



Updated report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Robert Seaton, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-390-2060-1
- Site address: Land 160 metres south of Broadgate House, Campsie Road, Strathblane, G63 9AB
- 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 for up to 70 dwellings and cemetery with associated engineering works and landscaping
- Application drawings listed in appendix 1 to this report
- Date of site visit by Reporter: 2 March 2020 and 14 October 2020

Date of this report and recommendation: 7 October 2021

CONTENTS

Page

Summary Report	2
Preamble	11
Chapters	
1. Background	14
2. Policy context	23
3. Housing-land supply	37
4. Compliance with the LDP's spatial strategy	69
5. Green belt and landscape and visual effects	75
6. Transport and accessibility	83
7. Historic environment	90
8. Flood risk and drainage	93
9. Cemetery	96
10. Socio-economic benefits	99
11. Biodiversity	101
12. Other matters	103
13. Conditions and planning obligation	105
14. Conclusions and recommendations	107
Appendices	
Appendix 1: application drawings	
Appendix 2: recommended conditions	

Residential development for up to 70 dwellings and cemetery with associated engineering works and landscaping

• Case reference	PPA-390-2060-1
• Case type	Recalled appeal (for re-determination)
• Reporter	Robert Seaton
• Appellant	Gladman Developments Ltd.
• Planning authority	Stirling Council
• Other parties	Strathblane Community Council and others
• Date of application	30 May 2017
• Date case received by DPEA	14 June 2019
• Method of consideration and date	Unaccompanied site inspections on 2 March 2020 and 14 October 2020. Further written submissions requested on <ul style="list-style-type: none"> • 19 July 2019 • 12 December 2019 • 16 June 2020 • 6 August 2020 • 30 December 2020 • 12 July 2021
• Date of report	7 October 2021
• Reporter's recommendation	Refuse

The appeal site: The appeal site comprises fields currently used as pasture land, south of Campsie Road (A891) adjacent to the recent Braidgate development in the village of Strathblane. Within the site is a scheduled ancient monument, the Broadgate Mound. The Blane Water runs just within the site's southern boundary and the Strathkelvin Railway Path, part of the John Muir Way runs just south of that. The development-plan examination for the adopted local development plan (the Stirling LDP 2018) rejected the allocation of the site for housing. The northwest part of the site is safeguarded in the LDP for development of a cemetery.

The appeal: The appeal is a re-determination, following the quashing by the Court of Session of a previous decision taken by a reporter. The appeal has been recalled by Ministers.

The development plan comprises the Stirling LDP and associated supplementary guidance.

Case for the appellant: There is insufficient housing land to provide a five-year effective-housing-land supply. Although the council's 2020 housing-land audit shows a small surplus, its method of calculating the amount of effective land required took no account of past housing completions. This has a significant effect on the assessment. The council's

method followed that in PAN 1/2020, but that advice was quashed in the recent *Elan Homes* case.

Although there is no guidance on what method should be applied, a residual method, taking account of previous completions is consistent with the previous housing-land audit and with previous appeal decisions. If previous completions were not taken into account, it would not be clear if the housing-land requirement would be met or not. If previous completions are taken into account, it is clear that there is a significant shortfall of over 1,000 units.

The 2020 audit shows that housing delivery will be 1,266 units below the housing-land requirement to 2027. This demonstrates that the average method is inadequate in measuring housing delivery against the development-plan target.

The assessment of the amount of effective land in the 2020 audit has errors in it. Homes for Scotland disputed a number of sites in the 2019 audit on the basis they were ineffective. Although it does not dispute these sites in the 2020 audit, evidence has not been submitted to demonstrate the issues raised in 2019 have been overcome. The audit relies on delivery on two strategic sites. Their programming is over-optimistic. The audit relies on an assumption that 35 units a year will be delivered on unallocated sites. This is over-optimistic in the light of past delivery and double-counts windfall sites included in the audit. Various errors are made on affordable housing. A deduction to address these errors results in a supply of less than five years. Separately, even if accurate, the 2020 audit's conclusion that there is sufficient supply relies on delivery on unallocated windfall sites, such as the appeal site would be.

The proposed development does not comply with certain policies of the LDP: the site is not allocated for residential development and lies within the greenbelt. However, the proposed development has the support of LDP policy 2.1 (the five-year effective-housing-land supply). This policy requires the maintenance of such a supply. It is intended to provide for release of additional land to meet the LDP housing-land requirement. Policy 2.1 sets out criteria for approval of new sites to assist in securing a five-year effective-housing-land supply.

Although the LDP spatial strategy indicates only small-scale expansion of settlements is permissible in the plan's Rural Villages Area of which Strathblane is part, it is based upon an assumption that the LDP would release enough land for development to secure a five-year effective-housing-land supply. It does not. The proposed development is of moderate scale and is not out of keeping with the scale or character of allocations in Strathblane or elsewhere in the Rural Villages Area or other nearby villages.

The landscape- and visual-impact assessment (LVIA) demonstrates that the proposed development is capable of successful assimilation into the landscape. It would not harm the role or function of the green belt or cause unacceptable harm to the landscape character or visual amenity of the village, its setting or its approaches.

The proposed development's effect on the setting of the Broadgate Longbarrow would not be such as to justify a refusal of the proposed development on the basis of LDP policy 7.1 (archaeology and historic building recording).

There is no reasonable prospect of the land safeguarded in the LDP for cemetery use being delivered. The proposed cemetery site is suitable. The appellant's proposals for the

cemetery would bring the council significantly further towards being able to deliver required additional cemetery capacity in Strathblane than it is at present.

The proposed development would be a suitable distance from the settlement's centre, facilities and public transport. Although the recommended walking distances would be slightly exceeded, they are acceptable.

The proposed development is required to address local housing needs. It would have socio-economic benefits arising from construction, provision of affordable housing and the gift to the council of cemetery land. It would improve biodiversity and promote active travel and recreation for residents. These considerations weigh in its favour.

The proposed development accords overall with the development plan. Given the shortfall in the five-year effective-housing-land supply, SPP creates a tilted balance in favour of the proposed development. The balance lies in favour of the proposed development. There are no considerations that would significantly or demonstrably outweigh the contribution of the proposed development to the five-year effective-housing-land supply. There are no material considerations that would indicate refusal.

Case for the council: The proposed development would be in the Strathblane green belt contrary to LDP policy 1.5. It would also be contrary to the plan's restriction on housing in the countryside in LDP policy 2.10.

The 2020 housing-land audit indicates that there is a five-year effective-housing-land supply in the Stirling LDP area. The sites disputed in the 2019 audit were properly included in that audit. The 2020 audit was undisputed. The assumption of 35 completions on unallocated sites was examined in the LDP examination and found to be justified. It is in line with the number of completions last year.

Even if there was a shortfall in the five-year effective-housing-land supply, the proposed development would not have the support of LDP policy 2.1.

The spatial strategy permits controlled small-scale expansion of settlements like Strathblane in the Rural Villages Area. In that area, development is constrained by accessibility and landscape considerations. The proposed development would not be small-scale expansion. It would not comply with the spatial strategy.

The proposed development would threaten the openness of the green belt and, cumulatively with the Braidgate development, be perceived as sprawl. There is insufficient design information to demonstrate that the proposed development would be capable of assimilation into the landscape. Consequently it would not accord with LDP primary policies 1 or 9.

The proposed development would not be accessible, in the sense that there is limited public transport and the bus stops are outwith the recommended walking distance. There are limited village facilities. The proposed development would be unsustainably reliant on travel by private car and would be contrary to the policy in SPP paragraph 76 against unsustainable growth in car-based commuting.

Notwithstanding the withdrawal of Historic Environment Scotland's objection, the proposed development would have an adverse effect on the setting of the Broadgate Mound, and would be contrary to LDP policy 7.1.

The proposed cemetery would be in a significantly less favourable location than the safeguarded site. The proposed gift of the cemetery land is not a material consideration.

While the proposed development would have economic benefits, some are temporary, while others could be obtained from construction of housing elsewhere in a location consistent with the spatial strategy.

Overall the proposed development would not accord with the development plan and there are no material considerations that would indicate permission should be granted nonetheless.

Case for Strathblane Community Council: The proposed development is contrary to the local development plan. It is in the green belt. It would have an unacceptable effect on the landscape and setting of the village and would set an undesirable precedent for green-belt development elsewhere. The LVIA identifies a number of adverse effects, but in some cases the effects would be greater than assessed. The development would not be in character with the village.

There is not capacity for the proposed development in local schools. There is not capacity for it at the Strathblane waste-water-treatment plant. The proposed development would not be within the recommended distance from bus stops. The bus service is inadequate anyway. Residents would be largely Glasgow commuters, commuting by car. The assessment of the proposed development's effect on the junction of Campsie Road (A891) with the A81 is not accurate and traffic generation is underestimated. The effect on the junction would be unacceptable. The appeal site frequently floods. The development would be at risk in a 1:200 year flood. The development would have an adverse effect upon the setting of Broadgate Mound. There is a potential for disturbance of underground archaeology. The relocation of the proposed cemetery puts it at an unacceptable distance from the village and has an unacceptable landscape effect.

The proposed houses are not of a type required in the village. The evidence does not show a shortfall in housing-land supply. The proposed development would not be sustainable and does not accord with the development plan. Grant of permission is not supported by other material considerations.

Reporter's reasoning: The proposed development is not on a site allocated for housing in the development plan, and is acknowledged to be contrary to policy 2.10 on housing in the countryside. Both SPP and policy 2.1 of the LDP can provide policy support for housing development on unallocated sites where there is a shortfall in the five-year effective-housing-land supply.

Housing-land supply: Notwithstanding that the 2020 audit was not disputed by Homes for Scotland, the evidence before me in this appeal is such that I consider certain sites should be deducted from the 2020 audited housing-land supply as ineffective before calculation of whether there is a five-year effective-housing-land supply. These include certain of the sites Homes for Scotland alleged were ineffective in respect of the 2019 audit: At site H152 (South of Fisher Place, Buchlyvie) there is an acknowledged access constraint. As regards site H052 (Former Stirling Royal Infirmary), evidence has not been provided of its being programmed by NHS Forth Valley for disposal for development. Site H153 (South of A81, Strathblane) has been granted permission for 11 houses, rather than the 20 assumed in the audit. Furthermore, to address double-counting, a deduction of 15 completions per year (75 in total) should be made from assumed completions on windfall sites. While the

programming of the strategic Durieshill development appears realistic in the 2020 audit, it is not unlikely the programming of the strategic East Plein development will slip, given its history to date and lack of permission. I have adjusted its programme by one year. In other respects, the audit draws credibility from the process of consultation and consensus by which it was arrived at, and the evidence supplied by the appellant is not such as to indicate the audited housing-land supply arising from that process is incorrect.

Scottish Ministers have acknowledged, following *Gladman Developments v the Scottish Ministers* [2020] CSIH 28 (referred to in this report as *Gladman 2020*), that the amount of effective land required for a five-year effective-housing-land supply (the five-year target) is to be calculated from the housing-land requirement set by the LDP, not the housing-supply target. Three methods have been advanced for calculating the five-year target:

- The method preferred by the appellant, which takes account of house completions in plan years before the audit year, shows a shortfall of over 30 percent when my deductions from supply are made. This method, though, elides the difference between completion of new houses and supply of effective housing land, for which there are different requirements in the plan. Its implied assumption is that, if houses are not completed at a rate faster than the plan requires, there is policy support for additional housing land to be added to the supply. It is consequently irrational and leads to an inflated target.
- The appellant's suggestion in its early submissions of an alternative method does not have the failings of its preferred method. It requires, however, a recalculation each year of a "housing-land requirement" from the residual housing-supply target as a basis for calculating the five-year target. It does not use the actual housing-land requirement identified in the LDP. Consequently, this method does not appear to be consistent with the court's comment in *Gladman 2020* that the housing-land requirement identified in the plan is the basis of the calculation.
- The 2020 audit uses a method that ignores house completions in plan years before the audit year. It simply pro-rates the 12-year LDP housing-land requirement for the five years from the audit year. Using this "average method", following my deductions from the audited supply, there is a small shortfall in the five-year effective-housing-land supply. The method, however, arrives at a figure for the five-year target that indicates a requirement for supply of effective land that is less than would be required to sustain house completions at a rate that would meet the plan's residual housing-supply target, still less provide sixteen percent more land (the plan's factor of generosity) than was required.

