



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

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

Local Review Body

Tuesday 29 October 2024 at 9.30 am

**The meeting will take place in the
Council Chamber, Kilncraigs, Alloa**

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.

21 October 2024

MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 29 OCTOBER 2024 AT 9.30 AM.



**LEE ROBERTSON
Senior Manager, Legal and Governance**

B U S I N E S S

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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: Proposed new house on Land Northwest of Devonbank Cottage Fishcross. Applicant: Mr Malcolm Watt Agent: Mr Greig Strang, Architectural and Building Consultant	
Documents enclosed:	
a. Notice of Review Application and supporting documents - Received 27/08/25	05
b. Letter of Acknowledgement from Clerk 10/09/25	13
c. Letters to Interested Parties 12/09/24	15
d. Response from Interested Party: Contaminated Land Team 13/09/24	23
e. Response from Interested Party: Environmental Health 20/09/24	27
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g. Response from Agent re Interested Party Response 16/10/24	31
h. Original Planning Application and supporting documents 20/02/24	33
i. Report of Handling 24/07/24	43
j. Decision Notice 24/07/24	57

Members of the Local Review Body:

Councillor Denis Coyne (Convener)

Councillor Donald Balsillie

Councillor Phil Fairlie

Substitute Members

Councillor William Keogh

Councillor Kenneth Earle

Councillor Jane McTaggart

Councillor Martha Benny

Independent Planning Adviser

Fiona Gordon from Addleshaw Goddard.

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 100661721-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: Greig Strang Architectural & Building Consultant

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * GREIG Building Name:

Last Name: * STRANG 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="█"/>
First Name: *	<input type="text" value="Malcolm"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Watt"/>	Address 1 (Street): * <input type="text" value="██████████"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="██████"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="██████████"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: * <input type="text" value="██████"/>
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

<input type="text" value="land northwest of Devonbank Cottage Fishcross"/>
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Northing	<input type="text" value="695922"/>	Easting	<input type="text" value="289846"/>
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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)

proposed new house land northwest of Devonbank Cottage Fishcross

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The application was refused on two counts. 1. land has been identified as countryside. The land was originally a colliery and remains of which are still on site. Other developments have been allowed on the site over the years therefore we would argue that the site is ex industrial and should be considered Brownfield and suitable for further development. 2. the proposal would be detrimental to the natural environment. There are already houses on the site.

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)

supporting statement and photos of site

Application Details

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

24/00043/PPP

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

22/02/2024

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

24/07/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr GREIG STRANG

Declaration Date: 26/08/2024

SUPPORTING STATEMENT FOR LRB

THE APPLICATION HAS BEEN REFUSED ON 2 CRITERIA

1 THE LAND HAS BEEN IDENTIFIED AS COUNTRYSIDE.

The land was originally had a Colliery on site with building still on site ie pumping house. And much of the banking is formed with pit waste material ie coal slag. The land has been developed over the years with initially a riding centre, now demolished and now an animal welfare centre with associated dwelling houses. We would argue that the site should be considered as Brownfield as it is was originally industrial.

2. The proposal would have an adverse impact on the natural environment.

The land has been formed with waste from the colliery. There is already housing on the site which was not deemed to have an adverse effect on the countryside at the time of its approval.

The site is presently used as an animal enclosure ie Highland Cow, pony and wildfowl.

To the north there is a Chalet which was approved for "animal welfare" as the owner of the land had horses on the site.

It should be noted that housing has been granted to the south of the site on the adjacent riding centre and to the East.

Photos of site







**Re: 24/00043/PPP - Land North West Of Devonbank Cottage , Fishcross,
Clackmannanshire** 

Local Review Body to: greigstrang

10/09/2024 14:40

Sent by: **Gillian White**

Cc: Lee Robertson, HArthur

Good afternoon

I have attached a letter acknowledging your application for Review.



24-09-10 Letter of Acknowledgement.pdf

Regards

Committee Services

Partnership and Performance
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Telephone: 01259 452004
E-Mail: gwhite@clacks.gov.uk
Web: www.clacks.gov.uk



Legal and Governance

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

Lee Robertson

Direct Contact: Senior Manager – Legal and Governance

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 24/00043/PPP

Your Ref:

Date: 10 September 2024

Mr Greig Strang
1 Coats Crescent
ALLOA
FK10 2AQ

Sent By E-Mail to:
greigstrang [REDACTED]

Dear Mr Strang

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

Thank you for your correspondence received on 27 August 2024 enclosing a Notice of Review application form and supporting statement, in respect of Planning Application Reference Number 24/00043/PPP (Application for a proposed new house on land to the northwest of Devonbank Cottage, Fishcross). I understand you are acting as agent for Mr Malcolm Watt, 38 Ramsay Tullis Drive, Tullibody, FK10 2UD.

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 25 September 2024 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

Helena Arthur

pp. Lee Robertson
Senior Manager – Legal and Governance
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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

 Regional Archaeologist
 Clackmannanshire Council
 Via E-mail

Dear Regional Archaeologist

**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 Malcolm Watt
Name of Agent:	Mr Greig Strang
Site Address:	Land to the northwest of Devonbank Cottage, Fishcross
Description of the Application:	Application for a proposed new house
Planning Application Ref No:	24/00043/PPP

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

Helena Arthur

 pp. Lee Robertson
 Senior Manager – Legal and Governance
 Clerk to the Local Review Body
 Enc.



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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

Contaminated Land Team
Clackmannanshire Council
Via E-mail

Dear Contaminated Land Team

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

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Yours sincerely

Helena Arthur

pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.



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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

Environmental Health
Clackmannanshire Council
Via E-mail

Dear Environmental Health

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

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Name of Agent:	Mr Greig Strang
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Planning Application Ref No:	24/00043/PPP

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Yours sincerely

Helena Arthur

pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.



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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

Roads and Transportation
Clackmannanshire Council
Via E-mail

Dear Roads and Transportation

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

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Yours sincerely

Helena Arthur

pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.



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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

Scottish Water
Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps, GLASGOW
G33 6FB

Dear Scottish Water

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

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Clerk to the Local Review Body
Enc.



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

Lee Robertson
Direct Contact: Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 24/00043/PPP

Your Ref:

Date: 12 September 2024

SSPCA
National Wildlife Rescue Centre
FISHCROSS
FK10 3AN

Dear SSPCA

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

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Yours sincerely

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pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.



