil Road in 2015, the purchase included the adjacent area of ground to the west of the house identified above in red. The ground already appeared as garden ground, being that it had been fenced off by the previous owners when they conducted extensive works to the house in 2006. Written confirmation of this was presented to the planning officer in support of the above planning application and we include this at Appendix 1.
- 2.5 Our client is seeking to regulate the position and no 'development' will be taking place. The area will remain as garden ground and will remain as it has been prior to the purchase in 2015. We are unaware of any complaints being made by neighbours to the ground being maintained.
- 2.6 The road servicing the land is not part of Ochil Road, it is under the private ownership of our client forming their driveway and is shown on the title deed. There is no public right of access.

- 2.7 There will be no change to the topography of the site and run off / existing drainage will remain unaffected should this Change of Use application be granted.



3 Planning History

- 3.1 Page 4 of the Report of Handling outlines the planning history at the site. It is important to note that the applicants originally sought a Certificate of Lawful Use (22/00119/CLEUD) being that the area of ground had been maintained as garden ground for over 10 years. Our client was advised by Clackmannanshire Council Planning Department that this avenue was not open to them and were instructed to apply for Change of Use.
- 3.2 This advice was incorrect and that a Certificate of Lawfulness would have been the rightful option in this circumstance. Our client feels they have been let down by the planning authority in this instance and are upset to have been wrongly advised.

4 Grounds of Appeal

- 4.1 The application has been refused by the Councils Planning Officer for 3 reasons:
1. *The development is contrary to Policy SC 23 in that it would adversely impact on surrounding land users / buildings due to the scale of the change and position of the field, close to residential properties.*
 2. *The development is contrary to Policy EA 4 as it has not been demonstrated to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and the development is an essential requirement of agriculture or horticulture, renewable energy development, appropriate recreation and tourism activities, or forestry.*

3. *The change of the entire field and the potential for domestic developments within the field thereafter would adversely impact on the residential amenity and privacy in the adjoining properties.*

4.2 The key concern with this proposal is that the officer's interpretation of the proposals and the analysis of applicable policy, coupled with an assumption of a theoretical future event which is not being requested via this Change of Use planning application.

4.3 It is important to note that the proposals accord with all applicable policy. This Request for Review Statement clarifies the position.

4.4 We respond to each of the reasons for refusal in turn below.

Reason 1

The development is contrary to Policy SC 23 in that it would adversely impact on surrounding land users / buildings due to the scale of the change and position of the field, close to residential properties.

4.5 Policy SC23 Development in the Countryside seeks to safeguard the countryside by supporting developments which meet the criteria of the relevant policies.

4.6 Policy SC23 states that where proposals come forward outwith settlements the Council will only support these where it is satisfied that the applicant has demonstrated that the proposed site meets the certain criteria. We assess the proposals against the criteria below:

<i>Policy SC23 Criteria</i>	<i>Response</i>
It can demonstrate the requirement for a countryside location;	The proposals for a change of use to garden ground are linked with the existing property at 49 Ochil Road and cannot be relocated elsewhere. Paragraph 3.19 of the Local Development Plan seeks to direct development to sites within or adjacent to the existing urban areas and the proposal site is located immediately adjacent to the settlement boundary of Menstrie.
The proposals are acceptable in their scale, nature and design quality, and their relationship to existing land uses and buildings;	The existing property is a substantial family home with a small rear and front garden. The area to the side features extensive areas of hard landscaping and parking.

	<p>The proposed change of use of the adjacent ground will result in approximately 1 acre of garden ground. Other large houses in the immediate area have similar sized gardens e.g., Nethercraig in Blairlogie with a 2 acre garden. Furthermore, the newly erected properties at 51, 53 and 55 Ochil Road have comparably larger gardens.</p> <p>49 Ochil Road is a much larger property than others in the locality with a prominent setting. Accordingly, it is appropriate that it has a larger garden than the smaller surrounding properties directly fronting Ochil Road. The garden allocation without this ground is small for the size of the house.</p> <p>Furthermore, there is no planning policy that seeks to restrict garden sizes.</p>
<p>The proposals reflect the design principles set out in the Placemaking SG;</p>	<p>As no built development is taking place, this is not applicable in this instance.</p> <p>The ground has been maintained in keeping with the adjacent garden at 49 Ochil Road for over 10 years and reflects the appearance of existing gardens in this location.</p>
<p>The proposals respect the character of the site and its location, and maintain and enhance the visual amenity and distinctive landscape character of the surrounding area, and will be expected to contribute to the green network objectives set out in the Green Infrastructure SG;</p>	<p>The proposals will maintain the existing visual amenity and landscape character of the ground which has been established since 2007.</p>
<p>The availability and adequacy of access arrangements, site services and infrastructure;</p>	<p>Access arrangements will remain as per the current situation and this is not applicable.</p>

The proposals will not contribute to adverse effects on the integrity of the Firth of Forth SPA either alone or in combination with other projects and plans.	Not applicable.
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4.7 Policy SC23 also outlines where proposals will be supported and we have assessed the proposals against these criteria below:

Policy SC23 Criteria	Response
On suitable sites adjacent to existing groups of buildings where new build could be sympathetically integrated within a cluster of existing buildings; proposals for new build in locations isolated from existing development will not normally be supported;	This is not applicable in this instance as no development is taking place.
For the conversion of an existing building of traditional character and architectural value;	Not applicable for reasons as above.
For the re-use or conversion of an existing building which is considered worthy of retention, where it has been demonstrated that it is capable of conversion and that it would significantly improve the amenity of the area.	Again, not applicable as no development is taking place.

4.8 The Report of Handling assesses the proposed Change of Use application against Policy SC23 at page 4 and 5. The officer has applied Policy SC23 as if they were assessing a proposal for a new build property which is not the case here. The confusion in their assessment is apparent and the above table clarifies matters.

4.9 The officer comments at bullet point 3 that *“the large scale of the area into garden ground (approximately double the area of the existing house and garden) is significant in relation to the existing gardens and patterns of development in the area. The existing area is large enough to cater for domestic activities associated with the use of the house.”* This is opinion on behalf of the Planning Officer and should be disregarded. There is no planning policy which prescribes how large a garden can be.

- 4.10 The properties along Ochil Road all have long back gardens and this piece of ground is behind their rear boundary fences and partially out of their view.
- 4.11 In summary and to respond to Reason for Refusal 1, the proposals will bring no material change in use (which has been established since 2007) to the existing land and therefore there would be no adverse impact on the surrounding land users / buildings via granting of this Change of Use application.

Reason 2

The development is contrary to Policy EA 4 as it has not been demonstrated to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and the development is an essential requirement of agriculture or horticulture, renewable energy development, appropriate recreation and tourism activities, or forestry.

- 4.12 In response to Reason 2, Policy EA4 Landscape Quality sets a framework for the protection and enhancement of the quality and distinctive character of the landscape and seeks to protect the Special Landscape Areas (SLA).
- 4.13 The site is located within the Ochils Special Landscape Area the boundary of this SLA is confirmed on the SLA Plan adopted as part of the Local Development Plan. The extract below confirms that the boundary of the SLA area overlaps the settlement boundary and many properties in Menstrie and their gardens are currently located within the SLA. The recently erected properties at 51, 53 and 55 Ochil Road sit entirely within the SLA and formed a housing site approved by the planning authority. By accepting this as a designated housing site and approving planning permission for 3 properties the Council have accepted development in the SLA. The property at 49 Ochil Road sits within the boundary of the SLA along with the adjacent ground, the subject of this change of use application.