In my view, the last method, although flawed, is the only viable method of the three that is consistent with the court's comment in *Gladman 2020*. Its use is consistent with my view, apparently confirmed by evidence of the pandemic, that there can be factors other than a failure in effective-housing-land supply that would cause a shortfall in house completions and therefore that adding effective land to the supply is not always the right approach to addressing a shortfall in previous years. When the average method is applied to identify the five-year target, the questions of whether there would be sufficient effective land to allow houses to be built at a rate that would allow the housing-supply target to be achieved and whether there would be sufficient land additional to that to address the plan's generosity factor of 16 percent would be material considerations.

Since Ministers might disagree with me on this point, I have considered the outcome for each of the three methods in my reasoning.

Policy 2.1 includes a number of criteria to be met for the policy to support development. The issues raised in respect of these are considered next.

Compliance with the LDP spatial strategy and vision: When the proposed development is compared to the existing LDP allocations in Strathblane or in other settlements in tier 4 of the settlement hierarchy in the Rural Villages Area, it is not consistent with the scale of those allocations. Consequently, I find it is not “small-scale expansion” of Strathblane as envisaged in the plan’s spatial strategy. A consideration of whether the proposed development is of a scale that would prejudice the plan requires to take account both the degree to which the proposed development would achieve the aims of the sustainable-expansion policy applying to tier 4 settlements like Strathblane and the degree to which it would be subject to the constraints identified in primary policy 2 for the Rural Villages Area: landscape, accessibility, infrastructure, and biodiversity. I deal with these points in my conclusions.

Green belt and landscape: The proposed housing is likely to be perceived as sprawl in views of the settlement from the northeast, east, south and southwest. It would be in a relatively prominent position on the floor of the Rolling Valley Farmland and would disrupt the continuity of the green belt between the special landscape area of the Campsies and the higher landscape to the south and southwest of the settlement. It would extend the impression of urbanisation along Campsie Road, contrast with the low-density development to the north, close off views from the settlement edge across open countryside and towards Dunglass, and would be unlikely to integrate well visually with the neighbouring Braidgate development. Consequently it would be detrimental to the character of Strathblane. It would have an adverse effect on the green belt somewhat greater than that assessed in the LVIA. Given the perception of sprawl, it would also have a somewhat greater impact on landscape than assessed. There would be adverse visual effects both in near views from Campsie Road and the Strathkelvin Railway Path and longer views from the A81, Dumbrook Moor, the Campsies and Dunglass. The proposed landscape planting would not be wholly successful in mitigating these effects. The proposed development would be contrary to LDP primary policy 1 (placemaking), policy 1.5 (green belts) and primary policy 9 (managing landscape change). The effect on landscape represents a constraint on development under primary policy 2.

Transport and accessibility: The transport assessment demonstrates that the proposed development would not have an unacceptable effect on the Campsie Road / A81 junction.

The proposed development is within the recommended walking and cycling distance of local shops and the primary school. However, the convenience shopping is limited and the journey to it would be relatively inconvenient from the proposed development. It is likely that the bulk of convenience shopping for the proposed development would be at locations outside Strathblane. It is also likely that most employed residents of the proposed development would commute out of Strathblane to work and secondary-school pupils would commute to school. The bus stops are not conveniently located for the proposed development and the bus services are infrequent. Some facilities, like the hospital, cannot be reached by bus. It is likely that the proposed development would be heavily dependent on the private car for most of such travel. In view of this, the proposed development would contribute to an unsustainable growth in car-based commuting. It would be contrary in this respect to LDP policy 3.1, primary policy 4(b) and SPP paragraph 76. Accessibility and lack of transport infrastructure would represent a constraint under LDP primary policy 2.

Historic Environment: The Broadgate Mound is a neolithic longbarrow of national significance. Its relationship with other landscape features is important to its setting. The proposed development would preserve important views along its axis to the river to the southwest and standing stone to the northeast. It would not preserve the open views along the valley to and from the monument. This would have an adverse effect on the setting. The proposed removal of trees, maintenance of the information board and management of vegetation on the monument would do much to compensate for this. Overall, the proposed development would not preserve the monument's setting, contrary to primary policy 7 but, taking account of the compensation proposed, this inconsistency is not of such weight as would result in refusal in the absence of other considerations weighing against the development.

Flood risk and drainage: The appellant's flood-risk assessment demonstrates that, subject to engineering measures to redirect floodwaters back to the Blane Water, the housing element of the development carried out in accordance with the proposed parameters would not flood in a 1:200-year flood and the proposed development would not increase the risk of flooding elsewhere. The proposed cemetery can be designed so that it does not have an adverse effect on floodplain conveyance.

Cemetery: Strathblane is in need of a new cemetery. The proposed development would occupy the cemetery site safeguarded by the plan. In this context, the appellant's proposal to provide a cemetery is capable of being a material consideration. The evidence does not demonstrate that either the safeguarded site or the proposed site are suitable for development as a cemetery. Consequently, I do not consider either the infringement of safeguarding or the proposal to provide a cemetery to have any great weight in the appeal's determination. The somewhat less accessible location of the proposed cemetery from the settlement and church weighs slightly against the proposed development.

Socio-economic benefits: There would be socio-economic benefits from proposed development, including the temporary benefits from construction employment and expenditure and permanent benefits including increased expenditure by residents in and support for local facilities and the provision of affordable housing. These weigh in favour of the proposed development.

Biodiversity: The surveys provided by the appellant demonstrate that the proposed development would not have an unacceptable adverse effect on designated sites or protected species. The proposed development would include features that would somewhat enhance biodiversity locally.

Other matters: Further information would be required before detailed permission is granted in respect of the proposed development's effect on groundwater. The evidence does not suggest there is insufficient sewerage capacity for the proposed development, that additional school capacity would be required or that capacity at other local facilities is a consideration weighing against the proposed development.

Conclusions: LDP primary policy 2 and policy 2.1 deal with the maintenance of a five-year effective-housing-land supply and development on unallocated sites.

If any of the three methods for determining the five-year target for the effective-housing-land supply are applied, there is a shortfall. The degree of shortfall varies depending on the method, from slight using the average method to over 30 percent using the appellant's preferred method.

In case of a shortfall in the effective-housing-land supply, policy 2.1 applies a number of criteria to proposals for development of housing. Compliance with the following is at issue:

Consistency with the LDP's spatial strategy and vision: The proposed development would be constrained in respect of accessibility, transport infrastructure and landscape. Although it would potentially make up for any shortfall in meeting the aims of the sustainable-expansion policy for Strathblane (if it is assumed that housing site H153 is partly ineffective), this does not outweigh its effects on landscape and contribution to growth of unsustainable car-based commuting. The proposed development would not be compatible with the LDP's spatial strategy.

Although the LDP's vision sought a future with a range and choice of homes, the homes are to be well-located and in sustainable locations. The proposed development would not provide such homes. Nonetheless, I acknowledge the tension between the considerations in the vision and consider it further in addressing policy 2.1.

Meet the sustainable-development criteria: The proposed development would not improve the overall quality of the built environment, contrary to criterion 1, would not reduce the need to travel or reliance on the private car contrary to criterion 3. It would not be consistent with the reduction in greenhouse gas emissions required by criterion 2 or with the protection of the historic environment required by criterion 6, or make efficient use of existing transport infrastructure, as required by criterion 10. Although there is support from criterion 11, since it would create net economic benefit for the area, overall, I find the proposed development does not meet the sustainable-development criteria.

Meet the overarching policy: The proposed development would address the shortfall in the five-year effective-housing-land supply, and thereby any constraint a lack of effective housing land is placing on the provision of new homes. In this sense it would address a community need. It would not reinforce the local sense of place, integrate well with Strathblane, conserve the historic or natural environment or be consistent with the spatial strategy, vision or relevant sustainable development criteria. Overall, the balance of policy considerations would not favour the proposed development and it would consequently not meet the overarching policy. Nonetheless, I acknowledge the tension between the policy considerations and consider it further in addressing policy 2.1.

Meet all other relevant LDP policies: The proposed development would not meet primary policies 1, 4, 7 or 9 or policies 1.5 or 3.1.

In determining whether policy 2.1 will support a proposed development on an unallocated site, a balance should be struck between the degree of shortfall in the five-year effective-housing-land supply and the degree of any inconsistency with the policy's criteria. The degree of the proposed development's inconsistency with the plan's vision, spatial strategy and sustainable-development criteria, its failure to propose well-located housing or be likely to create a vibrant, mixed and healthy neighbourhood and its conflict with other planning policies outweigh the policy support for maintaining a five-year effective-housing-land supply. This is so, even where the five-year target is determined by the appellant's preferred method and so the shortfall in the five-year effective-housing-land supply is greatest. Overall, therefore, the criteria of policy 2.1 are not met. The proposed development is subject to constraints referred to in primary policy 2. Consequently I find that the proposed development is not supported by primary policy 2 or policy 2.1. It does not accord with the development plan.

Scottish Planning Policy:

The shortfall in the five-year effective-housing-land supply means that there is a tilted balance in favour of the proposed development.

The proposed development would be contrary to SPP requirements in respect of the reliance it would create on the private car and contribution to car-based commuting, its effect on the landscape and its failure to comply with placemaking criteria. The proposed development would accord with certain sustainable-development principles. It would provide socio-economic benefits in terms of affordable housing and an economic boost to Strathblane from the temporary spending and spending of the new population in local shops. It would not accord with other sustainability principles, in view of its adverse effects on the character and setting of the settlement and on local amenity, its contribution to unsustainable car-based commuting, its lack of accessibility to public transport and, consequently, inefficient use of existing infrastructure and failure to contribute to climate-change mitigation.

If the shortfall in the five-year effective-housing-land supply is calculated by the appellant's preferred method (producing the largest shortfall of the three methods) then the degree of shortfall would be such that it will outweigh certain environmental considerations. It may be that a degree of impact to landscape similar to that for the proposed development (and the minor adverse effect to the historic environment) would have to be accepted if a five-year effective-housing-land supply is to be achieved. However, I consider that the likely car-dependence of the proposed development and its contribution to an unsustainable growth in car-based commuting runs against the grain of SPP. I find that the proposed development is not sustainable overall. I consider consequently that the adverse effects significantly and demonstrably outweigh the housing-land shortfall, notwithstanding the tilt on the balance.

Overall conclusion: The proposed development does not accord with the development plan and there are no material considerations that indicate it should nonetheless be granted permission.

Recommendation

I recommend that planning permission be refused.

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

DPEA case reference: PPA-390-2060-1

The Scottish Ministers
Edinburgh

Ministers

In accordance with my minute of appointment dated 1 July 2019, I received written submissions in an appeal for planning permission in principle for development of up to 70 dwellings and a cemetery with associated engineering works and landscaping on land 160 metres south of Broadgate House, Campsie Road, Strathblane, G63 9AB.

The updated report

I submitted a report dated 1 April 2021 to you in respect of this appeal. I was then asked to provide a supplementary report because Stirling Council's draft housing-land audit for 2020, which is relevant to your decision in this matter, had not been submitted to me, but had become available following the submission of my report.

Two events have subsequently occurred:

- Stirling Council's final housing-land audit for 2020 has been published
- The judgment given in the case of *Elan Homes Limited v Scottish Ministers* [2021] CSOH 74 has quashed Ministers' 2020 revision to Scottish Planning Policy.

As a consequence of these events, I consider that certain chapters of this report will be sufficiently different from my original report that it makes sense to re-write them. This report therefore provides new versions of the following parts of my original report:

- This preamble
- 1 – Background,
- 2 – Policy context,
- 3 – Housing-land supply, and
- 14 – Conclusions and recommendations
- The report summary

There are also revisions to other chapters including chapters 4 (spatial strategy) and 5 (landscape and visual effects). Other chapters have not required amendment.

Nonetheless, I have decided simply to include those chapters in this updated report. It appears to me that that is more convenient than providing a supplementary report, which would require Ministers to refer to two separate documents. This report therefore wholly replaces my original report of 1 April 2021.

The appeal

The application was refused by Stirling Council on 7 November 2017. It was the subject of an appeal to the Scottish Ministers, the decision for which was delegated to a reporter and

subsequently [issued](#) on 25 July 2018. That appeal decision was, however, [quashed by the Court of Session on 14 June 2019](#) in the case of *Gladman Developments Limited v the Scottish Ministers* [2019] CSIH 34 (I refer to that judgment in this report as “*Gladman 2019*”).