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: 24/00043/PPP

Your Ref:

Date: 12 September 2024

Mrs Scott
Scottish Wildlife Trust Stirling and Clackmannan
Volunteer Planning Group
[REDACTED]
BRIDGE OF ALLAN
[REDACTED]

Dear Mrs Scott Scottish Wildlife Trust Stirling and Clackmannan

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

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Yours sincerely

Helena Arthur

pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.

ITEM 3D

From: [ContaminatedLand](#)
Sent: 13 September 2024 09:23
To: [Gillian White; contamland@clacks.gov.uk](#)
Cc: [REDACTED]
Subject: RE: Local Review Application for Planning Ref: 24/00043/PPP Proposed new house at Fishcross
Attachments: Planning Bulletin 23 February 2024 - CL comment

Hi Gillian,

Thank you for contacting us with regard to the above Local Review Application. We can confirm that our original request for a Contaminated Land condition to be placed upon 24/00043/PPP remains unchanged, email attached.

Kind regards,

Mairi.

From: [ContaminatedLand](#)
Sent: 04 March 2024 12:08
To: 'planning@clacks.gov.uk'; [Contaminated Land](#)
Cc: [REDACTED]
Subject: Planning Bulletin 23 February 2024 - CL comment

Hi,

24/00043/PPP Land North West Of Devonbank Cottage, Fishcross

Can the following **condition** be placed upon the above Application please?

4. No development shall take place until:

a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the Local Planning Authority;

b) any intrusive site investigation approved as part of the site investigation strategy in a) above, has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out by suitably qualified and accredited geoenvironmental consultants in accordance with the current U.K. requirements for sampling and testing.

c) written reports of:

i) the findings of the above site investigation and

ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.

The building hereby permitted shall not be occupied until:

a) any remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Local Planning Authority. Such report shall include:

i) details of the remediation works carried out and

ii) results of verification sampling, testing and monitoring and

iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

If during the development work, areas of contamination are encountered, then the applicant shall immediately notify the Local Planning Authority. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate

site investigation report and remediation strategy shall be submitted to and approved by Local Planning Authority in writing. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Local Planning Authority.

Kind regards,

Mairi.

Mairi Laird

Contaminated Land Officer
Falkirk Council
Growth, Planning & Climate Division
Place Services
Suite 1b, Falkirk Stadium
4 Stadium Way
Falkirk
FK2 9EE

Gillian White

From: Maggie McWhinnie [REDACTED]
Sent: 20 September 2024 14:44
To: Gillian White
Subject: Fw: Local Review Application for Planning Ref: 24/00043/PPP Proposed new house at Fishcross
Attachments: LRB Application 27-08-24 - Circulation.pdf; 24-09-12 Notice to Env Health.pdf

Afternoon,

With regard to the above local review application as the responding officer for Environmental Health we have no amendments or additions to our original response.
If you need anything else please feel free in contacting me.

Kind Regards

Margaret McWhinnie
Senior Environmental Health Officer
Community & Regulatory Services
Clackmannanshire Council
Kilincraigs, Greenside Street
Alloa, FK10 1EB
Tel 01259 452573

Gillian White

From: Melanie Moore <[REDACTED]> on behalf of Local Review Body
<LRB@clacks.gov.uk>
Sent: 26 September 2024 16:39
To: greigstrang [REDACTED]
Cc: Lee Robertson; Helena Arthur; Melanie Moore; Gillian White
Subject: Re: 24/00043/PPP - Land North West Of Devonbank Cottage, Fishcross,
Clackmannanshire - Local Review application
Attachments: 24-09-26 - Letter with IP Responses.pdf
Importance: High

Good afternoon

Further to my letter of 10 September 2024, I now attach copies of representations received from interested parties. You have a further 14 days from receipt of these representations in which to submit any further comments you may wish to make (i.e. by 10 October 2024).

The meeting of the Local Review Body has been provisionally arranged for Tuesday 29 October 2024 at 9.30 am in the Council Chamber, Kilncraigs, Alloa and I'd appreciate if you could also confirm your availability for that date.

Regards
Gillian

Committee Services

Partnership and Performance
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Telephone: 01259 452004
E-Mail: gwhite@clacks.gov.uk
Web: www.clacks.gov.uk



Legal and Governance

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

Lee Robertson

Direct Contact: Senior Manager – Legal and Governance

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 24/00043/PPP

Your Ref:

Date: 26 September 2024

Mr Greig Strang
1 Coats Crescent
ALLOA
FK10 2AQ

Sent By E-Mail to:

greigstrang [REDACTED]

Dear Mr Strang

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

Further to my letter of 10 September 2024, I now attach copies of representations received from interested parties.

You 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

Gillian White

pp. Lee Robertson
Senior Manager – Legal and Governance
Clerk to the Local Review Body

Encs: E-mail response from Contaminated Land Officer
E-mail response from Environmental Health Officer

Gillian White

From: GREIG STRANG <[REDACTED]>
Sent: 16 October 2024 18:23
To: Gillian White
Subject: Re: 24/00043/PPP - Land North West Of Devonbank Cottage, Fishcross, Clackmannanshire - Local Review application

Hello Gillian

No further comments and I will be attending the meeting

Regards

Greig

Sent from my iPhone



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 100661721-001

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)

proposed change of use of land for house plot

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Greig Strang Architectural & Building Consultant		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	GREIG	Building Name:	<input type="text"/>
Last Name: *	STRANG	Building Number:	1
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Coats Crescent
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Alloa
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	FK10 2AQ
Email Address: *	<input type="text"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Malcolm	Building Number:	38
Last Name: *	Watt	Address 1 (Street): *	Ramsey Tullis Drive
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Tullibody
Extension Number:	<input type="text"/>	Country: *	uk
Mobile Number:	<input type="text"/>	Postcode: *	FK10 2UD
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Clackmannanshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

land northwest of Devonbank Cottage Fishcross

Northing

695922

Easting

289846

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

600.00

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)

scrub wood originally part of Devonbank Colliery

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>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.</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>≤ Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>T Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * T Yes ≤ No</p> <p>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.</p>
<p>All Types of Non Housing Development – Proposed New Floorspace</p> <p>Does your proposal alter or create non-residential floorspace? * ≤ Yes T No</p>

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

Do you have any agricultural tenants? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr George Grieve

Address:

Devonbank Cottage, Fishcross, Clackmannanshire, uk, FK10 3AN

Date of Service of Notice: *

20/02/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed:

GREIG STRANG

On behalf of:

Mr Malcolm Watt

Date:

20/02/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
A Flood Risk Assessment. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
Drainage/SUDS layout. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
Contaminated Land Assessment. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
Habitat Survey. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A
A Processing Agreement. *	<input type="checkbox"/>	Yes	<input type="checkbox"/>	T	<input type="checkbox"/>	N/A

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

Declare – For Application to Planning Authority

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

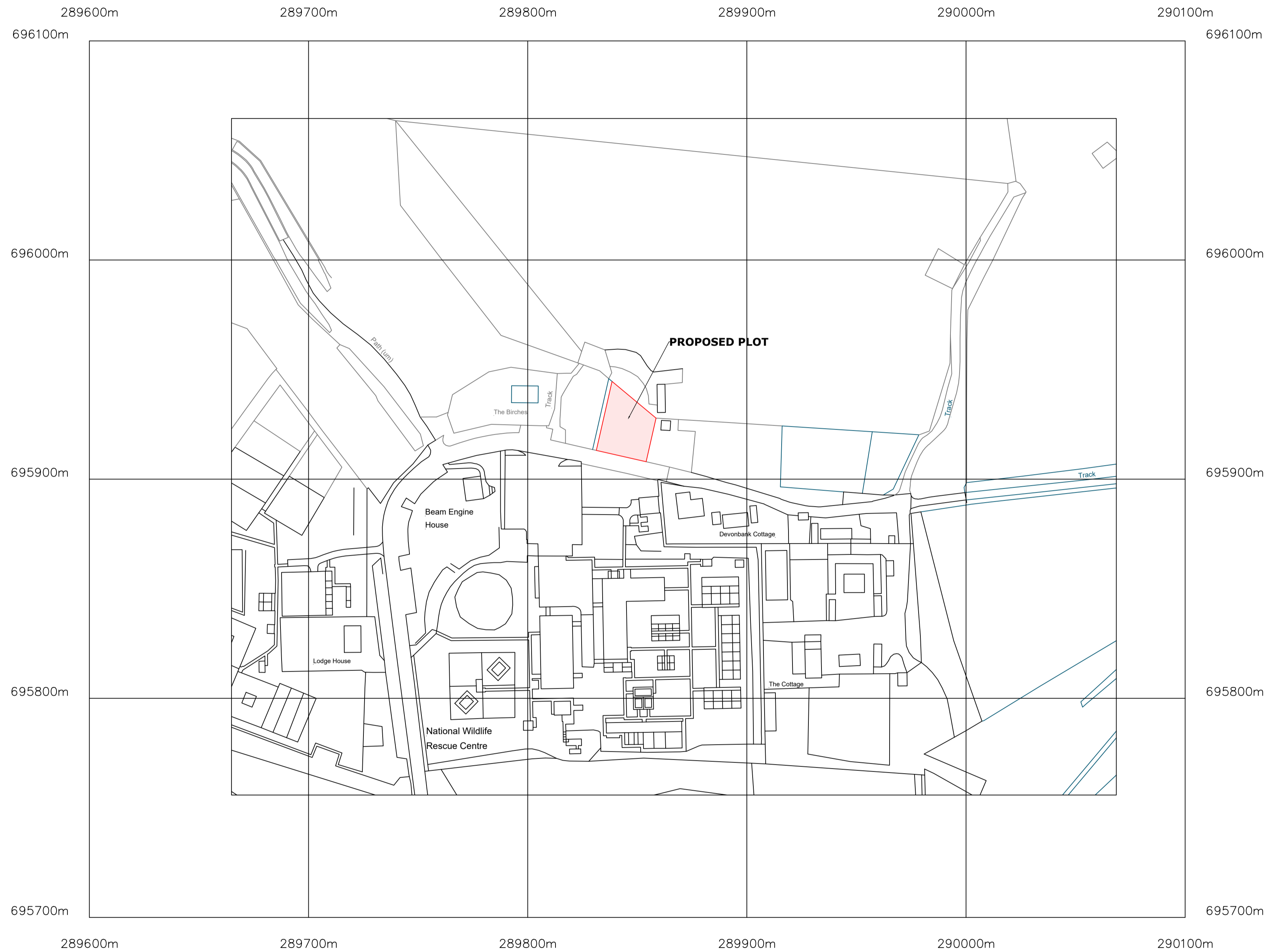
Declaration Name: Mr GREIG STRANG

Declaration Date: 20/02/2024

Payment Details

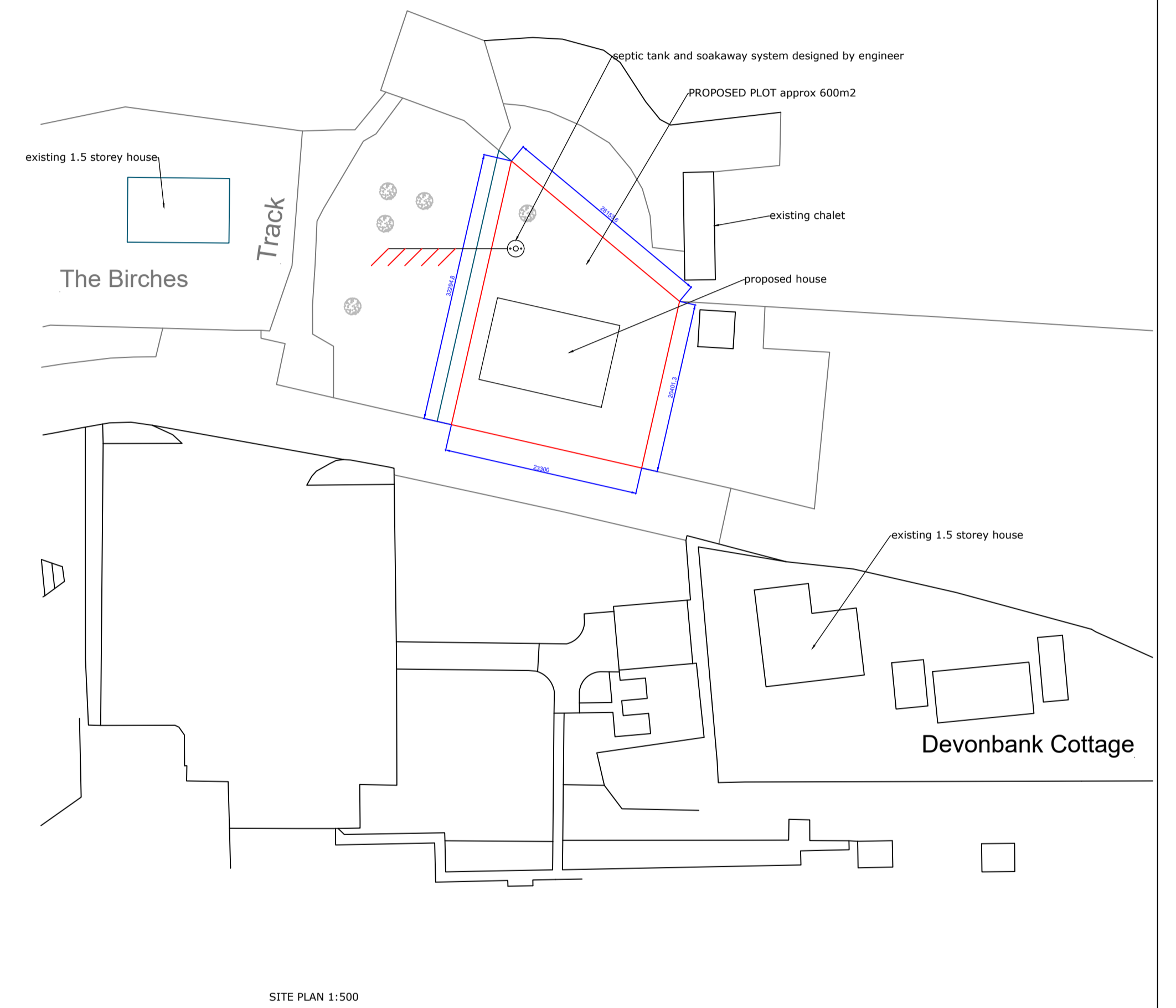
Pay Direct

Created: 20/02/2024 10:12



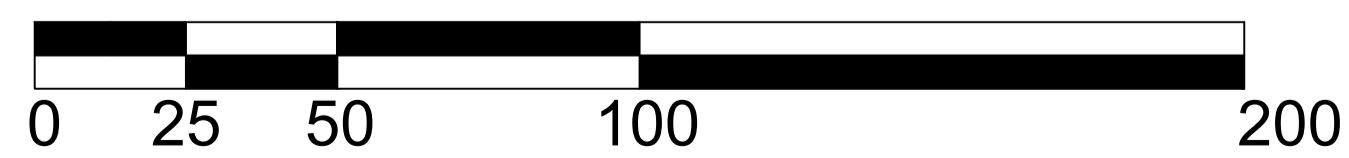
?Crown Copyright and database rights 2023 OS Licence no. 100041041

LOCATION PLAN 1:1250

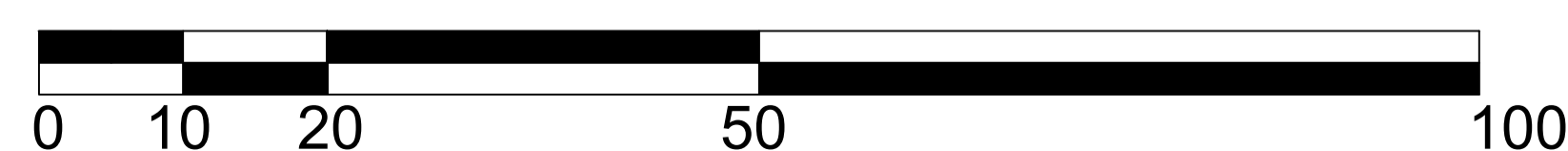


SITE PLAN 1:500

Greig Strang Architectural & Building consultant, 1 Coats Crescent, Alloa, FK10 2AQ Mobile: 07905 534 711 E.mail: greigstrang@sky.com



SCALE BAR 1:1250