Extract from the SLA Plan of the Local Development Plan 2015 with the property and adjacent land within the SLA

- 4.14 Policy EA4 states that in Special Landscape Areas development will only be supported where the applicant demonstrates to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and that either of the criteria of Policy EA4 are met.
- 4.15 The site has been maintained as garden ground since 2007 via the previous owners of the property and now by our client. This fact has been acknowledged by the Planning Officer in their Report of Handling. The proposals will regulate the current position and no built development will take place therefore the special landscape character and scenic interest of the SLA will remain unaffected.

Reason 3

The change of the entire field and the potential for domestic developments within the field thereafter would adversely impact on the residential amenity and privacy in the adjoining properties

- 4.16 In response to Reason 3, the potential of a theoretical future event is not a material planning consideration in the determination of the proposals.
- 4.17 Any future development would require planning permission and would be managed appropriately through the planning process.

5 Conclusion

- 5.1 This Review Statement has assessed the proposal against the policies referred to by the Planning Officer in their Report of Handling. The proposal is found to comply with the aims of the adopted Local Development Plan in terms of protecting the special character of the area.
- 5.2 We maintain our position that the proposals represent lawful development and this change of use planning application should be approved. As such we respectfully request that the Local Review Body overturn the Planning Officers decision and approve the proposal.

Appendix 1

Dear Paul

Further to our telephone conversation, I write to confirm that in 2006, when we owned St Margaret's, we extended the house and fenced off an area of ground to the west (of the house) to create garden ground. This area was grassed and only ever used as garden until we sold the property. To the best of my knowledge, the current owner has continued this same use ever since.

I trust this information is helpful, but if you require anything further, don't hesitate to get in touch.

Kind regards

Drew

Drew McLaren

Partner



Appendix 2

**COMMUNITY & REGULATORY SERVICES
CLACKMANNANSHIRE COUNCIL**

REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT

Application Ref. No. 22/00155/FULL Date of Site Visit 2nd June 2022.

Description of Proposal **Change of Use of Agricultural Land to Garden Ground.**

Location: **49 Ochil Road, Menstrie, FK11 7BP.**

1. The Proposed Development

This application is for a change of use of the field to the west of the property. The field is 1,990 m² in area. The area of the existing house and garden is approximately 1,155 m². The field is bounded by houses to the south and agricultural land to the north / west.

The existing property is located within the settlement boundary but the field is outside the boundary. It is within a special landscape area. It was previously used as rough grazing but has not been used for an agricultural use for sometime (approximately from 2015). The applicant has cut the area to create a lawn like surface and it has been used informally for domestic activities. It is bounded by hedges, mature vegetation and post and wire fences. Access is by the private access lane to the front of the house.

In 2016 the applicant asked for pre application advice for the development of 2 houses within the field (PREAPP-2016-028). Advice was given that this would be a change of use and the field was within the countryside i.e. outwith the settlement boundary. The proposal was contrary to planning policies SC 23 & SC 24 and therefore not supported by the Council. The access track was not upto adoptable standards. There may be issues of privacy, overlooking and residential amenity to adjacent houses, the field being both to the rear of these and on elevated land above them. This would be a material consideration in any planning application.

2. Summary of Consultation Responses

Contaminated Land Officer – The case officer has checked the historic records and confirmed that the Council does not hold any historic record that the site was contaminated in the past.

3. Neighbour Notification and Publicity

Number of Neighbours Notified

9

Number of Objections

5

4. Summary of Representation.

The following objected to the application.

Stephen Brown & Adelle Burnett, 25 Ochil Road, Menstrie, FK11 7BP.
Barry & Susie Evans, 31 Ochil Road, Menstrie, FK11 7BP.
Doctor Gordon A. & Mrs Morag C. Hunter, 23 Ochil Road, Menstrie, FK11 7BP.
Katy and Charlie Temple, 19 Ochil Road, Menstrie, FK1 7BP.
William Salmond, 37 Ochil Road, Menstrie, Clacks FK11 7BP.

The area of ground proposed is outside the boundary of Menstrie and classed as part of the Ochil Hills. Comment – *Noted and addressed in the report.*

The area proposed is not part of a designated development. It is deemed inappropriate development in a green belt area. Comment. *The cutting of the field has created a lawn like effect but there have been no other permanent changes i.e. the erection of buildings.*

It creates an area of ground attached to a property disproportionate to the total land associated to said property. It represents creeping urbanization. Comment. *The proposed area of new garden is large compared with the existing house and garden and is atypical of other properties in the area.*

The owner/applicant has already pre-empted permission(s) and has significantly altered the topography, aesthetic and non-agricultural function of this field with corresponding impacts from noise and impacts on privacy. Comment – *the applicant has cut the area to create a lawn like appearance. They have installed a golf flag for their own use.*

Removes right of access to Ochil Hills by right of servitude from adjoining Properties. The access road servicing the land in question is designated as part of Ochil Road per the land registry. Comment - *These are not material planning considerations as access to land and across land are covered by the Land Reform Act and Civil legislation.*

Concern the land may be used/leased for non-agricultural uses - concerns for health and safety of adjoining properties. Comment – *if the area was to be changed to garden ground then it could only be used for domestic activities associated with the use of the house and for no commercial or business use.*

The owner/applicant has pre-empted permissions including planting many trees, many in very close proximity to our north border; the issue being that when these trees mature the root systems will almost certainly disturb the retaining wall (an historic 'dry stane' dyke) that segregates the properties. Comment - *Permission is*

not required from the Council to plant trees. Damage from trees on boundary structures is covered by Civil legislation.

The changes in topography already carried out not only significantly alter the aspect of this area, but will affect the drainage/run-off dynamics. We suspect that the topographic changes already completed may have impacted the basis of that mitigation and, similarly, any further/similar changes could significantly increase a flood risk from what is a considerable area of land. Comment – *In general earthworks do not require planning permission within agricultural land. Civil law covers the responsibility of landowners to not increase runoff to adjoining properties or cause damage through their actions.*

The telegraph pole that routes telecommunications into our house is sited in the area in question. Access for BT personnel was not an issue in the past but the current owner/applicant has denied access in recent times. Comment- *As BT is a statutory authority they have rights of access independent of the Council.*

The following support the application.