As a consequence of the court’s decision, the appeal must be re-determined. Ministers [recalled the appeal](#) for their determination on 12 September 2019. The reason for the recall was that the appeal raised potential issues in terms of the five-year effective-housing-land supply, which required a view to be taken on the methodology used. Ministers therefore considered it was appropriate for them to take the final decision on the appeal. The purpose of this report is to make recommendations to Ministers on the re-determination of the appeal.

There have been a number of changes in circumstances since the previous appeal process in this case, from which new material considerations arise for Ministers to take into account in the re-determination of the appeal:

- The council adopted a new local development plan (LDP) in October 2018, the [Stirling Local Development Plan 2018](#).
- The council has also issued new housing-land audits for [2018](#), [2019](#) and [2020](#).
- In appeal PPA-390-2043-1 in respect of a proposed development of 600 houses and other infrastructure at land to the south of Airthrey Kerse Dairy Farm, Henderson Street, Bridge of Allan, Ministers agreed with the reporter’s findings in respect of the adequacy of the housing-land supply. However, they subsequently conceded that the appeal was wrongly decided in this respect and their decision was quashed by the Court of Session.
- The Court of Session issued its opinion in the case of *Gladman Developments Limited v the Scottish Ministers* [2020] CSIH 28 (referred to below as “*Gladman 2020*”). It decided the case on the basis of an interpretation of SPP paragraphs 33 and 125, which appeared to me highly relevant to the present appeal. It also commented upon the manner in which the five-year effective-housing-land supply was to be calculated under policy as it stood then.
- In July 2020 Ministers consulted upon proposed changes to Scottish Planning Policy (SPP) and then adopted the revised version of SPP in December 2020. At the same time Ministers adopted a new planning advice note (PAN) 1/2020. These revisions to policy were quashed following challenge in the recent judgment in *Elan Homes Scotland Limited v Scottish Ministers* [2021] CSOH 74 (referred to below as “*Elan Homes*”).

I issued a [first procedure notice](#) on 19 July 2019 to give all interested parties the opportunity to comment in written submissions on whether the proposed development complied with the Stirling LDP 2018, and to say whether there had been any other changes in policy or other circumstances since the appellant’s submission of the appeal that were relevant to its determination.

I issued a [second procedure notice](#) on 12 December 2019 to give the appellant and council the opportunity to comment in written submissions on:

- (a) the finding in appeal PPA-390-2043-1 that there was a modest surplus in the effective housing-land supply relative to the minimum requirement of a five-year supply and that the presumption in SPP paragraph 33 was consequently not engaged, and

(b) the council's Housing Land Audit 2019, and the finding in it that there was a surplus in the effective-housing-land supply relative to that minimum requirement.

I issued a [third procedure notice](#) on 16 June 2020 to give the appellant and the council the opportunity to say in written submissions whether the decision in *Gladman 2020* affected their case in the appeal, and if so, how.

I issued a [fourth procedure notice](#) on 6 August 2020 to give the appellant and planning authority an opportunity to comment in written submissions on how the Scottish Government's consultation paper on amendments to the SPP affected their case in the appeal.

I issued a [fifth procedure notice](#) on 30 December 2020 to give the appellant and planning authority an opportunity to comment in written submissions on how the revisions to SPP and the new PAN affected their case in the appeal.

To address the matters to which the request for the supplementary report related, I issued a [sixth procedure notice](#) on 12 July 2021 to give the appellant and planning authority an opportunity to comment on how the latter's housing-land audit for 2020 affected their case in the appeal.

Since I had received submissions from parties on the effect of Scottish Planning Policy before the revisions of December 2020 (subsequently quashed in *Elan Homes*) I did not find it necessary to ask for further submissions on that point. Where in this report I summarise the case for parties on matters relating to Scottish Planning Policy, I summarise it as it stood before I sought submissions on the revisions to the policy, taking account of the further points made by the appellant in its response to sixth procedure notice and – so far as relevant – my fifth procedure notice.

I also carried out unaccompanied inspections on 2 March 2020 and 14 October 2020 of the appeal site, its surroundings and other places referred to in evidence, including other housing sites alleged to be ineffective.

My report, which is arranged on a topic basis, takes account of the original written submissions of parties to the previous reporter appointed in this appeal and of written submissions made to me – both those made in response to my procedure notices and a number of unsolicited submissions that I subsequently accepted.

CHAPTER 1: BACKGROUND

The proposal

1.1 The appeal is in respect of an application for planning permission in principle for a development of up to 70 houses and a cemetery with associated engineering works and landscaping. The proposed housing element of the development would lie in the western part of the appeal site and the proposed cemetery in the eastern part.

1.2 There were several revisions to the application drawings in the course of the application process. The final application drawings before the council at the time of refusal of the application were:

- [Site location plan](#)
- [Development parameter plan rev A](#)

The appellant has also referred to [drawing number 5508 001B illustrative masterplan](#) as a current application drawing. That is only illustrative of how the proposed development might be developed within the parameters of the development-parameter plan.

1.3 The proposed development would be a major development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. A [pre-application consultation report](#) and a [design statement](#) have been provided.

1.4 The appellant submitted a number of assessments in support of its application:

- [Planning statement](#)
- [Air-quality assessment](#)
- [Drainage report \(including flood-risk assessment\)](#)
- [Response to SEPA objection in respect of flood risk](#)
- [Historic-environment assessment](#)
- [Archaeological-evaluation report](#)
- [Landscape- and visual-impact assessment](#)
- [Noise assessment](#)
- [Phase 1 environmental-risk assessment](#)
- [Phase 1 habitat and protected-species assessment](#)
- [Socio-economic assessment](#)
- [Transport assessment](#)
- [Updated transport assessment](#)
- [Tree survey](#)
- [Utilities and infrastructure report](#)

The appeal site

1.5 The appeal site is in the Stirling Council area adjacent to the village of Strathblane. The villages of Strathblane and Blanefield effectively form a single settlement and are treated as such in the development plan. For brevity in this report (and without intending any sleight on the residents of Blanefield) I will refer to the whole settlement throughout as “Strathblane”.

1.6 The appeal site is a greenfield site extending to about 11 hectares. The site is mostly comprised of pasture land. The land rises from its western boundary to the centre, then falls away again to the east. The site also slopes down from its northern boundary to the Blane Water¹, near its southern boundary. Just to the west of this path is the Broadgate Mound, a scheduled ancient monument. Parts of the site are currently within the 1-in-200-year floodplain of that burn, as shown in figure 4 of the appellant's [drainage report](#). The site is bounded to the north by Campsie Road (the A891), along which it extends for about 420 metres, and to the northwest by the recent Braidgate housing development.

1.7 The site is crossed by an existing track running southeast from roughly the centre of the site's northern boundary to a bridge (evidently associated with the former railway) over the Blane Water and the Strathkelvin Railway Path. The path runs along the higher ground of the site. There is a fragmented hawthorn hedge to the east of the track. There is a neolithic longbarrow within the site, just to the west of the track. It is currently surrounded by a stand of mainly evergreen trees.

1.8 Immediately south of the Blane Water and just south of the site boundary is the Strathkelvin Railway Path, which runs along the route of the former railway. This is designated as a core path and is also, in the stretch south of the site, part of the John Muir Way and also of National Cycle Route 755.

1.9 On the north side of Campsie Road opposite the site's western edge is the entrance to Dunglass View, a street of relatively large houses set in large gardens. To the east of this street, outside the settlement envelope of Strathblane, is Broadgate House and then Broadgate Farm, a converted steading. Beyond these to the north, the land rises to the Campsie Fells.

1.10 Campsie Road joins the A81 Milngavie Road roughly 300 metres from the boundary of the appeal site to the west. Travelling via the A81, the application site is about ten minutes from the centre of Milngavie by car. Strathblane is one of the most southerly settlements in the Stirling Council area.

1.11 The land is owned by Mr. Charles Connell & Company (Holdings) Ltd. There is an existing agricultural tenant.

Planning history

1.12 Representations that the site should be allocated for housing were rejected in the development-planning process for the adopted local development plan, the Stirling Local Development Plan 2018, and also for the previous local development plan.

Summary of consultation responses

1.13 SEPA [initially objected](#) to the proposed development on the basis of lack of information on its impact on various aspects of the water environment. Its objection in respect of flood risk was [withdrawn](#) on the basis that the appellant had stated no development was proposed in the functional floodplain. It also objected in respect of lack of information on private water supplies, effects upon groundwater, effects of dewatering during construction of the development, and potential effects upon the Blane Water. With

¹ "Blane Water" is the name given to the burn on the Ordnance Survey map. Other maps give the burn the name "Ballagan Burn", no doubt since it emerges from Ballagan Glen in the Campsies. Strathblane Community Council also give it this name. I have decided to use the OS map's name, but recognise that locally this may be regarded as incorrect.

two exceptions, it withdrew those objections following [further correspondence](#) from the appellant. It [maintained its objection](#) that there was insufficient information on private water supplies that might be affected and on ground conditions. SEPA confirmed its objection in respect of the effect on groundwater in a further written submission ([SEPA submission 16 August 2019](#)). It confirmed its main concern was the lack of information to assess the risk to the groundwater environment from the proposed cemetery.

1.14 [Scottish Water](#) indicated that its infrastructure had (in June 2017) sufficient capacity both for supply of water to the proposed development and for foul flows from the proposed development.

1.15 Historic Environment Scotland [initially objected](#) to the proposed development on the basis of its effect on the setting of the neolithic longbarrow within the appeal site boundary. It [withdrew its objection](#) following the appellant's submission of the appellant's [development parameter plan rev A](#), with provision to protect the monument's setting. The withdrawal was on the basis that there would not be an adverse impact on the monument's setting of national significance, though it considered there would still be an adverse impact. It also referred to the potential difficulty in the monument's long-term management should its ownership be split between the householders of the proposed development.

1.16 The [Stirling Area Access Panel](#) recommended that 10% to 15% of dwellings should be designed as "accessible" or "lifetime" homes, where particular regard was given to future-proofing properties for older people.

1.17 [Strathblane Community Council](#) submitted a survey it had carried out of local residents including a number of comments upon the proposed development. It objected to the proposed development on the basis:

- The proposed development is contrary to the local development plan.
- The proposed development in the green belt would set an undesirable precedent for development elsewhere.
- It would have an unacceptable effect on the landscape and setting of the village.
- The Braidgate development was the area of potential for development in the green belt identified in the Green Belt Study 2009.
- The proposal to redirect overland flooding in a 1-in-200-year flood was inadequate. Present annual flooding on the site is not far from the prediction in the appellant's model. Photographs of flood events in 2011 and 2017 were provided.
- The proposed development would have unacceptable landscape and visual effects. The appellant's LVIA underestimated certain aspects of such effects. Limited weight should be given to the appellant's proposals for screening of the site.
- There would be an adverse effect upon the setting of the neolithic longbarrow on the site. There is a potential for disturbance of underground archaeology.
- The proposed development is not sustainable or required.
- Expansion of Strathblane would have an adverse effect upon existing nursery, primary school, and secondary school provision. Balfron High School operates very close to capacity at present.
- There is insufficient capacity for the proposed development at the Strathblane waste water treatment works. Available capacity reported by Scottish Water will be taken up by planned development
- Since the site entrance is 485 metres from the nearest bus stop, the whole site is outside the recommended distance. The Strathblane bus service is not adequate in

any case. There is no service, for instance, to the main hospital in Larbert. Residents would be largely Glasgow commuters who would commute by car.

- The traffic generated by the proposed development is greatly underestimated. The assessment used a “suburban” model, rather than a village or free-standing model, also available on the TRIPS database.
- The appellant’s assessment of effects on habitats and species is inadequate.
- The relocation of the proposed new cemetery would have an unacceptable effect on landscape and on its accessibility.
- The houses proposed are not of a type required in the village. The proposed development would not be in character with the neighbouring development to the north.

The community council also proposed conditions to be applied should the proposed development be approved.