SCALE BAR 1:500

Project:	Proposed house plot
Address:	Land NorthWest of Devonbank Cottage, Fishcross
client:	Mr Malcolm Watt
Drawing:	Location and site plan
Scale:	1:1250 & 1:500
REF:	DRG 001 Rev:B

SUPPORTING STATEMENT

PROPOSED HOUSE PLOT AT DEVONBANK FISHCROSS

THE PROPOSED SITE LIES JUST NORTH WEST OF DEVONBANK COTTAGE FISHCROSS.

ORIGINALLY COLLIERY LAND AND STILL HAS THE ORIGINAL PUMPING STATION NEARBY, THE ADJACENT LAND DIVERSIFIED TO FORM A RIDING CENTRE. FOLLOWING THE CLOSURE OF THE RIDING CENTRE, AN ANIMAL WELFARE STATION WAS FORMED BY THE RSPCA THIS INCLUDED TWO NEW HOUSES.

DEVONBANK COTTAGE WAS CONSTRUCTED CIRCA 30 YEARS AGO.

TO THE SOUTH, ANOTHER RIDING CENTRE WHICH HAS BEEN GRANTED TWO NEW HOUSES AND RECENTLY, HOLIDAY CHALETs AND SITES FOR MOTOR HOMES. THERE IS ALSO A DOG BREEDING KENNEL.

LAND TO THE NORTH OF THE SITE IS FARMLAND PREDOMINANTLY USED FOR HORSE GRAZING. A CHALET WAS GRANTED PERMISSION ALONG WITH CONTAINER UNITS FOR FOOD STORAGE ETC.

TO THE EAST THERE IS A FARM HOUSE AND FARM BUILDINGS.

THE PROPOSED PLOT IS THEREFORE BOUNDED BY A HOUSE TO THE WEST, A HOUSE TO THE SOUTH EAST WITH ANIMAL ENCLOSURES TO THE EAST, A CHALET AND CONTAINERS TO THE NORTH AND THE ANIMAL WELFARE SITE TO SOUTH AS WELL AS THE RIDING CENTRE WITH HOUSES AND CHALETs.

AS CAN BE SEEN FROM THE SITE PLANS, THE PROPOSED PLOT IS IN THE MIDST OF A CLUSTER OF HOUSES AND BUILDINGS.