Mr Brian Campbell, 28 Pine Crescent, Menstrie, FK11 7DT
Mr Callum Ford, Mairtoun Hill Steading, Hillfoots Road, Menstrie, FK11 7EB
Mr Gordon Griffiths, 2 Main Street East, Menstrie, FK11 7BL
Mr Douglas Smith, 8 Ochil Road, Menstrie, FK11 7BW.
Mr Gordon Fenwick ,1 Argyll Street, Dollar, FK14 7AR.
Mr Steve Hogarth, 22 Holly Grove, Menstrie, FK11 7DR
Mrs Anita McDonald, 9 Midtown, Menstrie, FK11 7BN

It is beautifully enclosed and manicured, planted with native trees and shrubs and in no way resembles agriculture. It is in keeping with the house, which is large in size. There is clearly no agriculture in this area anymore and the land is inaccessible from the surrounding area due to large gorse etc growing. Comment - *Noted.*

I have always considered this area as part of the applicant's garden. In my memory it has always been fenced off to create a safe play area for children. The applicant's house is built into the hill and without this space, there would be no safe garden area for children to play in. Comment – *The existing garden for the house is similar to others in the area in terms of size.*

The historical use of this land as agricultural is clearly now redundant and access to said area would be restricted. Access to the Ochil Hills is more easily available to the other side of the owner's property so this application is non restrictive in this sense. Comment – *Noted.*

5. Summary of Supplementary Statements

None.

6. Summary of Section 75 Planning Obligations.

None.

7. Site History/Background

16/00004/PDH - Change of Use of Agricultural Land to Garden Ground – Advice Given.

PREAPP-2016-001 - Change Of Use Of Land To Garden Ground – Advice given.

PREAPP -2016-028 - Erection of 2 No Houses –Advice given that the proposed development would not be supported as it would be contrary to planning policies, and would lead to adverse impacts on residential amenity and privacy.

22/00119/CLEUD – The lawfulness of the Use of the Field as Garden Ground – This application was withdrawn as the use has not become lawful through the passage of time or is lawful under Permitted Development Rights.

8. Planning Assessment

(a) Local Development Plan

i. Policies

The relevant Development Plan Policies are SC 23 (Development in the Countryside – General Principles) & EA 4 (Landscape Quality).

Policy SC 23 states that proposals must be acceptable in their scale, nature and design qualities, and their relationship to existing landuses and buildings.

Policy EA 4 sets a framework for the protection and enhancement of the quality and distinctive character of Clackmannanshire’s landscape.

From the information provided in the application, and comments, if any, received from third parties, we conclude that :-

- Policy SC 23 seeks to direct developments to existing urban areas, unless specific criteria can be demonstrated to justify a countryside location for the development. In this case, this has not been demonstrated.
- Domestic developments positioned in the area of land that would be changed to garden may well present issues of the impact on privacy, overlooking and the general residential amenity within adjacent houses, being both to the rear of these and on elevated land above them.
- The large scale of the area into garden ground (approximately double the area of the existing house and garden) is significant in relation to the existing gardens and patterns of development in the area. The existing garden is

- large enough to cater for domestic activities associated with the use of the house.
- In special landscape areas development will only be supported where the application demonstrates to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and the development is an essential requirement of agriculture or horticulture, renewable energy development, appropriate recreation and tourism activities, or forestry. The applicant has not demonstrated that the development is essential for appropriate development. Future domestic development could adversely impact on the character of the special landscape area.
 - Due to the nature of the site, water management could become an issue, both in terms of the site and any impact domestic development may have on adjoining properties.

ii. Proposals

While the field has been used by the applicant informally as a garden, the proposed change of the entire field, and the potential domestic development that could then take place, would lead to unacceptable impacts on the privacy and amenity in adjoining properties. A previous enquiry has been made about development of houses within the field and this type of development is likely to have an adverse impact on the privacy and amenity of surrounding properties.

The land is currently being used for recreational activities and this can continue without the need for a change of use. Maintaining the current status of the field allows the Council to control future developments and therefore control any potential impacts from these developments.

Our assessment of this proposal takes account of the applicant's house, the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity.

iii. Supplementary Guidance

Non applicable.

(b) Other Material Considerations

It is noted that none of the supporters live adjacent to the field and would not have been notified of the application. As the supporters do not live adjacent to the field, development within the field is unlikely to have any adverse impacts on themselves or their properties.

9. Recommendation

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

Conditions

1. The development is contrary to Policy SC 23 in that it would adversely impact on surrounding landusers / buildings due to the scale of the change and position of the field, close to residential properties.
2. The development is contrary to Policy EA 4 as it has not been demonstrated to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and the development is an essential requirement of agriculture or horticulture, renewable energy development, appropriate recreation and tourism activities, or forestry.
3. The change of the entire field and the potential for domestic developments within the field thereafter would adversely impact on the residential amenity and privacy in the adjoining properties.

Reasons for Decision

1. The proposal does not meet the criteria of Policy SC 23 & EA 4 of the Clackmannanshire Local Development Plan.
2. There are no other material considerations that outweigh the Development plan position

Plan Numbers Relating to the Decision

Plan 1 Location Plan.

10. Checklist

The application does involve development of land in which the Council has an interest	<input type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>

The recommendation requires authorisation by the following Appointed Officers:

Development Quality Team Leader

Development Services Manager

The recommendation/decision has secured added value which is recorded in Uniform

Two complete sets of plans to be approved are attached, or identified from the electronic file

The electronic file requires annotated plans which are attached

There are instructions to Business Support attached to this report/file

Site Notice & Note to Applicant required for National, Major or Bad Neighbour development

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed M.  (Case Officer)

Date 12/07/2022

Signed  (Team Leader)

Date 12/07/2022

Appendix 3

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION

Applicant

Mr Paul Aldred
49 Ochil Road
Menstrie
Clackmannanshire
FK11 7BP

Agent

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Change Of Use Of Agricultural Land To Garden Ground

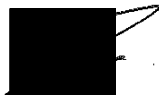
49 Ochil Road, Menstrie, Clackmannanshire, FK11 7BP,

in accordance with your application and plans Ref. No:- 22/00155/FULL dated 17th May 2022

For the following reasons:-

1. The development is contrary to Policy SC 23 in that it would adversely impact on surrounding land users / buildings due to the scale of the change and position of the field, close to residential properties.
2. The development is contrary to Policy EA 4 as it has not been demonstrated to the satisfaction of the Council that the special landscape character and scenic interest would not be significantly adversely affected and the development is an essential requirement of agriculture or horticulture, renewable energy development, appropriate recreation and tourism activities, or forestry.
3. The change of the entire field and the potential for domestic developments within the field thereafter would adversely impact on the residential amenity and privacy in the adjoining properties.

Dated: 12 July



.....
DEVELOPMENT AND ENVIRONMENT SERVICES

Reasons For Decision

1. The proposal does not meet the criteria of Policy SC 23 & EA 4 of the Clackmannanshire Local Development Plan.

2. There are no other material considerations that outweigh the Development plan position

Plan Numbers Relating to the Decision

Plan 1 Location Plan.

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
 - (i) If decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk. Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body
Resource & Governance – Legal Services
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB
 - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal, within three months from the date of this decision, with the Planning and Environmental Appeals Division (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our website, or you can request paper forms from:

Planning and Environmental Appeals Division
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. 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 5 of the Town and Country Planning (Scotland) Act 1997.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**


Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor
Telephone: 01259 452087
Email: LRB@clacks.gov.uk
Our Ref: 22/00155/FULL
Your Ref:
Date: 1 November 2022

Mr Tracy Hughes
TH Consulting Limited
c/o Benham Conway
16 Royal Crescent
GLASGOW
G3 7SL

Sent By E-Mail to:
tracy@th-consult.co.uk

Dear Ms Hughes

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Thank you for your correspondence received on 13 September 2022 enclosing a Notice of Review application form, in respect of Planning Application Reference Number 22/00155/FULL for "Change of Use of Agricultural Land to Garden Ground at 49 Ochil Road, Menstrie, FK11 7BP". I understand you are acting as agent for Mr and Mrs Aldred.