1.18 Strathblane Community Council made a number of further submissions in the course of the appeal:

- On [15 January 2018](#) in response to the appeal. This referred to the rejection of the appeal site by the development-plan examination for the 2018 LDP, commented on the archaeological reports, argued that the failure to apply for detailed permission was sufficient by itself for refusal, and argued that there was no comparison between the appeal site and the permission granted in PPA-400-2071 as regards the proposed development’s proximity to facilities.
- On [19 August 2019](#) a response to my first procedure notice. This argued that the proposed development did not comply with the following policies of the 2018 LDP: 1 (placemaking), 1.5 (green belts), 3 (provision of infrastructure), 3.1 (addressing the travel demands of new development), 4 (greenhouse gas reduction), and 5 (flood-risk management). It referred to flooding events that had occurred in Strathblane since the appeal had been submitted. It stated that the H153 site was attracting interest from developers, contrary to the appellant’s assertion that it was ineffective. It referred to the council’s 2019 housing-land audit as demonstrating there was a sufficient five-year effective-housing-land supply. It stated that the audit did not include houses likely to come forward on an unallocated site at Killearn Hospital, or the transport implications of that development.
- On [16 July 2020](#) a comment on the effect of the *Gladman 2020* judgment.
- On [12 August 2020](#) evidence that there had been flooding on the Blane Water at the appeal site including photographs of the flooding at the bridges on the Strathkelvin Railway Path.
- On [7 February 2021](#) a submission supporting the council’s case that there was a sufficient five-year effective-housing-land supply; that the tilted balance should not apply; or if it did apply should apply only gradually; and that the H153 housing site that the appellant claimed was ineffective was actually the subject of an application for planning permission for 11 dwellings.

1.19 The [Strathblane Green Belt Committee](#) objected to the proposed development on the basis that: the appeal site is agricultural and Green Belt in character; the character of the village would be harmed by the scale of expansion proposed; the sewage system could not handle a development of the proposed scale; the local school was already over capacity; and the number of houses proposed was more than were required in Strathblane.

1.20 The committee also referred, in general terms, to inaccuracies in material provided by the appellant and to a history of several applications for housing at the site being rejected.

1.21 There were a number of consultation responses from the council's own services:

1.22 The council's [environmental-health service](#) recommended that, to limit noise impacts, construction hours should be restricted to 8 am to 6 pm Monday to Friday and 9 am to 1 pm on Saturdays. It also recommended submission of details of noise attenuation measures for the proposed development should be required before its commencement. It recommended conditions to prevent light nuisance, to address any contamination of the site, and to restrict any impact on air quality.

1.23 The council's [education service](#) indicated it had sufficient capacity both at Strathblane Primary School and Balfron High School to accept pupils from the proposed development.

1.24 The council's [strategy and development team](#) indicated that 33% of the proposed development should be affordable housing.

1.25 The council's [planning and policy team](#) advised that the proposed development did not accord with the then-adopted local development plan (the Stirling Local Development Plan 2014).

1.26 The council's [transport-development team](#) had no objection to the proposed development subject to a number of conditions including the provision of a bus improvement plan, which should investigate options for bus penetration through the site (CR012).

1.27 There were 92 representations in respect of the application from members of the public to the council, including 87 objections. Matters raised included that:

- The appellant's pre-application consultation was of poor quality.
- The proposed development is not allocated in the development plan.
- The development plan has already taken account of the local community's housing needs. There is sufficient land allocated for housing.
- The proposed development does not address the community's housing needs for affordable and shared-ownership housing.
- The proposed development would undermine the arrangement that the Braidgate development was to complete the village envelope.
- The site was considered in the development-plan process and rejected. Previous planning applications at the site have been rejected.
- The site is allocated for a cemetery extension in the development plan.
- The proposed development would be within the green belt, which is important to Strathblane's protection, given its proximity to Glasgow.
- The proposed development could not be accommodated within the capacity of existing local facilities, including the school, roads, parking (including at the two groceries), primary healthcare, convenience retail and waste water treatment.
- The village character of Strathblane would be harmed. The proposed development would be a commuter suburb of Glasgow.
- The proposal would be ribbon development towards Lennoxton.
- There would be loss of agricultural land.

- There would be an adverse impact on archaeology, including the barrow on the site.
- New housing should be within the existing footprint of the village.
- The offer to provide a new cemetery site is of limited value. The proposed cemetery is too far from the church.
- The proposed development would have an adverse visual impact upon the approaches to the village.
- The proposed development would have an adverse effect on views to the defining feature of the Dunglass crag and tail.
- The site is remote from public transport and facilities. Although there are bus stops on the A81, the buses are infrequent – only hourly.
- There would be increased commuting and increased strain on commuter facilities. Reduction of car parking at Milngavie railway station has encouraged car commuting.
- There would be an increased impact of pollution from road traffic.
- There are better alternative sites.
- Housing demand is being met by development in Milngavie.
- The A891 Campsie Road is busy already. If the proposed development proceeds, it should be accompanied by the development of a pavement as far as the entrance to Ballagan Glen. Farm tractors operate on Campsie Road and sheep are herded on it.
- The route to the primary school from the site would involve walking alongside and crossing two main roads.
- There would be an adverse impact on bird species of conservation concern and bats.
- The application site frequently floods. Increased run-off from the proposed development would increase the risk of flooding in Strathblane from the Blane Water

1.28 Several further representations were received to my first procedure notice from members of the public. Though these provided further evidence on flooding events and gave the view that the proposed development did not comply with the 2018 LDP, they did not raise substantive new planning issues. A [further representation](#) was also made by Mr Douglas Macadam in respect of Ministers' consultation on the revision to the SPP. This made the point that Ministers intended the revision to reinforce the plan-led planning system and views of communities. It expressed concern that permission might be granted through a planning technicality.

1.29 There were two representations in favour of the proposed development. Matters raised included that the proposed development:

- would benefit local businesses;
- would put pressure on the council to upgrade the primary school and library;
- was in keeping with the Cala (Braidgate) development; and
- given its location, would not impact the nature of the village.

Consideration by Stirling Council

1.30 The council's case is set out in its:

- [report to its planning panel](#)
- [response to my first procedure notice](#)
- [reply to the appellant's response to my first procedure notice](#)
- [response to my second procedure notice](#)
- [response to my third procedure notice](#)

- [Initial comments it made upon the Scottish Government's consultation document on amendments to the SPP](#)
- [response to my fourth procedure notice](#)
- [response to my fifth procedure notice](#)
- [response to my sixth procedure notice](#)

1.31 The council's case officer submitted the report on the application to the council's Planning and Regulation Panel on 7 November 2017 recommending its refusal. The panel decided to refuse the application on the basis of the reasons set out in the report. The council issued a decision notice the same day. The reasons for refusal were as follows:

- 1 The proposal is contrary to Primary Policy 1 (Placemaking) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will encroach onto a green field site, and will not respect the Green Belt within which it is situated.
- 2 The proposal is contrary to Policy 1.1 (b) (Site Planning) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not complement its surroundings and the application has failed to demonstrate that the development will successfully integrate the Scheduled Monument (Broadgate Mound).
- 3 The proposal is contrary to Policy 1.5 (Green Belts) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016, and SG03 (Green Belts), since this development will not preserve the openness of the Green Belt and will undermine its core role and function. Moreover, the scale of residential development is beyond that supported by this policy.
- 4 The proposal is contrary to Primary Policy 2 of the Stirling Council Local Plan 2014, and Stirling Local Development Plan: Proposed Plan 2016 since it is not consistent with the Local Development Plan Vision and Spatial Strategy and it will not provide significant economic and social support to the rural area.
- 5 The proposal is contrary to Policy 2.1 of the Stirling Local Development Plan: Proposed Plan, 2016, since it is not consistent with the Local Development Plan Vision and Spatial Strategy and it does not meet the provisions of the Local Development Plan Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant Local Development Plan policies.
- 6 The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.
- 7 The proposal is contrary to Primary Policy 7 (Historic Environment) and Policy 7.1 of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not safeguard, preserve or enhance the historic environment and the setting of its component features, namely the Scheduled Monument (Broadgate Mound). It is considered that the proposal will have a negative impact on the historic environment.

- 8 The proposal is contrary to Primary Policy 9 (Managing Landscape Change) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since it has not been demonstrated that the local landscape has capacity to accommodate the scale of development envisaged, and it would result in adverse cumulative impacts on landscape character and visual amenity when viewed in association with the adjacent, Braidgate, development.
- 9 The proposal is contrary to the guiding principles of sustainable development of Scottish Planning Policy since it is considered that the proposal will result in over-development of the settlement edge; and it will not protect or enhance the historic environment which are listed as guiding sustainable development principles (paragraph 29).

1.32 The policy references in the reasons for refusal are out of date now, since they refer to the 2014 local plan. The council has stated (in its [response to my first procedure notice](#)) as regards the Stirling Local Development Plan 2018 that the proposed development:

- would not comply with the plan's spatial strategy because it would not be "controlled small-scale expansion of the settlement consistent with its size and role in the settlement hierarchy".
- would be outside the Strathblane settlement boundary and in the greenbelt designated by the plan. It would compromise the greenbelt. It would not constitute diversification of the rural economy. It would therefore be contrary to the plan's policy 1.5.
- would not comply with the plan's policy 2.1 on housing in the countryside.
- would be contrary to the plan's policy 7.1 because it would have an adverse impact on the setting of the Broadgate longbarrow, a scheduled monument.
- would not comply with the safeguarding, under primary policy 3, of land at the site for a cemetery. The proposed compensatory site would be further away and would prevent creation of a strong greenbelt boundary.

1.33 In its response to my first procedure notice, the council did not say expressly that the proposed development was contrary to LDP primary policy 1 on placemaking, policy 1.1 on site planning and primary policy 9 on landscape. Since the council has not changed its view on the proposed development's effect on the greenbelt or on the setting of the Broadgate Mound respectively, I understand its position to remain that the proposed development would be contrary to primary policy 1 and 1.1 of the current LDP. There is also nothing in its response to suggest that it has withdrawn its reason for refusal in relation to landscape. I therefore understand the council's case remains that the proposed development would be contrary to LDP primary policy 9.

Grounds of appeal

1.34 The appellant appealed on the following grounds set out in its [statement of appeal](#) and [updated statement of appeal](#):

- The proposal does not comply with the policies in the Stirling Local Development Plan 2018, insofar as the site is not allocated for residential development and is in the green belt

- The tests at paragraphs 32 to 35 of the SPP are material considerations in favour of granting the appeal. The plan is out of date because of the failure to maintain a five-year effective-housing-land supply. The SPP presumption in favour of development that contributes to sustainable development applies. Permission should only be refused where the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP.
- The proposal is supported by LDP policy 2.1, which is intended to be used where there is a shortfall in housing-land supply. It meets policy 2.1's criteria.
- The proposed development accords with the principles of the LDP with regard to distribution of growth and settlement hierarchy. There are no adverse impacts arising from development that significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the wider policies in SPP.
- Stirling's housing-land supply relies on the delivery of new housing on windfall sites, such as that for the proposed development. Even if no shortfall in housing-land supply is found, the development may be approved on that basis too.
- The proposed development can proceed in a way that does not harm the setting, significance or special interest of the Broadgate Mound.
- The proposed development is capable of successful assimilation into the landscape and would not cause unacceptable harm to the landscape character or visual amenity of the village, its setting or approaches to it.
- There is no reasonable prospect of a cemetery being delivered on the LDP's safeguarded site. The proposed cemetery site is suitable and would be a considerable step towards delivery of additional cemetery capacity for Strathblane.
- The socio-economic benefits of the proposal are substantial and capable of being significant material considerations.
- The proposed development would be a suitable distance from the settlement's centre, facilities and public transport. Although the recommended walking distances to bus stops would be slightly exceeded, this is not a harm that significantly and demonstrably outweighs the proposal's benefits.
- The proposed development would be sustainable.
- The proposed development accords overall with the development plan.