THE SITE IS ACCESSED FROM AN UNRESTRICTED ROAD BETWEEN FISHCROSS AND ALVA AND LEADS ONTO THE BRIDAL PATH SYSTEM TO TILLCOUNTRY.

AS THE SITE'S HISTORY INCLUDED INDUSTRIAL, COMMERCIAL AND RESIDENTIAL USE IT IS SUITABLE FOR A RURAL HOUSING PLOT.

**DEVELOPMENT & ENVIRONMENT SERVICES
CLACKMANNANSHIRE COUNCIL**

<p>REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT</p>
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Application Ref. No. **24/00043/PPP** Date of Site Visit: 18/4/24

Description of Proposal **Change Of Use Of Woodland To Residential Use For House Plot**

Location: **Land North West Of Devonbank Cottage, Fishcross, Clackmannanshire**

1. The Proposed Development

Permission in principle is sought for a single house plot on an area of land extending to approximately 600 square metres located to the north of Devonbank Cottage and the National Wildlife Rescue Centre near Fishcross. The site lies on the north side of a private road which separates it from the above properties. The site forms part of the landholding of the proprietor of Devonbank Cottage which includes a rectangular shaped area of land lying parallel to the private road and extending approximately 160 metres in length by between 20 to 35 metres in depth. The site is largely open with grass and soil cover and is being used for grazing by goats, a cow and ponies. There is evidence on site of a number of trees having been felled and vegetation cleared within the site.

An indicative Site Plan has been submitted which shows the footprint of one house on the plot comprising approximately 25% of the plot area. It also includes an annotation of the proposed septic tank and soakaway arrangement. As an application for planning permission in principle (PPP), no house design has been submitted and such a level of detail would be submitted as part of further application(s) for Approval of Matters Specified in Conditions (MSC) if the PPP is granted.

The site would be accessed from the private road which would provide vehicular access to the public road at Shavelhaugh Loan. This road currently serves a number of properties including 6 houses, the Wildlife Centre and the Devon River Riding Centre. The road is also designated as a Core Path and forms part of the local network which connect Shavelhaugh Loan, the Devon Way and Devon Village and Fishcross.

The site abuts a small wooded area to the west while to the north there are fields used for grazing which includes a static caravan and containers adjacent to the site boundary. The land to the east is primarily used for grazing and is also in the same ownership as the application site. To the south is land which is part of the curtilage of the Wildlife Centre.

2. Summary of Consultation Responses

Transportation object to the application as they do not favour residential development being granted permission outwith settlement boundaries and served by private roads. They advise this is likely to result in an unwelcome precedent being set for further similar unsubstantiated residential development in countryside areas and served by sub standard private roads. Comment – *the site is accessed from a private road which connects to the public road at Shavelhaugh Loan. The road currently serves 6 houses, Sauchie Tower, the SSPCA National Wildlife Rescue Centre and Devon River Riding Centre which also contains temporary residential accommodation and has permission for 4 glamping pods, 5 parking bays for campervans and dog breeding. The private road is also defined as a Core Path and is part of a network which links the Devon Way, Shavelhaugh Loan, the Woods Caravan Site and Fishcross. Having regard to the frequency and character of the traffic movements generated by the existing uses and activities which are served by the private road, it is considered that the number and type of vehicle movements which could be generated by the proposed house is unlikely to result in a significant or material increase in the risk to road safety on the private road or at the junction with Shavelhaugh Loan. The developments at the Rescue Centre and at the Devon River Riding Centre were considered to benefit from a justification for a countryside location which was taken into account in considering the general concern about precedent for further development taking place raised by Transportation. The locational justification for the proposal is considered in the policy assessment set out in Section 8 below.*

Contaminated Land Team advise that a condition be attached to any permission which would require a suitable risk assessment of possible contamination and land stability issues and the need for any remediation to have been undertaken and agreed before development commences on site and any remediation works to have been completed prior to occupation of the house. Comment – *this could be regulated by a suitably worded condition if the application is approved.*

Environmental Health has advised that it has no objection however the applicant should take cognisance of the sensitivities associated with construction works including noise and dust on the nearby Wildlife Centre. Comment – *this could be regulated using an Informative Note attached to the decision if the application is approved.*

Scottish Water advises that it has no objections to the application. They state that there is sufficient capacity to provide a public water supply but further investigation may be required once they receive a formal application for a connection. They make no comment in relation to a connection to a public sewer. Comment - *There is no public sewer in the vicinity. However, the application states that the proposed house would be serviced by private drainage arrangements.*

Regional Archaeologist advises that he has no objections or comments on the application. The development is not considered to raise any issues of archaeological significance.

3. Neighbour Notification and Publicity

Number Of Neighbours Notified

4

Number of Objections

1

Number of Other Representations

1

The application was publicised in the Alloa Advertiser for neighbour notification reasons.

4. Summary of Representation(s)

An objection has been received on behalf of SSPCA who own and operate the National Wildlife Rescue Centre which is situated to the west and south of the application site. Their concerns can be summarised as follows;

- The SSPCA is currently having a number of issues with neighbours including the dumping of burnt out caravans along the side of the access road to the Centre. This road would also serve the proposed house. They also seek assurance from the applicant on a number of factors including arrangements for shared maintenance of the private access road which serves the proposed site. The SSPCA currently has to cover the cost of maintaining the road which links the Centre and the site to the public road at Shavelhaugh Lane. Comment - *the issues raised are not considered to be material to the planning merits of the proposal for a house on the site. Maintenance responsibilities for upkeep of the road would be a civil matter and could not be regulated or resolved through the regulatory planning process.*

A representation neither objecting to nor supporting the application has been received from Scottish Wildlife Trust Stirling and Clackmannan Volunteer Planning Group. Their comments can be summarised as follows;

- i) The site comprises native woodland although it is not identified within the Ancient Woodland Inventory where tree loss would not normally be supported Comment – *the Service also conclude that the site is not included in the Ancient Woodland Inventory Scotland. Available satellite images of the site dating from 2011, 2015 and 2020 indicate that the site contained a number of trees and formed part of a copse of trees extending onto the land to the west of the site. The tree cover has reduced over time and it was noted from the site visit and submitted information that the site contains a small number of trees and there was evidence of tree felling on the site.*
- ii) An impact assessment should be submitted if the application is approved including a tree and animal survey. Comment – *a survey, in the form of a photographic record of the site has been submitted. This advises that the site is primarily used as an animal enclosure accommodating a cow, goats and a pony. The survey shows that the site contains a small number of trees and the ground appears to be heavily grazed. The natural habitat value of the site is considered to be relatively low based on the evidence available. Consequently, it is not considered that any further ecological assessment would be necessary or justified.*