The Notice of Review is in order and can proceed.

Interested parties have been sent a copy of your Notice of Review and accompanying documents. These interested parties have until Wednesday 16 November 2022 to make representation on the information contained in your Notice of Review and accompanying documents.

Representations received from interested parties will be copied to you and you will have a further 14 days from receipt of these representations in which to submit any further comments you may wish to make.

The Council will make a copy of the review documents, any notices and any procedure notes available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely



**Solicitor
Clerk to the Local Review Body**


Legal and Governance

 Kilncraigs, Greenside Street, Alloa, FK10 1EB
 Telephone: 01259 450000

 Direct Contact: Lee Robertson
 Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 22/00155/FULL

Your Ref:

Date: 1 November 2022

Letter to Interested Parties

Dear

**The Town and Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013**

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Mr Paul and Mrs Helen Aldred
Site Address:	49 Ochil Road, Menstrie, FK11 7BP
Description of the Application:	Change of Use of Agricultural Land to Garden Ground
Planning Application Ref No:	22/00155/FULL

As an interested party to the original planning application, it appears that you may have an interest in this Notice of Review.

A copy of the notice of review is attached and other documents related to the review may be inspected at www.clacks.gov.uk. These documents can also be accessed by searching on either the application reference number, postcode, or a single line of an address. **As an interested party, you have the opportunity to make further representation to the Local Review Body. Your representation should be sent to me at LRB@clacks.gov.uk no later than 14 days from the date of this letter.**

Copies of representations made regarding the application, other than those to be treated in confidence, will be sent to the applicant and will be considered by the Local Review Body when determining the review.

The Council will make a copy of the review documents, any notices and any procedure notes available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely


**Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.**

Planning Reference: 22-00155/FULL - 49 Ochil Road, Menstrie			
Local Review Body - Interested parties			
Name	Town	Postcode	Status
Mr Stephen Brown & Ms Adelle Burnett	Menstrie	FK11 7PB	Objector
Mr Barry & Mrs Susie Evans	Menstrie	FK11 7PB	Objector
Doctor Gordon A. & Mrs Morag C. Hunter	Menstrie	FK11 7PB	Objector
Mr Charlie & Mrs Katy Temple	Menstrie	FK11 7PB	Objector
Mr William Salmond	Menstrie	FK11 7PB	Objector
Mr Brian Campbell	Menstrie	FK11 7DT	Supporter
Mr Callum Ford	Menstrie	FK11 7EB	Supporter
Mr Gordon Griffiths	Menstrie	FK11 7BL	Supporter
Mr Douglas Smith	Menstrie	FK11 7BW	Supporter
Mr Gordon Fenwick	Dollar	FK14 7AR	Supporter
Mr Steve Hogarth	Menstrie	FK11 7BW	Supporter
Mrs Anita McDonald	Menstrie	FK11 7BN	Supporter
Contaminated Land Officer	Alloa	FK10 1EB	Consultee



Response to Planning Review
Adelle Burnett to: LRB@clacks.gov.uk

13/11/2022 20:32

Your Ref: 22/00155/FULL

Dear Sir,

We are emailing in response to your letter (dated 01/11/2022) regarding the intended review of the decision made by the Approved Person opposite Planning Application 22/00155/FULL to inform you that our understanding and wishes remain unchanged in light of the 'Review Statement'.

We believe the consultant (Tracy Hughes Consulting of 44 Royal Crescent Glasgow) has been misinformed as the land was used as agricultural land until the property (49 Ochil Road) was sold in 2015 to Mr & Mrs Aldred. After purchasing the property the owners began to mow the grazing ground.

We are also aware that Mr & Mrs Aldred have previously attempted to seek planning permission for this land for future development (Ref. PREAPP-2016-028) therefore we are reluctant to believe they have no intention/motivation to use this land for this purpose so our objection remains.

Yours sincerely,

Stephen Brown & Adelle Burnett (25 Ochil Road)

Barry & Susie Evans
31 Ochil Road
Menstrie, Clacks FK11
7BP
13 November 2022

Clackmannanshire Council
Kilncraigs
Greenside Street, Alloa, FK10 1EB

Attention Mr Lee Robertson Solicitor

Dear Mr Robertson,

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Planning Application ref 22/00155/Full

We thank you for your letter of 1st November 22 including a 'notice of review' related to the above planning application.

We confirm we remain in full agreement with the decision in force by the Planning Department relating to the change of use application for ground as per the above planning application.

We have read in full the 'review statement' and contents, and from our perspective there is nothing of material value to change the basis of the standing decision. Further, there are claims within this Review Statement that are inaccurate and misleading. Whilst we know the council will address them accordingly, we wish to record here for alignment.

Comments to TH Consulting Report (Tracy Hughes Consulting of 44 Royal Crescent Glasgow) – Agent acting on behalf of Applicant dated September 2022. Sections are referenced per the report below:

- Sections 1 + 2.4 + 3.1 + 4.15: The introduction states ground was maintained as garden by previous owners from 2006 – This is an inaccurate statement as the area was agricultural land housing sheep and livestock and has remained as cut, grazing ground throughout (we can confirm and witness this as resident throughout this period). There was a limited area converted to garden ground pre this period up to the existing garage – and this is the reference made in the supporting email provided.
 - The ground is maintained as cut grazing area.
 - The area was originally delineated as part of the Ochil Hills
 - Referral is made to 12 comments received – 100% of those bounding the property objected – the remainder are not local to the property.
- Section 2.5: States they are unaware of any objection to the maintenance of the ground, and for accuracy there is no objection from our part to the maintenance and continued use of this

ground in keeping with its status as agricultural land and in keeping with its status as Special Landscape Area. For information current planting of fast-growing trees is encroaching on properties and potentially undermining a historical wall (due to ill-informed planting). Whilst not a direct matter for planning consideration actions implemented are a considered infringement in relation to the Anti-social Behaviour Act 2003 (Part 8 section 65) – the matter will be taken up separately and may be considered as material consideration in relation to claims made in the Review Statement.

- 2.6 The road servicing the land is subject to access claims by right of servitude and this should be maintained. Change of use to agricultural land will have direct impact on the access rights of adjacent properties. The report also states that there is no access from the properties and together with other adjoining landowners we have benefitted from free access over this land as an integral part of agricultural land. This is for a period exceeding 7 years and the access has been maintained accordingly, other than actions taken by the resident of 49 Ochil Road and incorporated restrictions.
- 2.7 A change in status may provide provision for changes in topography that would otherwise be precluded when retained as agricultural land and in keeping as part of the Ochil Hills. Refer previous supported objections from the Friends of the Ochils.
- 3.1 has not been maintained as garden ground for over 10 years this is an inaccurate claim.
- 4.13 The area designated for the properties of 51,53 and 55 are located in an area originally bounded by the original farm cottages. Therefore, there was a historic precedent for the change of use, such that any application of precedent in the respect of the Review Statement is unfounded.
- The proposal was evaluated when one of the houses was vacant and there are residents in place that should be considered (given the recent submission of a review request). The resident at the time of the application was in a retirement home and could not be consulted. The new resident is in place and has material facts which should be considered in relation to the application.
- The Review Statement references 12 submissions, inferring a majority support for the application. However, the fact is there is not one letter of support from those directly affected by the application. The 7 support letters are from associates of the applicant none of whom adjoin the referenced land. Further, previous representation by Friends of the Ochils who have a direct interest in safeguarding the area as a Special Landscape Area as part of the Ochil Hills, should also be taken into consideration – this is on file relating to previous applications.