1.35 The appellant's case in this appeal is set out in its:

- [statement of appeal](#)
- [updated statement of appeal](#) submitted in response to my first procedure notice
- [response to my second procedure notice](#)
- [reply to the council's submissions](#) on my second procedure notice
- [response to my third procedure notice](#)
- [reply to the council's submissions](#) on my third procedure notice
- [initial comments upon the Scottish Government's consultation document on amendments to the SPP](#)
- [comments on a representation by Strathblane Community Council](#)
- [response to my fourth procedure notice](#)
- [reply to the council's submissions on my fourth procedure notice](#)
- [response to my fifth procedure notice](#)
- [reply to the council's submissions on my fifth procedure notice](#)
- [response to my sixth procedure notice](#)
- [reply to the council's submissions on my sixth procedure notice](#)

CHAPTER 2: POLICY CONTEXT

Background

2.1 Ministers are required to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.

The development plan

2.2 The development plan is comprised of the Stirling LDP 2018 and associated supplementary guidance.

Overarching policy

2.3 The LDP's Overarching Policy indicates that the plan supports good-quality development in the right place that meets the community's needs. The policy includes a number of requirements, including compatibility with the plan's spatial strategy and relevant sustainable-development criteria, and appropriate safeguarding, conservation and enhancement of the historic and natural environment. The policy provides that there is a presumption in favour of development that contributes to sustainable development, which is development that meets the plan's sustainable-development criteria.

Placemaking and site planning

2.4 Primary policy 1 sets out standards for design, siting and quality of a proposed development. It restricts encroachment on greenfield sites and requires location to maximise sustainability. It also requires that development must safeguard and enhance built and natural heritage and respect the green belts.

2.5 Policy 1.5 (green belts) sets out the policy protection of the designated green belts from development. The appeal site is not within a settlement envelope and is within a designated green belt.

Vision and spatial strategy

2.6 The plan's vision is set out in its section 4. It includes a number of aims for the planned future of the Stirling LDP area. These include that the area should be:

- "A place with high quality environments: there is a high quality urban and built environment. Historic landmarks ... are protected and enhanced and sit alongside new development giving a unique sense of place."
- "A place where rural communities are thriving: within rural communities and the countryside there are thriving places with new houses and businesses which respect built, natural and landscape features."
- "A connected, green place: there is an established and managed Green Network of open spaces, integrated habitats, recreational and active travel routes connecting places and settlements, reconnecting Stirling with its river, and encouraging more people to move around and between them by walking, cycling and public transport."
- "A place with a range and choice of well-located homes: a range of housing is available in sustainable locations ... with increased opportunities to access local affordable housing, and housing for an ageing population and reduced deprivation in urban and rural locations."

- “A place that respects its special landscapes.”

2.7 The plan’s spatial strategy is set out in its chapter 5. It divides the plan area into a “Core” and a “Rural Villages Area”. The proposed development is in the Rural Villages Area. For that area, the strategy (as set out in the plan’s table 1) involves an approach it calls “sustainable expansion” for certain settlements, including Strathblane/Blanefield, and a more restricted “rural development” approach for other settlements and the countryside. The sustainable-expansion approach is to concentrate development within settlements. Controlled small-scale expansion of existing settlements is also proposed, consistent with their size and role in the plan’s settlement hierarchy, to include new affordable and market housing and business space. The aim is to help sustain local services and facilities through increased diversity in the population, recognising that such services are more readily accessible within settlements, and to contribute to the housing need and demand in the area and local employment opportunities. The settlements subject to the sustainable-expansion policy in the Rural Villages Area are referred to as “tier 4”.

2.8 The plan also states at paragraph 6.15:

“Within the Rural Villages Area, the Spatial Strategy limits most new development to small-scale expansion of existing villages which is why there is a shortfall against targets for this area as shown in Table 3 above. However, in the period after 2027, these villages may start to play a greater role in the provision of new housing providing infrastructure constraints can be overcome. As is stated above, there is a generous amount of housing land identified over the whole of the LDP area which operates as a functional housing market area. This is consistent with the requirements of SPP. Affordable housing need will continue to grow within the Rural Villages Area, and more innovative opportunities for delivering new housing development in this area will need to be considered in a future review of the LHS² and LDP.”

2.9 Primary policy 2 (Supporting the Vision and Spatial Strategy) provides that proposals for development of housing that are consistent with the plan’s vision and spatial strategy are to be directed to sites allocated in the plan. It provides further that:

“Outwith allocated sites, the Core Area identified by the plan will be the preferred location for new-build development on sites located close to, and easily accessible by, major public-transport routes. In the Rural Villages Area and areas of the Countryside, development will be more constrained by accessibility, infrastructure, landscape and biodiversity considerations.”

The policy encourages development that would provide significant economic and social support to the rural area “in appropriate circumstances”.

2.10 LDP policy 2.1 (the 5 Year Effective Housing Land Supply) requires the maintenance at all times of a five-year effective-housing-land supply. In the circumstances of a shortfall, it applies five criteria to proposals to extend the supply of land for housing development “under SPP’s presumption in favour of development which contributes to sustainable development”. The criteria are that such proposals must:

- be consistent with the LDP Vision and Spatial Strategy;

² Local housing strategy

- meet with the provisions of the LDP Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant LDP policies;
- be proven, through detailed supporting information, to be effective and capable of delivery within the five-year period under consideration;
- be over 30 units in size in order to make a reasonable contribution to the overall identified shortfall; and
- demonstrate that development of the proposed site will not compromise delivery of necessary infrastructure supported by the LDP strategy.

The policy also encourages submission of detailed planning applications for developments under policy 2.1. It indicates that any planning permission in principle may have a shorter duration imposed so that it assists in meeting the identified shortfall within the five-year period under consideration.

2.11 Policy 2.2 sets out requirements for new residential development to provide a mix of housing types and sizes, and where required, of tenures and affordability. It requires provision of 33 percent affordable housing in developments of four units or more in the Highly Pressured Areas. Strathblane / Blanefield (like other settlements in the Rural Villages Area) is a Highly Pressured Area, and the requirement for 33 percent affordable housing applies. Policy 2.3 also sets out requirements in respect of addressing particular housing needs.

2.12 Policy 2.10 sets out restrictions on development of housing in the countryside. The appellant acknowledges that its proposal does not meet these restrictions.

Infrastructure

2.13 Primary policy 3 sets out the requirement for addressing infrastructure deficiencies arising from development proposals. It indicates the management and enhancement of existing infrastructure and reducing the demands for new infrastructure will be the preferred approach in supporting the implementation of the spatial strategy. It also provides that land necessary for identified infrastructure requirements may be safeguarded. Developer contributions are to be sought in situations where a development creates a need for new, extended or improved public infrastructure, facilities or services.

2.14 Land at the application site is currently safeguarded under this policy for provision of a new cemetery for Strathblane.

2.15 Policy 3.1 provides that, in order to create accessible development in sustainable locations, new development should be located where safely and conveniently accessible by walking, cycling and public transport, as well as by motor vehicles. Wherever possible, new development should connect to existing – or provide new links to – sustainable transport options. It also provides that development should aim to reduce its travel demands and to ensure that residual demands are met in a manner that ensures a safe and realistic choice of access by walking, cycling, public transport and motor vehicles. A travel plan may be required to address this.

Greenhouse gas reduction

2.16 Primary policy 4 requires that, in order to contribute to greenhouse gas reduction, all new development should be in sustainable locations and optimise accessibility to active travel opportunities and public transport. It provides (in similar terms to SPP paragraph

287) that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400 metres; and
- a transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

SPP paragraph 286 requires a transport assessment to be provided for “significant travel-generating uses”. The appellant has provided a transport assessment.

Flood-risk management

2.17 Primary policy 5 sets out the precautionary approach that is to be taken to flood risk. Development should be avoided in locations at medium to high flood risk or where it would lead to an increase in the probability of flooding elsewhere. The 1:200-year flood plain is to be safeguarded from development to maintain water conveyance and storage capacity. Proposals in an area shown to be at risk of flooding must be informed by a flood-risk assessment and are to be assessed against the SPP risk framework for flooding. A development that results in a use that is more vulnerable to flooding or that increases the risk of flooding elsewhere would not be in accordance with the policy.

Historic environment

2.18 Primary policy 7 provides that the historic environment and, where appropriate, the settings of its component features are to be safeguarded, preserved and enhanced and that developments that have a negative impact on such assets will not normally be supported.

2.19 Policy 7.1 sets out a presumption against development that would have an adverse effect upon a scheduled monument or on the integrity of its setting, except in exceptional circumstances. It also requires prospective developers to arrange for evaluation of sites where there is a possibility that archaeological remains may exist to determine the importance of the site and its sensitivity to development.

2.20 Supplementary guidance was adopted in 2019 on the historic environment, and supports these policies.

Landscape and visual amenity

2.21 Primary policy 9 provides that landscape and visual impacts will be important considerations in determining all proposals for development and land-use change. Outwith designated landscape areas, development proposals should demonstrate that the capacity of the local landscape to accommodate new development of the type and scale envisaged has been taken into account, with reference to the guidance in the landscape-character assessments. The landscape-character assessment for the Rolling Valley Farmland area of which Strathblane forms part is provided at the end of [the appellant's landscape- and visual-impact assessment](#).

Other material considerations

Scottish Planning Policy

- *Housing-land supply and sustainability*

2.22 SPP paragraph 122 indicates that local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of housing.

2.23 SPP paragraph 123 requires the maintenance of a five-year effective housing-land supply. If there is, as the appellant claims, a shortfall in the five-year effective housing-land supply, then in accordance with SPP paragraph 125, development-plan policies for the supply of housing land are to be considered out of date. SPP paragraph 33 states that, in those circumstances:

“... the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies of ... SPP.”

2.24 Therefore, if Ministers find that there is a shortfall in the five-year effective-housing-land supply, it is clear on the face of the policy that SPP’s sustainable-development presumption will become a significant material consideration.

2.25 The Court of Session considered the operation of the SPP sustainable-development presumption and its paragraphs 33 and 125 in particular in *Gladman 2020*. It explained that:

[45] Once a housing land shortage is established, SPP paragraph 125 dictates that paragraphs 32 to 35 become relevant. Paragraph 33 provides that the effect of this is that the presumption in favour of development becomes a significant material consideration. The paragraph requires that the development contributes to sustainability. That is not a barrier to the application of the tilted balance. *Graham’s The Family Dairy v Scottish Ministers*³ ... determined that the tilted balance did apply, in much the same way as under the similar but by no means identical English provisions, for the reasons given in *Hopkins Homes v Secretary of State for Communities and Local Government* [2017] 1 WLR 1865. In *Hopkins Homes*, Lord Gill explained that:

“79. Among the obvious constraints on housing development are development plan policies for the preservation of the greenbelt, and environmental and amenity policies... The rigid enforcement of such policies may prevent a planning authority from meeting its requirement to provide a five years’ supply. ...

83. If a planning authority that was in default of the requirement of a five years’ supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose ... is to

indicate a way in which the lack of a five years' supply of sites can be put right...".

[46] A housing development which will remedy, to some extent, a housing shortage is something which almost inevitably "contributes to sustainable development", which is what paragraph 33 requires, in one degree or another. It will do so also in terms of the economic benefits of construction and in other ways too. Whether it is, in overall terms, a sustainable development is another question. That is one for planning judgement, but it involves the use of the tilted balance. The correct approach, in practical terms, where there is a housing shortage, is to regard that shortage as "a significant material consideration". It is not determinative. Paragraph 33 goes on to provide that, in such a situation, where the tilted balance is thus in play, the decision maker must take into account any adverse impacts. These will include factors such as greenbelt, environmental and transport policies as set out in the otherwise "out of date" SDP or LDP. Each factor will play a part in the determination of whether, overall, the development is to be regarded as sustainable. In short, the existence of one or more adverse findings in relation to the thirteen guiding principles to 21 sustainability in terms of SPP (para 29) does not prevent the operation of the tilted balance, but it may result in the balance tilting back to a refusal."

2.26 I understand that by the terms "housing land shortage" and "housing shortage", the court meant a shortfall in the five-year effective-housing-land supply.

- *Placemaking*

2.27 SPP paragraph 38 sets out the six principles of successful, sustainable places. They should be distinctive, safe and pleasant, welcoming, adaptable, resource-efficient and easy to move around and beyond.

2.28 Policy on green belts is provided in SPP's section on development planning for placemaking at paragraphs 49 to 52. Paragraph 49 indicates that a green belt may be designated to support a plan's spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

2.29 Paragraph 52 sets out considerations for determining the green-belt boundary, including the need for development or expansion of smaller settlements, redirecting development pressure to more suitable locations and establishing clearly identifiable boundary markers based on landscape features.

- *Rural development*

2.30 SPP paragraph 75 indicates that the planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities while protecting and enhancing environmental quality.