- iii) Suitably trained arboriculturists and ecologists should be used to make recommendations to preserve and enhance biodiversity as per NPF4. Comment – *this is not considered to be necessary or justified based on the condition of the site and the small number of trees present on the site.*

5. Summary of Supplementary Statements

- Supporting Statements – a statement was submitted with the application which refers to the history of development which has taken place around the site over time since it was used as part of a colliery. It states that the site is bounded by development including houses, a wildlife centre and a riding centre which incorporates residential accommodation, visitor accommodation, dog breeding kennel and pitches for campervans. Having regard to the developments, it considers that the proposed site lies within a cluster of buildings and houses. The historic land uses in and around the site included industrial, commercial and residential uses and it is considered suitable for a house plot. It notes the site is accessed from Shavelhaugh Loan and from the public footpath network.

A supplementary statement was received from the agent which highlighted several factors which were considered to be material to the policy assessment and determination of the application. These can be summarised as follows;

- i) The site should be classed as brownfield as it was previously a working colliery. The woodland area referred to within the site is growing through spoil from historic mining operations and the site was never natural. Comment: *As with much of the surrounding land, the site was previously affected by coal mining activity, however it has returned to a natural state over time and is not considered to be brownfield land.*
- ii) The SSPCA development was approved permission even though it occupies a much larger area than the original riding centre it replaced and permission for multiple houses was granted. Comment – *permission was granted for 2 houses to accommodate staff working at the Wildlife Centre and the houses are regulated by a Section 75 Obligation which restricts occupancy to persons involved in the management and supervision of animals at the Centre and preventing their separate disposal from the Centre.*
- iii) The riding centre to the south has been developed over time to include 2 houses and holiday cabins. There is also a dog breeding kennel with retrospective planning permission. Comment: *Temporary living accommodation and staff welfare facilities in connection with the supervision of the rural equestrian business and other rural business diversification elements have been approved at this site, in accordance with development plan policies.*
- iv) Both Stirling and Perth and Kinross Councils have planning policies which allows dwellings in countryside areas where there is existing infrastructure but this approach has not been adopted in Clackmannanshire, to its detriment. Comment – *the application has to be determined in accordance with the Clackmannanshire Development*

Plan comprising NPF4 and the adopted Local development Plan, 2015. The policy approach in other planning authority areas would not be material and is not considered to outweigh the provisions of the Clackmannanshire Development Plan.

6. Summary of Section 75 Planning Obligations.

- N/A

7. Site History/Background

- The site comprises an approximate 0.06 Ha area of land which has latterly been used for grazing of animals. The lawful use of the site in planning terms is considered to be grazing land for animals which would fall within the definition of agricultural use. Satellite images of the site from 2011 and 2015 show that a large proportion of the site formed part of a wooded copse on the north side of the private road and Core Path. An image from 2020 suggests that the tree cover had reduced slightly on the eastern side of the site.
- The west side of the site is bounded by the remainder of the copse beyond which is an access track leading to the agricultural land to the north of the site and one of the two managers' houses built as part of the Wildlife Rescue Centre. The houses are required in order for staff to be able to provide security and overnight care and feeding of animals on a continuous basis. These houses were granted subject to a Section 75 Obligation which restricts their occupancy to persons involved in the running and management of the Rescue Centre. To the north there is agricultural land used for grazing including the siting of a static caravan and 3 containers used for stabling and storage. A retrospective application for the caravan and containers (ref 20/00251/FULL) was determined by the Council. Planning permission was granted for the containers but not for the residential caravan which has to be removed, and permission was granted for the siting of a small timber cabin to provide shelter for the landowner when visiting the landholding and caring for the animals on the land. The caravan had not been removed when this Report was being compiled. To the east there is land primarily used for grazing which is also in the same ownership as the application site. To the south there is a private road which is also a Core Path and to the south of the road is part of the Wildlife Rescue Centre while part of the curtilage of Devonbank Cottage lies to the south east.
- The Devon River Riding Centre lies some 75 metres to the south east of the site. The riding centre has been in use for many years. Permission has been granted previously for temporary residential accommodation and staff welfare building (Ref 18/00154/FULL) and for 4 No Glamping Pods, 5 Parking Bays for campervans and a kennels building for dog breeding (Ref 23/00097/FULL).
- 12/00204/FULL - Erection of Stable Building for Domestic Use, Land Adjacent to Devonbank Cottage, Fishcross – approved and implemented.

- 12/00133/FULL - Erection of Stable Building for Domestic Use, Land Adjacent to Devonbank Cottage, Fishcross – withdrawn
- 06/00459/FULL - Change Of Use Of Agricultural Land To Garden Ground at Devonbank Cottage – the application was withdrawn before being determined.
- Devon Beam Engine House which is a category A listed building is located approximately 55 metres to the south west of the site. However, it is considered that given the juxtaposition of the site to the building and the development and uses on intervening land, that the proposed development of the site would not have any significant negative impact on the setting of the listed building.

8. Planning Assessment

(a) Policies and Proposals

The site is located within countryside as defined by the adopted Clackmannanshire LDP.

(i) Policies

The National Planning Framework 4 (NPF4)

The National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. As a consequence, Scottish Planning Policy 2014 is superseded. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review of the Local Development Plan (LDP) is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.

NPF4 Policies

- 1 Tackling the Climate and Nature Crises
- 3 Biodiversity
- 4 Natural Places
- 6 Forest, Woodland and Trees
- 13 Sustainable Transport
- 14 Design, Quality and Place
- 15 20 Minute Neighbourhoods
- 17 Rural Homes
- 18 Infrastructure first
- 19 Heat and cooling
- 29 Rural Development

LDP Policies

- SC5 Layout and Design Principles
- SC7 Energy Efficiency and Low Carbon Development
- SC12 Development Proposals – Access and Transport Requirements
- SC23 Development in the Countryside – General Principles
- SC24 Residential Development in the Countryside
- EA2 Habitat Networks and Biodiversity
- EA3 Protection of Designated Sites and Protected Species
- EA4 Landscape Quality
- EA7 Hedgerows, Trees and Tree Preservation Orders

The application site is considered to comprise greenfield rather than brownfield land given its condition, character and usage, containing land which has been used for grazing and/or part of a wooded area for many years. The land generally to the south of the site was formerly a colliery which was then restored and it has since been used in part as an equestrian centre and then the Wildlife Rescue Centre and the Riding Centre in addition to the house at Devonbank Cottage. Policy 17 applies to rural homes and states that proposals will be supported where the development will be in keeping with the character of the area and the development would meet at least one of 8 criteria set out in the Policy. Our assessment has concluded that the development would not satisfy any of the criteria listed in the Policy, specifically as;

- i) The site is not allocated for housing within the LDP
- ii) The site would not re-use brownfield land where a return to a natural state has not or will not happen without intervention
- iii) The development would not re-use a redundant building
- iv) The house is not demonstrated to be necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.