Sincerely/Barry and Susie Evans



Dear Sir/Madam,

this email is in connection with your recent letter (dated 01/11/2022) regarding the intended review of the decision made by the Approved Person opposite Planning Application 22/00155/FULL.

In short, both our understanding and wishes are unchanged in light of the 'Review Statement'. In fact, if anything, this statement both confirms and reinforces the basis for both our objection and the decision made by the Council (on both this occasion and on previous occasion(s) when the same request has been couched).

Unlike many of the detailed points/suggestions in the 'Review Statement', we don't believe it's for ourselves or a misinformed consultant to tell the Council how to do their job. We have always found the Council Planning Department to be highly competent, reasonable and pragmatic. The tone, content and basis of this representation is full of misinformation and, in places, is insulting (especially towards the Council), inaccurate (at best), irrelevant, inconsistent, incredible and even verges on infantile.

Other than appearing to suggest that the Council doesn't follow their own regulations, the basic rationale for review is based on three fundamental fallacies :-

1. (Ref. paras 1.1; 2.4; 3.1; 3.2; 4.6; 4.11 & 4.15) That the field has been tended as a garden since ca. 2006 and not used for agricultural purposes in the interim. This is completely untrue. The previous owners (who were/are farmers) regularly and frequently used this field to house livestock until they sold the property in 2015 - there is both pictorial and anecdotal evidence to support this. The field only became a closely mowed field shortly after the current owner moved in.
2. (Ref paras 1.1; 2.5; 2.7; 4.2; 4.6; 4.7; 4.15 & 4.16) That there is no intention/motivation to use this land for future development; utterly incredible given that the applicant has already attempted to seek planning permission for this field (Ref. PREAPP-2016-028). Moreover, if the intent/motivation for re-categorisation is NOT to facilitate future development of the field (and it almost certainly is) then there appears to be very little, if any, benefit to the owner in practical/objective terms from gaining a re-categorisation. Hence, it can only be sensibly concluded that this whole matter is indeed to do with (indirectly) facilitating development. Something the Council has already concluded upon on at least two prior occasions.
3. (Ref paras 1.1 & 4.13) That somehow the permitted development of 55 Ochil Road in 2009 should not have been permitted BUT, given that it was, means this applicant should be given development approval also (even though they don't intend to develop the field!?). Inspection of the planning application for 55 Ochil Road (Ref. 09/00037/FULL) clearly shows this was a development of "Dwelling-house/Yard/Garden" (i.e. not agricultural land) . Moreover, at that time (2003 - 2015) both 49 & 55 Ochil Road were in the same ownership, hence it is maybe no coincidence that this previous owner had tried (and failed) to re-categorise the same field to 'garden ground' in ca. 2005. It is almost without doubt that the previous owners of 49 Ochil Road would have carried out development of this field had they been permitted and would have "left no stone unturned" in that pursuit. The purchase price of 49 Ochil Road must have been much enhanced due to the purchaser believing that (future intended) development within the field was possible.

In conclusion, there is very little of substance, truth or fact within the review application and certainly nothing that would change our position of objection. It more represents a clear attempt to undermine the Council, facilitate an indirect route to enable development of land that should not be developed (i.e. add to issues of 'creeping urbanisation'). All this with no regard for the potential impact on neighbours.

Yours Faithfully,

Dr Gordon A. & Mrs Morag C. Hunter
23 Ochil Road,
Menstrie.

Katy and Charlie Temple
19 Ochil Road
Menstrie
FK11 7BP
14 November 2022

Clackmannanshire Council
Kilncraigs
Greenside Street, FK10 1EB

Attention Mr Lee Robertson Solicitor

Dear Mr Robertson,

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Planning Application ref 22/00155/Full

We thank you for your letter of 1st November 22 including a 'notice of review' related to the above planning application.

We confirm we remain in full agreement with the decision in force by the Planning Department relating to the change of use application for ground as per the above planning application.

We have read in full the 'review statement' and contents, and from our perspective there is nothing of material value to change the basis of the standing decision. Further, there are claims within this Review Statement that are inaccurate and misleading. Whilst we know the council will address them accordingly, we wish to record here for alignment.

Comments to TH Consulting Report (Tracy Hughes Consulting of 44 Royal Crescent Glasgow) – Agent acting on behalf of Applicant dated September 2022. Sections are referenced per the report below:

- Sections 1 + 2.4 + 3.1 + 4.15: The introduction states ground was maintained as garden by previous owners from 2006 – This is an inaccurate statement as the area was agricultural land housing sheep and livestock and has remained as cut, grazing ground throughout (we can confirm and witness this as resident throughout this period). There was a limited area converted to garden ground pre this period up to the existing garage – and this is the reference made in the supporting email provided.
 - The ground is maintained as cut grazing area.
 - The area was originally delineated as part of the Ochil Hills
 - Referral is made to 12 comments received – 100% of those bounding the property objected – the remainder are not local to the property.
- Section 2.5: States they are unaware of any objection to the maintenance of the ground, and for accuracy there is no objection from our part to the maintenance and continued use of this

ground in keeping with its status as agricultural land and in keeping with its status as Special Landscape Area. For information current planting of fast-growing trees is encroaching on properties and potentially undermining a historical wall (due to ill-informed planting). Whilst not a direct matter for planning consideration actions implemented are a considered infringement in relation to the Anti-social Behaviour Act 2003 (Part 8 section 65) – the matter will be taken up separately and may be considered as material consideration in relation to claims made in the Review Statement.

- 2.7 A change in status may provide provision for changes in topography that would otherwise be precluded when retained as agricultural land and in keeping as part of the Ochil Hills. Refer previous supported objections from the Friends of the Ochils.
- 3.1 has not been maintained as garden ground for over 10 years this is an inaccurate claim.
- 4.13 The area designated for the properties of 51,53 and 55 are located in an area originally bounded by the original farm cottages. Therefore, there was a historic precedent for the change of use, such that any application of precedent in the respect of the Review Statement is unfounded.
- The proposal was evaluated when one of the houses was vacant and there are residents in place that should be considered (given the recent submission of a review request). The resident at the time of the application was in a retirement home and could not be consulted. The new resident is in place and has material facts which should be considered in relation to the application.
- The Review Statement references 12 submissions, inferring a majority support for the application. However, the fact is there is not one letter of support from those directly affected by the application. The 7 support letters are from associates of the applicant none of whom adjoin the referenced land. Further, previous representation by Friends of the Ochils who have a direct interest in safeguarding the area as a Special Landscape Area as part of the Ochil Hills, should also be taken into consideration – this is on file relating to previous applications.