2.31 Paragraph 76 states that in pressurised areas, easily accessible from Scotland's cities, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. Paragraph 81 indicates that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restricted approach to new housing than elsewhere in the countryside is appropriate. Plans and decision-making should generally guide most new development to locations within or adjacent to settlements.

- *Historic environment*

2.32 SPP paragraph 145 sets out that where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. This must be understood in the light of the policy principles set out in paragraph 137, which indicate the planning system should both promote the care and protection of historic assets and enable positive change informed by a clear understanding of the importance of heritage assets affected. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric or setting of an asset and ensure that its special characteristics are protected, conserved or enhanced.

- *Flooding*

2.33 SPP paragraphs 254 to 268 set out policy on flooding. Paragraph 255 sets out the policy principles including that the planning system should promote:

- a precautionary approach to flood risk from all sources;
- flood avoidance by safeguarding flood storage and conveying capacity and locating development away from functional flood plains and medium- to high-risk areas; and
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood-management measures, including flood protection.

Paragraph 254 sets out a number of matters to be taken into account in determining applications in which flooding is an issue. These include the characteristics of the site, design of the proposed development, and size of the area likely to flood.

- *Landscape*

2.34 SPP paragraph 194 sets out policy principles in respect of the effect of development on the natural environment. These include that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character. Paragraphs 202 to 203 indicate that the siting and design of development should take account of local landscape character and that planning permission should be refused where the nature or scale of proposed development would have an unacceptable effect on the natural environment.

- *Sustainable transport and active travel*

2.35 SPP paragraph 270 provides that the planning system should support patterns of development that optimise the use of existing infrastructure, reduce the need to travel, and provide safe and convenient opportunities for walking and cycling and facilitate access to public transport. Paragraph 273 indicates that development should be in locations that

allow walkable access to local amenities and are also accessible by cycling and public transport. Development should be promoted that maximises the extent to which travel demands are met through walking, cycling, public transport and finally use of private cars. Paragraph 279 indicates that new development areas should be served by public transport providing access to a range of destinations. Paragraph 287 includes similar requirements to LDP primary policy 4.

Planning advice notes

2.36 PAN 2/2010 provides advice on carrying out a housing-land audit. I will deal with it more fully in chapter 3 of this report on housing-land supply.

2.37 PAN 75 Planning for Transport provides guidance on transport assessments, and in particular on acceptable distances for travel to facilities and public transport nodes. I deal with this advice note further in this report's chapter 6.

Non-statutory supplementary guidance

2.38 Supplementary Guidance SG03 Green Belts was adopted in respect of the Stirling LDP 2014. It has not been withdrawn. Parties have not disputed that it remains a material consideration.

2.39 It states (paragraph 1.1) that its purpose is (a) to assist the interpretation of LDP policy 1.5 by providing information on the objectives of green belts designated in the Stirling area and (b) to outline their core role and function. It refers to policy set out in paragraph 48 of SPP as regards the purposes of a green belt in supporting a development plan's spatial strategy. It states that green belts are designated around Stirling, Bridge of Allan, Dunblane and Strathblane to protect and enhance the quality, character, landscape setting and identity of these settlements.

2.40 As regards the Strathblane Green Belt, the guidance states (paragraph 3.10):

"The principle [sic] purpose of the Green Belt at Strathblane is its role in relation to the Glasgow and Clyde Valley Green Belt, where it prevents development in the countryside between Strathblane and Milngavie to the south eroding these settlements' separate identities. A secondary function of the Green Belt is to protect the more immediate setting of Strathblane itself."

2.41 The council has also drawn my attention to its supplementary guidance SG01 Placemaking 2014 and draft guidance, Housing in the Countryside, as relevant to the proposed development.

Housing-land supply and spatial strategy

2.42 The consideration of housing-land supply involves consideration of policy on the setting of the requirement for a five-year effective-housing-land supply. I find it is more convenient to deal with the parties' detailed cases and my conclusions on that issue in chapter 3 of this report, in which I deal with housing-land supply, than in this chapter. Similarly, the discussion of spatial strategy includes a considerable element of policy interpretation. Again, I find it more convenient to deal with that in chapter 4 of this report, in which I deal with the LDP's spatial strategy.

Case for the appellant

Development plan

2.43 The proposed development is sustainable development and will address unmet demand for housing in the Stirling area and in Strathblane in particular. The maintenance of a five-year effective housing-land supply is required both by SPP and by LDP policy 2.1. There is a shortfall in the five-year effective-housing-land supply.

2.44 The proposed development is acknowledged not to accord with all the relevant policies of the development plan. It does not accord with the policy restrictions in LDP policy 1.5 on development in the green belt and in LDP policy 2.10 on development of housing in the countryside.

2.45 Since there is not a five-year effective-housing-land supply, LDP policy 2.1 comes into operation. The proposed development meets the five criteria of policy 2.1.

2.46 The proposed development is in line with the plan's vision and spatial strategy. It is a moderate-sized housing development that would not prejudice the plan's delivery. The LDP's strategy and vision recognise the increasing role the rural villages are capable of playing in future, if infrastructure constraints are addressed. The plan, however, allocates no land in its period 2 (2027-2037) to address this aspiration or meet the needs of the rural villages. Policy 2.2 supports mixed-tenure housing development to meet the needs of smaller households, older people and lower-income households and requires 33 percent of a housing development in a highly pressured area such as Strathblane to be affordable housing. The proposed development would include 33% affordable housing provision (23 homes out of 70 proposed).

2.47 The proposed development meets the provisions of the LDP's overarching policy, its accompanying sustainable-development criteria and all other relevant LDP policy. The proposed development is design-led. It takes account of the environmental features of the site, including archaeology, landscaping, flood risk and drainage. The site is sustainable in terms of transportation, environment and economics. Strathblane has facilities greater than might be expected in a village. Sites for additional housing or its extension are limited. The proposed development would be a logical extension. There would be a number of benefits including improvements to open space and to the appreciation of the Longbarrow, and from cemetery provision. The proposed development complies with LDP policies other than policies 1.5 and 2.10. The landscape and visual impact of encroachment on the green belt has been mitigated so far as possible. The proposed development is compatible with the green belt's aim of preventing coalescence of Strathblane with Milngavie. The loss of green belt must be balanced against the shortfall in meeting housing need.

2.48 The site is capable of being delivered within five years. The proposal is for more than 30 units and would make a reasonable contribution to making up the housing-land shortfall. The proposed development would not compromise the delivery of necessary infrastructure, but would contribute by providing land for a new cemetery.

2.49 The proposed development therefore complies with policy 2.1.

2.50 The proposed development could also be approved as a windfall site, largely for the same reasons it would comply with policy 2.1. Windfall development is necessary for the

maintenance of the effective-housing-land supply in Stirling. The plan relies on it. Without windfall, there would be a further fall in estimated effective-housing-land supply.

2.51 Although the proposed development does not accord with LDP policies 1.5 and 2.10, that must be balanced against its support from policy 2.1 in determining whether it accords with the development plan overall. Policy 2.1 is the means within the LDP for providing for release of additional land to meet the LDP housing-land requirement. The need for release of land outweighs the restrictions on expansion of settlements into the green belt (in policy 1.5) and on housing in the countryside (in policy 2.10). The proposed development therefore accords overall with the development plan, notwithstanding that it does not comply with policies 1.5 and 2.10.

Scottish Planning Policy

2.52 In view of the shortfall in the housing-land supply, the sustainable-development presumption is elevated to a “significant material consideration”. In accordance with the decisions in *Gladman 2019* and *Gladman 2020*, in those circumstances a “tilted balance” applies in favour of granting of permission. This means that if the proposed development conflicts with any LDP policy, including the criteria of policy 2.1, then such a conflict would only be grounds to refuse planning permission if the adverse impacts “significantly and demonstrably” outweigh the benefits when assessed against the wider policies of SPP.

2.53 The proposed development complies with SPP in terms of its effects in respect of cultural heritage, landscape and flooding. It would provide socio-economic benefits. It is sustainable.

Other material considerations

2.54 The assessment of the housing-land supply indicates that there is ongoing unmet demand. Where there is unmet demand for housing, that is a material consideration in favour of a proposed development that can contribute to meeting the demand. The proposed development is capable of meeting unmet demand in Stirling and Strathblane in particular.

Conclusion

2.55 The overall balance lies in favour of granting planning permission.

Case for the council

Development plan

2.56 The LDP’s spatial strategy promotes Strathblane’s sustainable expansion. The settlement already has two housing sites allocated for a total of fifty units. The proposed development would not be “controlled small-scale expansion of the settlement consistent with its size and role in the settlement hierarchy,” as the spatial strategy requires.

2.57 The proposed development would be outwith the settlement boundary, in the green belt. It would compromise the green belt’s role in protecting the settlement’s setting. It is consequently contrary to LDP policy 1.5. It also would not comply with policy 2.10 restricting housing in the countryside.

2.58 The proposed development would have an adverse impact on the setting of the Broadgate Longbarrow, and so is contrary to LDP policy 7.1.

2.59 The proposal would involve development of land safeguarded by the LDP for cemetery extension. The proposed compensatory cemetery site, 200 metres further east, would be significantly further from the church. Its development would prevent the creation of a strong green-belt boundary.

2.60 The proposed development's effects in respect of flood risk, the safety and efficiency of the local transport network, and school capacity would be acceptable. If it is approved, there is a requirement for 33 percent on-site provision of affordable housing in accordance with LDP policy 2.2.

2.61 Overall, though, the proposed development does not comply with the Stirling LDP 2018.

2.62 The council's 2020 housing-land audit shows that there is not a shortfall in the five-year effective-housing-land supply. LDP policy 2.1 does not come into operation, nor does SPP's sustainable-development presumption become a significant material consideration.

2.63 Even if it was conceded that there is a shortfall in the five-year effective-housing-land supply, and policy 2.1 therefore came into operation, the proposed development would not comply with all its criteria.

2.64 The council accepts that the proposed development complies with policy 2.1 requirement (c) – that it should be capable of delivery within five years, and requirement (d) – that it should be over 30 units. There would be no conflict with criterion (e) – the proposed development would not compromise the delivery of necessary infrastructure or jeopardise the delivery of an allocated site. The proposed development would not, however, be consistent with the LDP vision or spatial strategy or meet the provisions of the LDP overarching policy, the sustainable development criteria or other relevant LDP policies. It would therefore be inconsistent with criteria (a) and (b).

Placemaking, landscape and cultural heritage:

2.65 The proposed development would conflict with the core role and function of the green belt. There is not the robust level of information in the application to support the appellant's claims that, taking into account the proposed development's design and landscaping, there would be no harm to the settlement's character or setting. The proposed development does not accord with primary policy 1 – placemaking, policy 1.1 – site planning or primary policy 9 – managing landscape change. It has already been noted that the proposed development would be contrary to primary policy 7 and policy 7.1 on account of its effect on the Broadgate Longbarrow.

Vision and spatial strategy:

2.66 LDP primary policy 2 requires that, when dealing with housing proposals outwith plan allocations, sites in the Core Area located close to and easily accessible by major public-transport routes are to be preferred, rather than sites in the Rural Villages Area or countryside. No sequential exercise or similar has been carried out to demonstrate that a development at the proposed location would represent the most appropriate solution to any shortfall in the housing-land supply.

2.67 Given the limitations of local facilities, the proposed development is likely to cause increased travel demand. It is not sufficiently accessible to public transport. Additional bus-service provision is not realistic. The proposed development would be unsustainably reliant upon private-car travel.

2.68 There would be some economic benefits to the proposal. Some of the benefits – those arising from the construction work – are temporary. As regards other benefits, similar benefits may arise from construction of housing elsewhere, in a location that accorded with the LDP's spatial strategy.

Cemetery

2.69 The proposed development would occupy the site currently safeguarded by the LDP for a cemetery extension. The cemetery proposed as part of the planning application would preserve the openness of the green belt and not threaten its core role or function. However, it would be far from the church and may not have suitable ground conditions. The offer to transfer the cemetery land without charge to the council is not a material consideration.

Conclusion on development plan

2.70 Overall, the proposed development would not accord with policies 1 (primary policy – placemaking), 1.1 (site planning), 1.5 (green belts), 2 (primary policy – supporting the vision and spatial strategy), 2.1 (the five-year effective-housing-land supply), 2.10 (housing in the countryside), 7 (primary policy – historic environment), 7.1 (archaeology and historic-building recording) and 9 (primary policy – managing landscape change). It would not accord with the development plan overall.