Policy 17 b) states that proposals for new homes in rural areas will consider how the development will contribute to local living and take into account local housing needs, economic considerations and the transport needs of the development. The proposed development is not considered to make any significant and meaningful contribution towards these factors. Policy 29 relates to rural development which contributes to rural economic development and the local rural economy. The Policy states that proposals which contribute to the viability and sustainability of rural communities will be supported including; developments associated with farming or land use businesses; diversification of existing businesses; re-use of brownfield land where a return to a natural state has not or will not happen without intervention; small scale developments which support new ways of working such as remote working; and restoration of the natural environment. The proposed development is not considered to satisfy any of the criteria in the

Policy which would justify development taking place and the development is not considered to be likely to encourage rural economic activity. Policy 29 b) also states that development should be suitably scaled and designed to be in keeping with the character of the area. The site lies to the north of the private road on land which is used for grazing and contains a small number of trees on the perimeter although it appears a number of trees within the site have been removed. While one of the managers' houses associated with the Wildlife Rescue Centre is also located to the north of the road, it is enclosed by existing trees and its location allows for supervision of the entrance to the Centre. It is physically separate from the current application site. The 2 houses were considered justified in order to enable adequate supervision and management of the animals in the Centre. The static caravan to the north of the site does not have planning permission and permission Ref 20/00251/FULL requires its removal from the site. It is concluded that the established character of the site and surrounding land to the north and east and west would be adversely affected by the introduction of a house on the site. The application is not considered to benefit from any of the criteria identified in the policies which would help support residential development. Furthermore, in the absence of satisfying the criteria in Policy 17 there is a risk that granting of permission could set a precedent for further development on surrounding land. On balance, the application is not considered to accord with the requirements and objectives of Policies 17 and 29.

Policies SC23 and SC24 of the adopted LDP relate to development in the countryside and residential development in the countryside respectively. The policy approach adopts a general presumption against development in the countryside and directs new development towards urban areas. The Policies do include a number of criteria which if applicable would help justify granting permission in countryside areas, and these include;

- i) The development can demonstrate a requirement for a countryside location.
- ii) The proposals respect the character of the site and would maintain and enhance the visual amenity and landscape character of the area.
- iii) The access arrangements are adequate.
- iv) Proposals will normally be supported where they involve the conversion of an existing building considered worthy of retention or on suitable sites next to existing groups of buildings where development could be sympathetically integrated within a cluster of existing buildings.
- v) For residential development Policy SC24 states that permission will only be approved where the house is integral to, and is necessary for, the full time management of an existing and well established countryside business or it comprises a replacement of an existing house which would lead to enhanced design and setting.

It is considered that the proposed house would not satisfy the criteria set out in Policy SC24 which would support residential development within a countryside area. It is also considered that the proposal would not satisfy the

relevant criteria set out in Policy SC23 including; that a requirement for a countryside location has been demonstrated; the development would respect the character of the site and would maintain and enhance the visual amenity and landscape character of the area; and that the house could be sympathetically integrated with existing buildings nearest to the site. On balance, the application is not considered to accord with the aims or requirements of Policies SC23 and SC24.

Policy 4 seeks to ensure natural places are protected and restored. Proposals which would have an unacceptable impact on the natural environment will not be supported. The Policy also seeks to protect sites which are designated for their landscape or habitat value or which could affect protected species. Policy 6 states that proposals which enhance and improve woodland will be supported while proposals will not be supported where they would; result in adverse impacts on native woodlands; or fragment woodland habitats. Policy EA4 states that development should be designed and located so that the overall landscape integrity of the area is maintained while attention should be given to distinctive local landscape character, including features such as trees and woodland. Policies EA3 and EA7 seek to safeguard protected species and to retain trees and woodland. Where development is permitted to remove trees appropriate replacement planting will be expected. The site is not considered to be likely to provide habitat for protected species. While evidence exists that indicates that a significant proportion of the site was previously covered by trees, these are no longer on the site and appear to have been removed before the application was submitted. Their previous removal would not constitute a breach of planning legislation. This reduces the weight that can be attributed to Policies 6 and EA7 notwithstanding their aim to help sustain and enhance tree cover and wooded areas and the effect built development would have in permanently reducing and fragmenting the tree cover that was present. The introduction of a house and associated curtilage is however considered to have an adverse impact on the natural environment of the area and the distinctive local landscape character of the site. The permanent development would erode the countryside character of the site. The application is not considered to accord with the aims and requirements of Policies 4 and EA4 but on balance are not considered to be contrary to the provisions of Policies 6, EA3 and EA7.

Policies 13 and SC12 state that proposals can be supported where the transport requirements generated have been considered in line with the sustainable travel hierarchy and where they; can safely access local facilities including by direct and segregated active travel links; will be accessible by public transport; and where any impact on local public access routes can be mitigated. While Transportation has objected and highlighted the risk that granting permission could have in setting a precedent which would support further development of this nature in similar locations, on balance, it is considered that the proposal would not be sufficiently contrary to the requirements of Policies 13 and SC12 to justify withholding permission on road safety grounds alone.

Policy 3 states that local developments will include appropriate measures to conserve, restore and enhance biodiversity. While there would be potential to achieve this on the site, no proposals have been tabled. However, it is considered that such measures could be addressed using planning conditions to be considered as part of the Matters Specified in Conditions (MSC) in the event that permission in principle was granted. Policies 1 and 2 require significant weight to be given to the global climate and nature crises when considering proposals and ensuring development is designed to minimise greenhouse gas emissions and can be adaptable to future risks from climate change. Having regard to the nature, scale and potential design of a proposed house on the site, and the scope to address such issues in a subsequent MSC application if PPP was approved, it is considered that the application would not be contrary to these Policies.