Sincerely,

Charlie and Katy Temple

From: William Salmond
To: "planning@clacks.gov.uk" <planning@clacks.gov.uk>
Date: 09/11/2022 13:14
Subject: 22/00155/FULL Notice of review

Good afternoon,

Further to the notice of review in respect of this refused application I would like to make the following points:

1. The field was not garden ground from 2006. Sheep and lamb stock grazed up until sale in 2015.
2. The access gate to the north to the hillside was only removed and fenced over within the last two years.
3. The access lane has rights of access for neighbouring properties .
4. The existing garden for 49 has been adequate for over 100 years.
5. Refusal notice confirmed current recreational use can continue without need for change of use.
6. 51, 53 & 55 were built within ground of demolished cottages and existing associated gardens.

Please confirm receipt and pass to legal department as required .

Regards
William Salmond

Interested Party	Comment	Response from Applicant
Stephen Brown & Adelle Burnett (25 Ochil Road) - Objects	Our understanding and wishes remain unchanged in light of the 'Review Statement'. We believe the consultant (Tracy Hughes Consulting of 44 Royal Crescent Glasgow) has been misinformed as the land was used as agricultural land until the property (49 Ochil Road) was sold in 2015 to Mr & Mrs Aldred. After purchasing the property the owners began to mow the grazing ground. We are also aware that Mr & Mrs Aldred have previously attempted to seek planning permission for this land for future development (Ref. PREAPP-2016-028) therefore we are reluctant to believe they have no intention/motivation to use this land for this purpose so our objection remains.	The previous owners, the Mclarens submitted a letter confirming the land was utilised as garden since circa 2007 which was included in the Appeal. The objector references a pre-app enquiry which was not pursued by the applicant. The basis of this appeal is a separate matter. The application is in relation to a change of use to reflect the use of the area as garden ground and to formalise it in planning terms. The land is not agricultural and has not been since 2007.
Barry & Susie Evans 31 Ochil Road Menstrie, Clacks FK11 7BP - Objects	We have read in full the 'review statement' and contents, and from our perspective there is nothing of material value to change the basis of the standing decision. Further, there are claims within this Review Statement that are inaccurate and misleading. Whilst we know the council will address them accordingly, we wish to record here for alignment.	see below
	ground was maintained as garden by previous owners from 2006 – This is an inaccurate statement as the area was agricultural land housing sheep and livestock and has remained as cut, grazing ground throughout (we can confirm and witness this as resident throughout this period). There was a limited area converted to garden ground pre this period up to the existing garage – and this is the reference made in the supporting email provided.	The site has been maintained as garden ground since 2007 via the previous owners of the property and now by our client. This fact has been acknowledged by the Planning Officer in their Report of Handling. The proposals will regulate the current position and no built development will take place therefore the special landscape character and scenic interest of the SLA will remain unaffected.
	The ground is maintained as cut grazing area.	The ground is maintained as garden
	The area was originally delineated as part of the Ochil Hills	
	Referral is made to 12 comments received – 100% of those bounding the property objected – the remainder are not local to the property.	
	Section 2.5: States they are unaware of any objection to the maintenance of the ground, and for accuracy there is no objection from our part to the maintenance and continued use of this ground in keeping with its status as agricultural land and in keeping with its status as Special Landscape Area. For information current planting of fast-growing trees is encroaching on properties and potentially undermining a historical wall (due to ill-informed planting). Whilst not a direct matter for planning consideration actions implemented are a considered infringement in relation to the Anti-social Behaviour Act 2003 (Part 8 section 65) – the matter will be taken up separately and may be considered as material consideration in relation to claims made in the Review Statement.	Not a planning matter and not relevant to the determination of this Change of Use.
	2.6 The road servicing the land is subject to access claims by right of servitude and this should be maintained. Change of use to agricultural land will have direct impact on the access rights of adjacent properties. The report also states that there is no access from the properties and together with other adjoining landowners we have benefitted from free access over this land as an integral part of agricultural land. This is for a period exceeding 7 years and the access has been maintained accordingly, other than actions taken by the resident of 49 Ochil Road and incorporated restrictions.	Change of Use to garden ground will regulate the current position. Rights of servitude are a civil matter.
	2.7 A change in status may provide provision for changes in topography that would otherwise be precluded when retained as agricultural land and in keeping as part of the Ochil Hills. Refer previous supported objections from the Friends of the Ochils.	The proposals are for a Change of Use of the land - no changes in the topography will take place.

	3.1 has not been maintained as garden ground for over 10 years this is an inaccurate claim.	See email from the previous owners at Appendix 1 of the Request for Review Statement
	4.13 The area designated for the properties of 51,53 and 55 are located in an area originally bounded by the original farm cottages. Therefore, there was a historic precedent for the change of use, such that any application of precedent in the respect of the Review Statement is unfounded.	This is irrelevant to our application, but for note there was only a building where 53 sits, the rest was grazing. The reference to the adjacent properties was to confirm that the gardens sit within the SLA.
	The proposal was evaluated when one of the houses was vacant and there are residents in place that should be considered (given the recent submission of a review request). The resident at the time of the application was in a retirement home and could not be consulted. The new resident is in place and has material facts which should be considered in relation to the application.	Not relevant to the planning considerations and for the LPA to respond.
	The Review Statement references 12 submissions, inferring a majority support for the application. However, the fact is there is not one letter of support from those directly affected by the application. The 7 support letters are from associates of the applicant none of whom adjoin the referenced land. Further, previous representation by Friends of the Ochils who have a direct interest in safeguarding the area as a Special Landscape Area as part of the Ochil Hills, should also be taken into consideration – this is on file relating to previous applications.	Friends of the Ochill Hills did not raise any objection to the Change of Use application being considered.
Katy and Charlie Temple 19 Ochil Road Menstrie FK11 7BP	same as the letter above minus comments in relation to Section 2.6	As above
Dr Gordon A. & Mrs Morag C. Hunter 23 Ochil Road, Menstrie.	In short, both our understanding and wishes are unchanged in light of the 'Review Statement'. In fact, if anything, this statement both confirms and reinforces the basis for both our objection and the decision made by the Council (on both this occasion and on previous occasion(s) when the same request has been couched).	
	Unlike many of the detailed points/suggestions in the 'Review Statement', we don't believe it's for ourselves or a misinformed consultant to tell the Council how to do their job. We have always found the Council Planning Department to be highly competent, reasonable and pragmatic. The tone, content and basis of this representation is full of misinformation and, in places, is insulting (especially towards the Council), inaccurate (at best), irrelevant, inconsistent, incredible and even verges on infantile.	
	1. (Ref. paras 1.1; 2.4; 3.1; 3.2; 4.6; 4.11 & 4.15) That the field has been tended as a garden since ca. 2006 and not used for agricultural purposes in the interim. This is completely untrue. The previous owners (who were/are farmers) regularly and frequently used this field to house livestock until they sold the property in 2015 - there is both pictorial and anecdotal evidence to support this. The field only became a closely mowed field shortly after the current owner moved in.	The extracts from Google Earth show a closely mowed field since 2004. The site has been maintained as garden ground since 2007 via the previous owners of the property (Appendix 1) and now by our client. This fact has been acknowledged by the Planning Officer in their Report of Handling. The proposals will regulate the current position and no built development will take place therefore the special landscape character and scenic interest of the SLA will remain unaffected.