Other material considerations

Scottish Planning Policy

2.71 The proposed development would be contrary to the principles for sustainable development (SPP paragraph 29) since it would result in over-development at the settlement edge and would not protect or enhance the historic environment.

2.72 The proposed development would be contrary to SPP policy on protection of pressured rural areas and promoting sustainable transport and active travel. It would not contribute to delivery of accessible housing, protect the historic environment, avoid over-development, or support climate-change mitigation. The proposed cemetery would be 200 metres further from the church, beyond the 400-metre distance SPP paragraph 287 indicates it is reasonable to expect people to walk to access facilities. Taken together with its harm to the green belt, and its adverse effects on landscape and the historic environment, the proposed development would not overall be sustainable. This tips the balance against the proposal.

2.73 Given that there is no shortfall in the five-year effective-housing-land supply and that the proposed development is not sustainable, the presumption in favour of development that contributes to sustainable development does not apply.

2.74 The court's interpretation of SPP in *Gladman 2020* would have the effect that there is a presumption in favour of any site that can contribute to addressing a shortfall. Such an

interpretation would lead to development at any cost, where the shortfall is a pre-determining factor rather than any significant adverse effect on the environment. This is wrong, and cannot have been the court's true intention. The Scottish Ministers' consultation document on the revisions to SPP following *Gladman 2020* supports the view that the court in *Gladman 2020* did not correctly interpret Ministers' intentions. The Scottish planning system's plan-led approach remains in place. SPP's presumption should only apply where development proposed is sustainable.

2.75 The primacy of the development plan should be the starting point for planning decision-making.

Reporter's conclusions

Application of the tilted balance

2.76 The correct interpretation of policy is properly a matter for the courts. Scottish Ministers did not appeal the decision in *Gladman 2020* and Stirling Council did not seek to intervene. The court's interpretation of the SPP must therefore be accepted as the correct interpretation. The policy interpretation I have described at paragraphs 2.22 to 2.26 of this chapter, is the correct interpretation. The application of a tilted balance if a shortfall existed does not result (as the council appears to assume) in an automatic policy requirement for the grant of permission. It is, just as it sounds, a balance – though with an additional weight towards grant that depends on the seriousness of any shortfall and a requirement that permission should only be refused for the development if any adverse impacts would significantly and demonstrably outweigh the benefits.

Main matters for consideration:

2.77 Having regard to the provisions of the development plan and other policy that is material to Ministers' decision and taking account of the matters raised by parties, the main matters to be considered in this appeal are:

- whether there is a shortfall in the existing five-year effective-housing-land supply, and if so, roughly how great a shortfall there is,
- whether there is otherwise evidence of unmet demand for housing in Stirling or Strathblane in particular;
- the proposed development's compliance with the LDP's spatial strategy; and
- the proposed development's
 - effect upon the green belt,
 - landscape and visual effects,
 - accessibility,
 - infrastructure requirements,
 - effect upon biodiversity,
 - effect upon flood risk,
 - effect upon the setting of the Broadgate Longbarrow,
 - effect upon the safeguarding of the cemetery site,
 - socio-economic effects, and
 - sustainability overall.

2.78 I will deal with the questions of the five-year effective-housing-land supply and housing demand together in chapter 3 of this report. I also find it convenient to deal with the proposed development's effect upon the green belt and its landscape and visual effects

in a single chapter of this report (chapter 5). Similarly I will deal with the proposed development's accessibility and transport infrastructure requirements together (chapter 6). I will deal with the question of sustainability overall in my conclusions (chapter 14).

CHAPTER 3: HOUSING-LAND SUPPLY

Key references:

- [Local development plan \(LDP\)](#)
- [2019 housing-land audit](#)
- [Appellant's response to the second procedure notice](#)
- [Council's response to the second procedure notice](#)
- [Appellant's reply to the council on the second procedure notice](#)
- [Appellant's response to the sixth procedure notice](#)
- [Council's response to the sixth procedure notice](#)
- [Appellant's reply to the council on the sixth procedure notice](#)

Background

3.1 In the following discussion, I use a number of short-hand terms of my own, which are intended to mean the following:

- **The five-year target:** how much effective land is required for there to be a five-year effective-housing-land supply, as required by SPP
- **The residual method:** a method of calculating the five-year target that takes account of a shortfall or surplus in housing-building in years of the development plan before the baseline year for the target. The Housing Research Paper published by the Scottish Government in relation to the (now quashed) revised SPP gave this formula for the residual method:
$$[(\text{Homes to be built} - \text{completions to date})] / \text{years left for plan to run} \times 5$$
The first element of this formula, “homes to be built”, is controversial. The appellant’s case is that it should be “housing-land requirement”. The residual method is sometimes referred to as “the compound method”.
- **The average method:** a method of calculating the five-year target that takes no account of such a shortfall. It simply calculates an annual figure from the plan’s requirement for allocation of housing land and multiplies by five to obtain the target. An average method was described in the (now quashed) PAN 1/2020. The average method is sometimes referred to as “the non-compound method”.
- **The audited housing-land supply (or audited supply if appropriate in context):** the five-year supply of effective housing land shown by the housing-land audit for 2020 (or the housing-land audit for another year, if expressly referred to).

3.2 The issues between the parties in respect of housing-land supply relate primarily to (a) whether the 2020 housing-land audit accurately represents the amount of effective housing land available, (b) how the five-year target is calculated, (c) whether there is sufficient effective housing land to meet the five-year target and (d) whether, even if the five-year target is formally met, there is sufficient effective housing land to meet demand. This last, broader question arose following (and in the light of) the revisions to the SPP of December 2020 and the issue at the same time of PAN 1/2020, both of which were subsequently quashed. Nonetheless, I consider the submissions made on that question remain relevant.

3.3 Five housing-land audits have been submitted in the course of this appeal. These are housing-land audits for [2016](#), [2017](#), [2018](#), [2019](#) and [2020](#). The 2016 audit was the latest audit at the time the council made its initial decision on the case. The 2017 audit was

the latest at the time the previous reporter made her decision, subsequently quashed. Since then audits for 2018, 2019 and 2020 have been published. The 2016, 2017, 2018 and 2020 audits were agreed between the council and the house-builders' organisation, Homes for Scotland. There are several elements in the 2019 audit that were disputed.

The five-year target and how it is to be determined

The housing-supply target and housing-land requirement

3.4 SPP paragraphs 113 to 122 set out Ministers' policy on development planning for housing. In preparing the development plan, the planning authority is required to compile an evidence base on housing need and demand and, having considered a range of specified factors, set a housing-supply target (separated into affordable and market sectors).

3.5 Within the overall housing-supply target, the plan should indicate the number of new homes to be built in the plan period (since homes might be delivered to meet the target by other means, such as bringing empty properties back into use). That figure is increased by a specified margin, depending on local circumstances, to ensure that a generous supply of land for housing is provided. The resulting figure is the housing-land requirement.

3.6 Stirling LDP is not within a city region and treats its entire area as one housing market area. The specified margin of generosity in the Stirling LDP area is 16 percent. The housing-supply target, separated into affordable and market sectors, and the housing-land requirement for the area are set out in the LDP in its tables 2, 3 and 4.

3.7 SPP provides that the housing-land requirement is to be met in the plan with a range of sites that are effective or expected to become effective within the plan period. In addition, it requires the plan should provide a minimum of five years' effective-housing-land supply at all times. I understand LDP policy 2.1 to be intended to address that latter requirement.

3.8 Two issues have arisen before the courts regarding how the five-year target should be calculated. The first is whether a shortfall (or surplus) in achieving the targeted annual number of house completions in years of the plan before the base year for calculating the five-year target should be taken into account in calculating the five-year target (the issue – indirectly – in *Gladman 2019*). The second is whether the required five-year target should be calculated on the basis of the housing-supply target or the housing-land requirement (an issue in *Gladman 2020*). There is no policy or guidance on how the five-year target is to be determined (following the quashing of the revised SPP and PAN 1/2020).

Taking account of a shortfall in previous years

3.9 The appellant has referred to a number of planning decisions in which the method for calculating the five-year target was addressed. These were Ministers' decision in appeal PPA-400-2067, my decision in appeal PPA-400-2071 and another reporter's decision in appeal PPA-320-2118.

3.10 In appeal decision PPA-320-2118, the reporter endorsed a calculation of the five-year target as follows:

- House completions to date within the plan period were subtracted from the housing-supply target.

- The figure obtained was divided by the number of years remaining in the plan to give an annual effective-housing-land target.
- The figure was then multiplied by five to give a five-year effective-housing-land target.

This is one version of the method referred to in this report as the “residual method”, though it was based upon the housing-supply target, not the housing-land requirement.

3.11 In the residual method, a shortfall in meeting the annualised target for house completions in years before the baseline for the five-year target would mean more completions would be required in later years. The formula consequently indicates that more effective land is required within the five-year target to allow those completions. Similarly if there is a surplus of completions in years previous to the base year, then less effective land is required within the five-year target. The average method does not take account of any previous shortfall or surplus in completions.

3.12 As the court observed in [Gladman 2019](#), the two methods can lead to significantly different figures for the five-year target. The court found that policy did not specify a method (whether residual or average) for calculation of the five-year target and that determining the method was a matter for the decision-maker (in that case, the reporter). In a case where housing-land supply was at issue, the reporter had responsibility to address the issue. In [Gladman 2019](#), she had not done so. In that case, she should, in particular, have given reasons for departing from the residual method. In giving such reasons, she should have taken account of the reasoning in PPA-320-2118, PPA-400-2067, and PPA-400-2071. It was not sufficient justification that she had adopted the method used in the planning authority’s housing-land audit, since that method was contested by the appellant.

Housing-land requirement or housing-supply target?

3.13 The housing-land requirement will, of course, almost certainly be larger than the housing-supply target (and certainly larger than the figure for the required number of new homes identified from the housing-supply target). The question arose in *Gladman 2020* of whether the five-year target should be calculated from the housing-land requirement or housing-supply target. This was not the point on which *Gladman 2020* was decided. The court did, however, make a comment that indicated it considered the housing-land requirement should be used. In making the comment, the court did not refer to the calculation in appeal decision PPA-320-2118, cited to the court in *Gladman 2019* (and - of course - in the present appeal), which was based upon the housing-supply target rather than the housing-land requirement. I understand that Ministers nevertheless subsequently (in conceding a challenge to their decision on appeal PPA-390-2043-1) accepted that the court was correct in its comment in *Gladman 2020*.

Housing-land audits and the identification of effective housing land

3.14 SPP’s detailed requirements for maintenance of a five-year effective-housing-land supply are set out in its paragraphs 123 to 125. Planning authorities are required to work with housing and infrastructure providers to prepare an annual housing-land audit as a tool to review and monitor the availability of effective housing land to ensure a generous supply of land for house-building is maintained and there is always enough effective land for at least five years. A site is to be considered effective where it can be demonstrated that, within five years, it will be free of constraints (which are further defined in Planning Advice Note 2/2010) and can be developed for housing. The development-plan action programme

is to set out key actions necessary to bring each site forward for housing development and identify the lead partner.

The criteria for identifying effective housing land

3.15 [PAN 2/2010](#) is referred to in SPP paragraph 123 as more fully setting out the measure of effective sites. At paragraph 54, the PAN sets out the importance of the audit distinguishing effective sites from constrained sites. For a site to be considered effective, it must be demonstrated that, within the five-year period beyond the date of the audit, the site can be developed for housing (to the point where residential units are available for occupation) (paragraph 55). It lists seven types of constraints, including (in summary):

- Ownership: whether the site is in control of a party that can be expected to develop it or release it for development;
- Physical: Whether the site is free of physical constraints or there is a solid commitment to removing constraints, or the market is strong enough to fund remedial work required;
- Contamination: Whether the site is contaminated and, in that case, whether a commitment has been made that would allow it to be developed;
- Deficit funding: Whether public funding required to make development viable has been committed;
- Marketability: Whether the site, or a relevant part of it, can be developed in the period under consideration;
- Infrastructure: Whether the site is free of infrastructure constraints, or required infrastructure can realistically be provided;
- Land use: Whether housing is the sole preferred use of the land or ownership and marketability point to it being a realistic option.