Policies 14 and SC5 require development to be designed to contribute positively to the character and quality of an area and integrate with existing streets and active travel networks. Proposals which are poorly designed or detrimental to the amenity of the area will not be supported. While the principle of a house on the site is not considered to be supported by relevant Development Plan policies, if this was not the case, it is concluded that a house could be sited and designed with suitable mitigation which would not have an unacceptable impact on the amenity or privacy of neighbouring properties. This could be achieved using planning conditions to be considered as part of the Matters Specified in Conditions in the event that permission in principle was granted. The application is not considered to be contrary to these Policies.

Policy 15 states that development will contribute to local living, including where relevant 20 minute neighbourhoods. While the site is in the countryside and served by a private road, the site is also accessible from the active travel network which passes the site. Services within Sauchie would be accessible by walking, wheeling and cycling within a 2 km distance which is considered to be within the limits of local living supported by Policy 15.

Policies 18 and 19 seek to ensure the impact on infrastructure by development can be mitigated and buildings to be occupied by people will be supported where they are designed to promote sustainable temperature management. Policy SC 7 requires development to include design measures to promote energy efficiency and reduce greenhouse gas emissions. The development is capable of being satisfactorily serviced and the details relating to sustainable construction and design could be addressed using planning conditions to be considered as part of the Matters Specified in Conditions in the event that permission is granted. The application is not considered to be contrary to these Policies.

In summary, the application is considered to be contrary to a number of relevant Development Plan policies but would also be capable of according with some other policies. It is concluded that the weight of those policies

which the application would not accord with or would have tensions with, would outweigh the other policies which would be satisfied and that, on balance, the application would be contrary to the Development Plan.

(ii) Proposals

- N/A

(iii) Supplementary Guidance

- N/A

(b) Other Material Considerations

- The advice from consultees has been discussed in Section 2.
- Supplementary statements by the agent have been considered as set out in Section 5.
- The representations have been discussed in Section 4 above. The issues raised are not considered to provide justifiable grounds to withhold permission.
- NPF4 provides the latest national planning policy context for the assessment of planning applications and where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail. It is considered that the policies in NPF4 do not provide support for the proposed development of a house at this location on the basis of the information available.
- While there is development on adjacent land, it is separated from the site by the road or trees and it is considered that the development of a house would effectively extend the footprint of development rather than be seen as sympathetically integrating with a cluster of existing buildings.
- It is concluded that there are no other material considerations which would outweigh the Development Plan position and justify granting permission in principle.

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"/>

Reasons for Refusal

1. The site lies within an area identified as countryside in the adopted Clackmannanshire Local Development Plan, 2015. The proposed house on the site is not considered to satisfy any of the criteria or circumstances set out in Policies 17 (Rural Homes) and 29 (Rural Development) of NPF4 or Policies

SC23 (Development in the Countryside – General Principles) and SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan adopted 2015 which could justify the development of a house at this countryside location. In the absence of any significant justification and having regard to the adverse impact that development on the site would have on the established landscape character and visual amenity of the area, the development is considered to be contrary to NPF4 Policies 17 and 29 and Clackmannanshire LDP Policies SC23 and SC24.

2. The introduction of a house and associated curtilage on this greenfield site is considered to have an adverse impact on the natural environment of the site and the local landscape character of the area. The permanent development would erode the countryside character of the site and contribute to the permanent fragmentation of a wooded area. The house is not necessary to support the sustainable management of a viable rural business where there is an essential need for a worker to live permanently at or near their place of work, or benefit from any other acceptable locational justification. The application is considered to be contrary to NPF4 Policies 4 and 6 and Clackmannanshire LDP Policy EA4.

Plan Numbers Relating to the Decision

<u>Plan No</u>	<u>Title</u>
001 Rev B	Revised Location and Site Plan

10. Checklist

The application involves development of land in which the Council has an interest	
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	x
The charge for advertising this application has been paid or is not required	x
Any publicity period has expired	x
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	x
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 KJ _____ (Case Officer)

Date 24/07/2024 _____

Signed GB _____ (Team Leader)

Date 24/07/2024 _____



CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Applicant

Agent

Mr Malcolm Watt
[REDACTED]
[REDACTED]
[REDACTED]

GREIG STRANG
Greig Strang Architectural & Building Consultant
[REDACTED]
[REDACTED]
[REDACTED]

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

Change Of Use Of Woodland To Residential Use For House Plot

Land North West Of Devonbank Cottage, Fishcross, Clackmannanshire, ,

in accordance with your application and plans Ref. No:- 24/00043/PPP dated 22nd February 2024

For the following reasons:-

1. The site lies within an area identified as countryside in the adopted Clackmannanshire Local Development Plan, 2015. The proposed house on the site is not considered to satisfy any of the criteria or circumstances set out in Policies 17 (Rural Homes) and 29 (Rural Development) of NPF4 or Policies SC23 (Development in the Countryside – General Principles) and SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan adopted 2015 which could justify the development of a house at this countryside location. In the absence of any significant justification and having regard to the adverse impact that development on the site would have on the established landscape character and visual amenity of the area, the development is considered to be contrary to NPF4 Policies 17 and 29 and Clackmannanshire LDP Policies SC23 and SC24.

2. The introduction of a house and associated curtilage on this greenfield site is considered to have an adverse impact on the natural environment of the site and the local landscape character of the area. The permanent development would erode the countryside character of the site and contribute to the permanent fragmentation of a wooded area. The house is not necessary to support the sustainable management of a viable rural business where there is an essential need for a worker to live permanently at or near their place of work, or benefit from any other acceptable locational justification. The application is considered to be contrary to NPF4 Policies 4 and 6 and Clackmannanshire LDP Policy EA4.

Dated: 24 July 2024



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DEVELOPMENT SERVICES

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 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 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. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition, in respect of the proposed development, or to grant permission for approval subject to conditions, 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

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 Intention of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** The notification must include:-
 - (i) The date on which the development is likely to commence.
 - (ii) The full name and address of the person intending to carry out the development.
 - (iii) The full name and address of the landowner if they are a different person.
 - (iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.
 - (v) The reference number and date of issue of the planning permission.

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.

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 Development 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.**