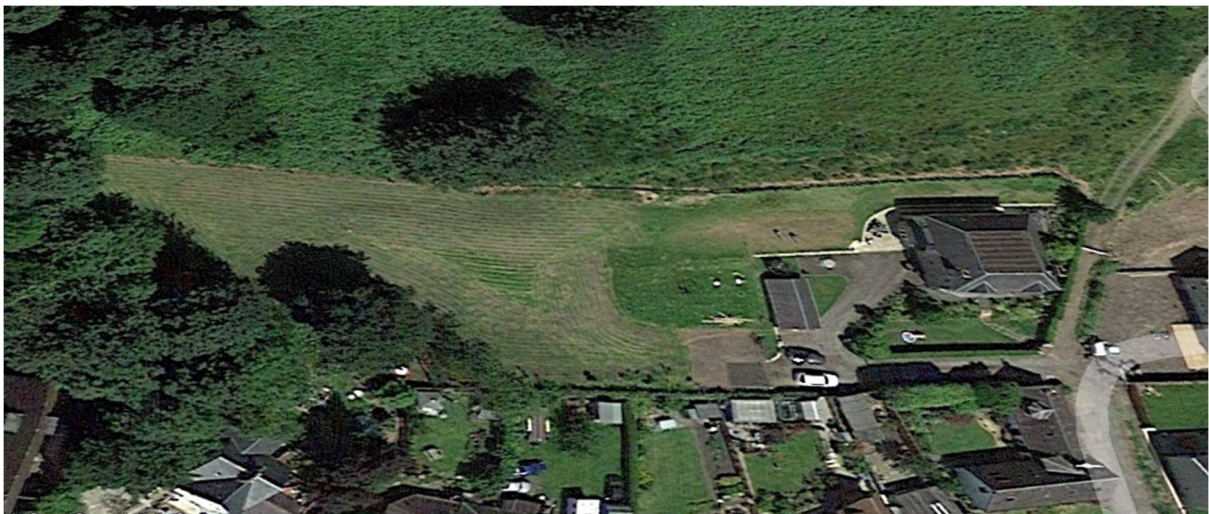
	<p>2. (Ref paras 1.1; 2.5; 2.7; 4.2; 4.6; 4.7; 4.15 & 4.16) That there is no intention/motivation to use this land for future development; utterly incredible given that the applicant has already attempted to seek planning permission for this field (Ref. PREAPP-2016-028). Moreover, if the intent/motivation for re-categorisation is NOT to facilitate future development of the field (and it almost certainly is) then there appears to be very little, if any, benefit to the owner in practical/objective terms from gaining a re-categorisation. Hence, it can only be sensibly concluded that this whole matter is indeed to do with (indirectly) facilitating development. Something the Council has already concluded upon on at least two prior occasions.</p>	<p>The application is for a Change of Use to garden ground and fully complies with relevant policy.</p>
	<p>3. (Ref paras 1.1 & 4.13) That somehow the permitted development of 55 Ochil Road in 2009 should not have been permitted BUT, given that it was, means this applicant should be given development approval also (even though they don't intend to develop the field!). Inspection of the planning application for 55 Ochil Road (Ref. 09/00037/FULL) clearly shows this was a development of "Dwelling-house/Yard/Garden" (i.e. not agricultural land) . Moreover, at that time (2003 - 2015) both 49 & 55 Ochil Road were in the same ownership, hence it is maybe no coincidence that this previous owner had tried (and failed) to re-categorise the same field to 'garden ground' in ca. 2005. It is almost without doubt that the previous owners of 49 Ochil Road would have carried out development of this field had they been permitted and would have "left no stone unturned" in that pursuit. The purchase price of 49 Ochil Road must have been much enhanced due to the purchaser believing that (future intended) development within the field was possible.</p>	<p>Not relevant to the determination of this planning application for a Change of Use.</p>
	<p>In conclusion, there is very little of substance, truth or fact within the review application and certainly nothing that would change our position of objection. It more represents a clear attempt to undermine the Council, facilitate an indirect route to enable development of land that should not be developed (i.e. add to issues of 'creeping urbanisation'). All this with no regard for the potential impact on neighbours.</p>	<p>The application complies with policy and should therefore be approved.</p>
William Salmond	<p>1. The field was not garden ground from 2006. Sheep and lamb stock grazed up until sale in 2015.</p>	<p>As per previous</p>
	<p>2. The access gate to the north to the hillside was only removed and fenced over within the last two years.</p>	<p>Not the subject of this planning application.</p>
	<p>3. The access lane has rights of access for neighbouring properties .</p>	<p>Not a planning matter.</p>
	<p>4. The existing garden for 49 has been adequate for over 100 years.</p>	<p>Not a planning matter.</p>
	<p>5. Refusal notice confirmed current recreational use can continue without need for change of use.</p>	<p>My client wishes to regularise the position in line with their ownership. The land has been maintained as garden ground since 2007, this has been acknowledged by the Planning Officer in their Report of Handling. There is therefore no legitimate reason for refusing the Change of Use for the reasons as stated in the decision notice.</p>
	<p>6. 51, 53 & 55 were built within ground of demolished cottages and existing associated gardens.</p>	<p>Reference to this was to highlight planning permission was granted for properties which have garden ground located within the designated Special Landscape Area. Illustrating the council are accepting of gardens sitting within the SLA and furthermore demonstrating that should this Change of Use application be approved, there would be no impact on the character of the SLA being that the area would remain unchanged.</p>



Extract above taken from Google Earth in 2004 showing the area being tendered to with mown lawn



Taken in 2015



2017



2021



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.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 100563559-001

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)

Integrate ground into garden (retrospective)

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): *

01/06/2006

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

Originally carried out by previous owner

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

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="St. Margarets"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="49"/>
Last Name: *	<input type="text" value="Aldred"/>	Address 1 (Street): *	<input type="text" value="Ochil Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Menstrie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Clackmannanshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="FK11 7BP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="49 OCHIL 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="MENSTRIE"/>
Post Code:	<input type="text" value="FK11 7BP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="697108"/>	Easting	<input type="text" value="285057"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

E mail following Application for Certificate of lawfulness - advised to apply for planning permission

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1900.00

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)

Garden ground from 2006

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?

3

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)? *

3

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?? * (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.

