



Decision by Karen Heywood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-390-2060
- Site address: land south of Campsie Road, Strathblane
- Appeal by: Gladman Developments Ltd against the decision by Stirling Council
- Application for: planning permission in principle 17/00434/PPP dated 30 May 2017 refused by notice dated 7 November 2017
- The development proposed: residential development and cemetery with associated engineering works and landscaping
- Date of site visit by Reporter: 22 February 2018

Date of appeal decision: 25 July 2018

Decision

I dismiss the appeal and refuse to grant planning permission in principle.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the adopted Stirling Local Development Plan 2014, together with associated supplementary guidance. The council has published a proposed local development plan and the examination of this plan has been completed.

2. In this case I consider that the key issue raised is whether there is a shortfall in the five years' effective housing land supply which might justify approval of the proposed housing development, despite the appeal site's location within the green belt and the spatial strategy of the local development plan.

The green belt

3. The appeal site lies immediately south of the A891 road and forms part of the designated green belt, as shown in the adopted local development plan. The plan allocates the north-western part of the site for a cemetery extension, while retaining it within the green belt. The principal role of the designated green belt around Strathblane, as set out in supplementary guidance, is to avoid development in the countryside which would threaten Strathblane's separation from Milngavie to the south. Development of the appeal site would not do so, as it is located on the eastern side of the village.



4 However a secondary purpose of the green belt is to protect the more immediate setting of Strathblane itself. In this respect, the development for up to 70 houses of this 11 hectare greenfield site would constitute a large and prominent extension of the built up area into the open countryside which currently contains the village. I therefore consider that this would be contrary to the purpose of the green belt in this location.

5. It would therefore also be inconsistent with Policy 1.5 of the local development plan which seeks to preserve the openness of the green belt, and only provides support where the proposed development would support diversification of the rural economy. Neither would it accord with Primary Policy 1, which requires that new development respects the green belts.

The spatial strategy

6. In the adopted local development plan, Table 1: Spatial Strategy defines the Stirling Core Area as comprising Stirling City (Tier 1), Bridge of Allan, Dunblane and Cambusbarron (Tier 2) and the Eastern Villages and Durieshill (Tier 3). Most development is directed towards this Core Area. Outwith the Core Area, the Stirling Rural Villages Area contains Tier 4 and Tier 5 settlements. Strathblane and Blanefield is a Tier 4 settlement located at the extreme south western edge of the council area and on the edge of the Rural Villages Area. In Table 1 the approach to development in the Rural Villages Area is described as “Controlled small-scale expansion of existing villages consistent with their limited size and role in the Settlement Hierarchy, to include new affordable and market housing and local business space”.

7. The map of the Settlement Hierarchy shows all land to the west of a line drawn north to south from Dunblane to Bridge of Allan, Stirling and Durieshill as the Rural Villages Area and land to the east of the line as the Core Area. The plan explains that “the Settlement Hierarchy differentiates between the identified settlements within the Plan in terms of their role in helping to deliver the Spatial Strategy”. The Key Diagram – Plan Area (Core and Rural Villages) shows small scale housing development allocations in certain of the rural villages, including Strathblane and Blanefield. The local development plan’s ‘Overarching Policy’ states, amongst other things, that all development will require to demonstrate compatibility with the Spatial Strategy.

8. The adopted local development plan’s settlement statement for Strathblane and Blanefield states that these villages have expanded steadily in the last 30 years and they now form one continuous settlement with a population of approximately 2000. The statement explains that the village has potential for modest amounts of new development and the Proposals Map allocates a site, H106, to the west of the appeal site for development for 30 houses (since developed).

9. The proposed local development plan’s settlement statement indicates that site H106 had been partially built in June 2016. It proposes a further allocation, for around 20 houses, at site H153 south of the A81. I note that the housing developer previously interested in developing site H153 has advised that because of the constraints on the site it considers it is not viable and no longer has an interest in developing it. The 2017 Housing Land Audit considers that the site would become effective in the period 2022/23 – 2026/27

but it is not considered to part of the 5 year effective land supply (defined in the audit as 2017/18 – 2021-22).

10. The appellant states that the proposal broadly accords with the principles in the adopted and proposed local development plan with regard to the distribution of growth and settlement hierarchy. I do not agree. In the context of a settlement which has a population of 2000 people, I do not consider that the development of a site for up to 70 houses, extending to 11 hectares, in a Tier 4 Rural Village accords with the local development plan's Spatial Strategy. In my view, a site of this size would not be "controlled small-scale expansion" of Strathblane "consistent with its limited size and role in the Settlement Hierarchy", particularly since the proposed 70 houses would be additional to the 30 houses recently completed on the allocated site H106.

11. I also note that local development plan Primary Policy 2: Supporting the Vision and Spatial Strategy states that outwith allocated sites, the Core Area will be the preferred location for new build development. In the Rural Villages Area development will be more constrained, although new employment development and other developments providing significant economic and social support will be encouraged in appropriate circumstances. While the appellant suggests that, by applying the council's policy, up to 23 of the proposed houses could be affordable houses, there is no specific evidence that the proposed development would provide further significant economic and social support, other than the future use of land on the eastern side of the appeal site as a cemetery.