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)

Existing at house

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

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: Mr Paul Aldred

On behalf of:

Date: 10/05/2022

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)

Letter from previous owner

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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 Paul Aldred

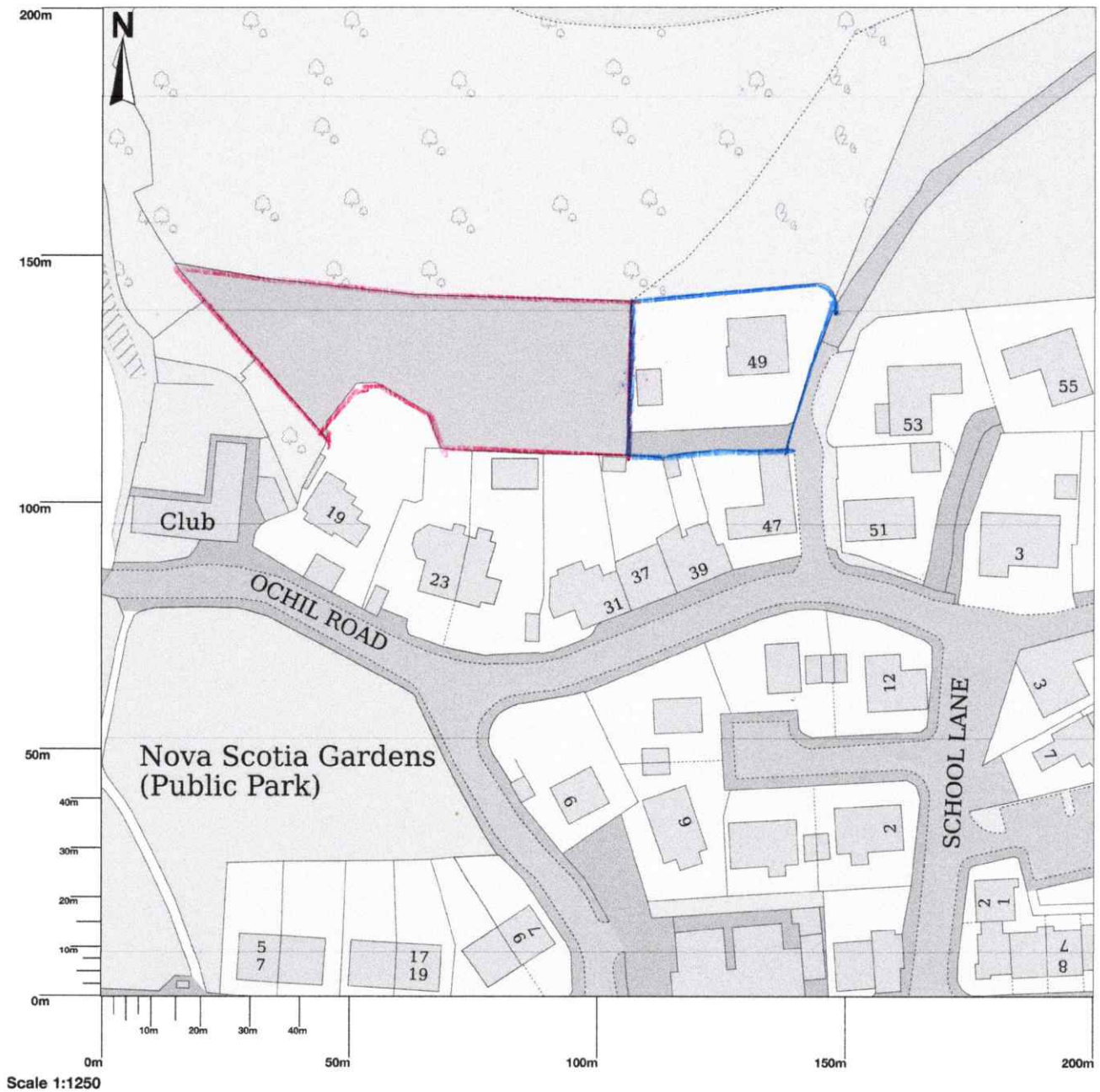
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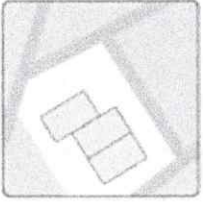
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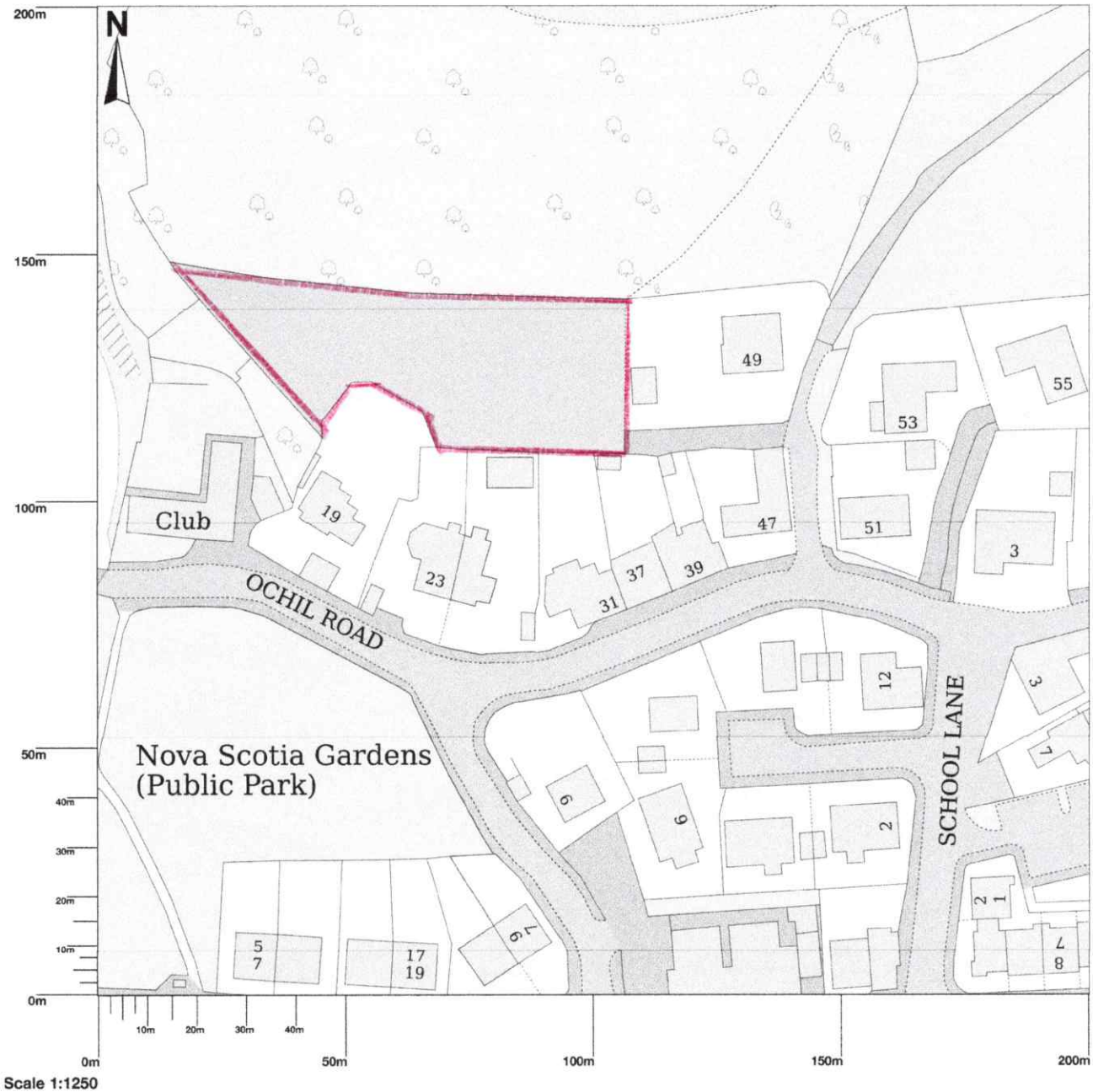
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49 Ochil Road, Menstrie, FK11 7BP





49 Ochil Road, Menstrie, FK11 7BP



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