12. The Spatial Strategy of the proposed local development plan is very similar to that of the adopted plan. It comprises five different development approaches within two distinct areas: Urban Consolidation, Strategic Development and Regeneration within the Core Area and Sustainable Expansion and Rural Development in the Rural Villages Area. The Core Area and Rural Villages Area are the same as in the adopted plan. The proposed local development plan also classes Strathblane as a Tier 4 settlement within the Settlement Hierarchy and states it has potential for modest amounts of new development. It is identified as a settlement where there would be Sustainable Expansion, defined as "controlled small-scale expansion of existing settlements consistent with their size and role in the Settlement Hierarchy".

13. I find that the allocations of site H106 in the adopted local development plan and that of site H153 in the proposed local development plan are indicative of the scale of development expected in a Tier 4 settlement in the Rural Villages Area over the period of both the adopted and the proposed local development plans (30 and 20 houses respectively). A development of 70 houses as proposed would be over three times the number allocated at site H153. Despite the current non-effectiveness of site H153, I do not consider that the proposed development can be said to be a modest amount of new development in the context of a village the size of Strathblane. I therefore conclude that it would not be consistent with the Spatial Strategy of the adopted local development plan. Consequently, it would conflict with the local development plan's Overarching Policy.

Housing land supply

14. The requirement on councils to maintain a five years' effective housing land supply is emphasised in Scottish Planning Policy and is reflected in both the adopted and the

proposed local development plans. Currently, the appropriate methodology for calculating whether there is a five years' effective housing land supply is a matter of considerable dispute, principally between local planning authorities and those with an interest in building new houses or in securing planning permission for residential developments. Advice on the appropriate methodology which had been published in draft by the Scottish Government in February 2016 was withdrawn in November 2017. In doing so, the Chief Planner drew attention to the existing policy position in Planning Advice Note 2/2010.

15. That advice note confirms that the annual housing land audit is the established means of monitoring housing land. It provides a snapshot of the amount of housing land available for housing construction at the particular time, and it also demonstrates whether sufficient effective housing land is available to meet the requirement for maintaining a continuous five year supply. In preparing the annual audit, planning authorities are encouraged to consult widely with the house-building industry. I note that Stirling Council did so, and reached agreement on the future programming of construction on all of the sites included in the 2017 annual audit.

16. The council's conclusion was that the audit confirmed that the effective housing land supply exceeded the five years' requirement. I note that the methodology it applied broadly reflected that contained in the Scottish Government's draft delivery advice which has now been withdrawn. However it has not yet been replaced with an alternative methodology. I also consider that it is clear from Planning Advice Note 2/2010 that the responsibility for undertaking the annual audit rests with the planning authority and, while it is expected to consult widely, it is not required to obtain agreement to its conclusions. In these circumstances I am not in a position to contradict the council's conclusion that its 2017 annual housing land audit confirms that the commitment to maintaining a five years' effective housing land supply is currently being met.

17. For the avoidance of doubt, I do not consider that the conclusions of the reporter who recently examined the proposed local development plan are of direct relevance to the determination of this planning application. Her task in assessing how much housing land should be allocated for housing development in the next Stirling local development plan to cover the period to 2027 was different from that which is before me. My task in this appeal is to decide whether there is currently (or at least at the base date of the 2017 audit) a shortfall in the effective housing land supply for the next five years which might justify granting planning permission. The findings of the 2018 annual audit will reflect the changes which have occurred, and different conclusions may then be drawn.

Other matters

18. Scottish Planning Policy has introduced a presumption in favour of development that contributes to sustainable development, setting out a number of guiding principles. These include giving due weight to economic benefit and supporting good design, as well as protecting the landscape. It also confirms that the aim is to achieve the right development in the right place. In the circumstances of this case, I do not consider that the proposed erosion of the green belt to provide a development of up to 70 houses in a location which does not accord with the spatial strategy of either the adopted or proposed plans can be considered to be development in the right place. I, therefore, conclude that the presumption does not apply.

19. In relation to detailed matters, I note that following adjustments and the provision of further information, the appellant has satisfied the concerns of the Scottish Environment Protection Agency regarding flood risk, and most of those expressed by Historic Environment Scotland regarding the impact on the setting of a scheduled monument within the site.

20. In relation to the scheduled monument, Historic Environment Scotland considered that the revised proposals would still compromise the open views along the valley to and from the monument on the west side and have an impact on the setting of the monument. However, it advised that this is not an impact of national significance such that it would maintain its objection. I agree that the proposed development would indeed have some detrimental impact on the setting of the monument and I consider there is some conflict with local development plan Policy 7.1: Archaeology & Historic Building Recording. Had this been the only detrimental impact I had identified, I do not consider it would be sufficient alone to justify dismissal of the appeal. Nevertheless, it is an additional factor weighing in the balance against the proposals.

21. I have sought to identify any other material considerations which might still justify granting consent, but I have found there to be none.

Overall conclusion

22. Drawing all of these matters together, I conclude the proposed development of the appeal site would be contrary to the Spatial Strategy and green belt provisions of the development plan. I also find that its approval contrary to the terms of the relevant provisions of the development plan would not be justified by the presumption in favour of development that contributes to sustainable development, the effective housing land supply, the provisions of the proposed local development plan, or any other material consideration.

23. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Karen Heywood
Interim Chief Reporter