3.16 For each site, the PAN indicates the audit must also show the expected completions over the following five years (the site programming). This indicates the contribution any one site can make to the five-year effective-housing-land supply. Site programming is recognised to be a less-than-scientific exercise. Planning authorities and house-builders are enjoined to be realistic in their estimates and to work together to ensure sites identified as effective are successfully developed within the expected timescale.

Case for appellant

3.17 The appellant's case has the following parts:

- First, there are errors in the council's audited housing-land supply:
 - The five-year target is not calculated correctly in the 2019 and 2020 housing-land audits.
 - There is less effective land than is identified in the audit. Consequently, the five-year target, calculated by a residual method or an average method, is not met.
- Second, there is insufficient housing land to meet demand. This is a material consideration in the decision on the appeal.

The five-year target

Residual or average method

3.18 The council's 2020 housing-land audit relied on the average method to calculate the five-year target. This takes no account of past housing completions when assessing the adequacy of the housing supply. The residual approach does take past completions into account. These approaches can lead to significantly different results.

3.19 The residual approach was preferred in an overwhelming number of planning appeal cases before introduction of the (since quashed) PAN 1/2020. It was also the preferred approach of Stirling Council in its 2019 housing-land audit. The residual approach was considered by the Inner House of the Court of Session as being, on the face of it, the most sensible approach. The council gave no justification for use of the average method in its 2020 audit other than by reference to PAN 1/2020.

3.20 There is no recommended or prescribed approach to calculating the adequacy of the housing-land supply. The residual method is to be preferred. It is consistent with that used in the LDP. It allows the decision-maker to understand if the housing-land requirement is to be met.

Identifying the housing-land requirement

3.21 Using the average method, the 2020 housing-land audit calculates a five-year target of 2290. The council has explained that this is based upon a housing-land requirement of 7,788 for the period 2010 to 2027. The LDP sets a housing-land requirement of 6,417 for the period 2015 to 2027. The LDP figure is to be preferred.

Calculating the five-year effective-housing-land supply using the residual method

3.22 The five-year effective-housing-land supply is calculated in the following table⁴. The residual method is used. The first column shows the results using the LDP figure for the housing-land requirement (set for the years 2015 to 2027). To provide the best case for the council, the second column shows the results using the council's figure for the housing-land requirement (set for the years 2010 to 2027). Notwithstanding the questions the appellant raises about the accuracy of the audited housing-land supply (dealt with below), no deduction is made from the council's figure.

⁴ Reproduced from the [appellant's response to my sixth procedure notice](#) – I have changed the position of the calculation column and corrected a typographical error.

3.23

	Description	Calculation	LDP housing-land requirement	2020 housing-land audit - requirement
(a)	Housing-land requirement		6,417 ⁵	7,786 ⁶
(b)	Length of plan (years)		12	17
(c)	Annual housing requirements	(a) / (b)	535	458
(d)	Completions to 2019/20		1,081 ⁷	2,619 ⁸
(e)	Remaining housing-land requirement	(a) – (d)	5,336	5,167
(f)	Plan period remaining (years)		7	7
(g)	Net annual housing requirement	(e) / (f)	762	738
(h)	5-year housing-land requirement	(g) x 5	3,811	3,690
(i)	5-year effective housing land supply ⁹		2,778	2,778
	Shortfall in five-year effective-housing-land supply (units)		-1,033	-912
	Number of years supply	(i) / (h) x 5	3.64	3.76
	Percentage of five-years' target	(i) / (h) x 100	73%	75%

3.24 The table shows that, if past completions are taken into account, there is a substantial shortfall in the Stirling housing-land supply.

3.25 Over and above these considerations, the changes to the SPP require that the decision should be based on a range of considerations. These include the sustainability of the proposed development and its contribution to achieving the aims of the LDP spatial strategy. The proposed development finds support in these considerations.

Unmet demand as a material consideration

3.26 There has been a consistent shortfall in house completions in the Stirling LDP area over the plan period. If the average method was used to calculate the five-year target, that would ignore the effect of shortfalls in house completions in earlier years of the plan. Even

⁵ Source: Stirling LDP, period 2015-2027

⁶ Source: although this figure does not appear in the 2020 housing-land audit, it can be calculated from the figure given for the five-year target in the audit's table 9. The period is 2010-2027

⁷ Source: 2020 housing-land audit

⁸ Source: 2020 housing-land audit

⁹ This is the appellant's term. Elsewhere I have used the term "audited housing-land supply" for this figure. The source for the figure is the 2020 housing-land audit.

if the required five-year effective-housing-land supply can be achieved where the five-year target is calculated by an average method, that would not mean that demand for housing land would be met.

3.27 Table 9 of the 2020 housing-land audit predicts that housing delivery will be some 1,266 units below its housing-land requirement target for 2027. This is a similar position to the one set out in the appellant's analysis of the five-year effective-housing-land supply in the table above.

3.28 Unmet demand for housing land is a material consideration as part of the overall assessment of the application. It is a key indicator of whether the council's own housing policies are working. Several years of under-delivery of the housing-land supply would result in unmet demand. The use of the average method could mean the housing-land requirement for the plan period would never be achieved. The presence of unmet demand is demonstrated by the shortfall in table 9 of the 2020 housing-land audit.

Inaccuracies in the 2019 and 2020 audited housing-land supply

3.29 The appellant's main criticisms of the 2019 housing-land audit's conclusions on effective housing land supply fell under four heads:

- The effectiveness of certain sites described in the 2019 audit as effective was disputed by Homes for Scotland. The audit should have deducted those sites from the audited housing-land supply.
- The audit's programming of 35 units per year from small sites is over-optimistic. There is evidence of double-counting of windfall sites. The audit includes windfall sites for which planning permission has not been granted. A deduction should be made from the audited housing-land supply in relation to these errors.
- The audit's programming of certain large sites is over-optimistic.
- The audit relies upon delivery across the Stirling housing-market area but assesses delivery against the tenure-based housing-supply target. This is not consistent with SPP or LDP. It is not clear if the audit figures for construction of social housing are net of demolitions or that construction of social housing can take place at the forecast pace.

A further criticism may be made that projections of house completions in housing-land audits have been over optimistic. According to the 2019 audit, only 142 completions were achieved in 2018-19 (see table 7a of the audit), well down on what was expected and programmed.

3.30 In respect of the effective-housing-land supply identified in the 2020 audit, the following further comments are made:

- As regards the specific sites disputed by Homes for Scotland in the 2019 audit, although Homes for Scotland did not dispute them in the 2020 audit, the appellant is not aware of any material addressing the issues raised. The appellant's concerns remain as set out for the 2019 audit.
- The 35 units estimated for small sites is highly optimistic when compared with past delivery.
- There has been a declining trend in completions in recent years, but the housing-land audit suggests completions will double in two years and almost triple in three. This should be treated with caution.

Sites whose effectiveness was disputed by Homes for Scotland in the 2019 audit

3.31 The effectiveness of seven sites was disputed by Homes for Scotland in the 2019 audit. These were programmed in the 2019 audit to deliver 245 units in the five-year supply and 64 units in the rural area. Although Homes for Scotland has not disputed these sites insofar as they are included in the 2020 audit, the appellant maintains its previous criticisms in respect of the 2020 audit. The disputed sites are as follows:

3.32 SC112/H088 Balfron – KH Parsons Workshop: The site has physical constraints. There is no developer attached. Outline permission previously granted for housing has lapsed. It has been in the vacant and derelict land audit for several years. There appears to be a contradiction in the housing-land audit as regards the landowner's position on the site's development. The site does not meet the tests of effectiveness.

3.33 SC215/H083 Balfron – Depot Site: The site is council-owned. It has been regarded as effective for six years without progress. There are challenging amenity issues since waste-management infrastructure is safeguarded within the site. There is no current planning permission. The site is being marketed. It does not meet the tests of effectiveness.

3.34 SC267/H152 Buchlyvie – South of Fisher Place: There is no control over access and no extant planning permission for housing. The site does not meet the tests of effectiveness.

3.35 SC268/H153 Strathblane – South of A81: The site is physically constrained by its steep topography. The developer previously attached to the site no longer had an interest at the time of the 2019 audit. There was no commitment to remove constraints to deliver the site. The site had no planning permission at the time of the 2019 audit. The site did not meet the tests of effectiveness. This was confirmed by the [survey return \(AS2\)](#) for the 2017 housing-land audit made by the developer previously attached to the site, Westpoint Homes.

3.36 The site now has planning permission for 11 houses. This demonstrates that the audited figure of 20 in the 2020 audit is an overestimate.

3.37 SC041/H072 Plean – Touchill Farm: The site has been in the effective supply since 1989 but is constrained by having multiple owners, not all willing to sell. The site does not meet the tests of effectiveness.

3.38 SC201A/H052 Stirling – Former Stirling Royal Infirmary Site: The site is owned by NHS Forth Valley. Its history suggests the development of a care home is intended, and it may not deliver mainstream housing. There is no planning permission for mainstream housing. The site is constrained, since accesses require to be secured. Planning permission in principle was granted in 2014 for a care village. The site is shown in the Strategic Housing Investment Programme for 10 dwellings for the elderly for 2022/23. It is flagged red as indicating no control over the site. The site does not meet the tests of effectiveness for mainstream housing.

3.39 SC212/H077 Fallin – East Fallin: The site has been assessed as effective since 2013. Falkirk Council have a clawback on the site's title for 20 years. There is no current planning permission and no developer attached to the site.

Small sites and windfall sites

3.40 The audit assumes 35 units per year would come forward from “small sites and windfall contributing to the land supply”. There has never been this level of output from such sites. There is the potential for overlap or double-counting of completions in the audit. Two examples of windfall sites specifically included in the audited figures in addition to the assumption of 35 units per year are SC 293 Cowie and SC 289 Killlearn.

3.41 The Council’s evidence on annual average small site/windfall completions confirms that the average over the period 2010 to 2020 is less than 30 units per annum (29.1). That completions from small sites/windfall totalled 34 in 2019/20 does not demonstrate that the 35 figures is robust and reasonable. Over the last 5 years (and including the Council’s 34 units) the average would appear to be 24 units per annum. The figure of 35 units per year is over-estimated. A better approach would be to programme the average of the last five years¹⁰.

3.42 It is not clear if the definition of small sites is the same as that in paragraph 61 of PAN 2/2010. Not all windfall sites in the 2019 audit have planning permission as required in paragraph 62 of the PAN.

Strategic-site programming

3.43 Two strategic sites dominated the programming of new homes in the 2019 audit:

- SC074/H057 major growth area, Durieshill

Four hundred and twenty-five units are programmed on this site within the next five years. Fifty units are programmed in 2020/21. This is over-optimistic. A grant of planning permission in principle was approved in December 2019 for a hybrid permission including housing, a village centre, employment land and a primary school. The grant of permission was subject to agreement of a planning obligation and to 163 conditions, many of which were pre-commencement conditions. It will be some time before construction of housing can commence on the site.

- SC252/H069 – East Plean (Cushenquarter Farm, Plean)

The site is allocated for 500 units. It is in control of Persimmon Homes who have a current application for planning permission in principle with the council, made on 5 July 2019. The application is undetermined. There is no indication of when it might be determined. Permission is unlikely to be issued till at least the end of 2020. 187 units are included in the effective supply (59 units in 2020/21, followed by 28, 70 and 50 in the three following years). It is realistic to expect the build programme to slip by two years.

3.44 The appellant makes the same criticism of the 2020 audit.

Tenure

3.45 SPP refers to the housing-supply target in the context of housing tenure. The housing-land requirement is referred to by reference to housing-market areas. The 2019 housing-land audit assessed the position by reference only to the overall supply across the

¹⁰ This is the appellant’s position in its [response to my second procedure notice](#). In its [reply to the council on my fifth procedure notice](#) it assumes that all the 35 units per year should be deducted from the audited supply.

Stirling LDP area (table 9). It did not seek to demonstrate the position by reference to tenure type. The approach taken by the Council in its housing-land audits is inconsistent. The level of expected housing delivery is measured across the Stirling HMA but assessed against targets set at a tenure level.

3.46 Affordable housing represents 31 percent of the output in the next five years. This relies heavily upon a commitment to accelerate the build-out of the Raploch site. There are no clear plans as to how such an acceleration would take place.

3.47 The housing-output figures for regeneration sites appear to be gross rather than net (they have not taken account of demolitions).

3.48 The appellant maintains these criticisms in respect of the 2020 audit.

Case for Stirling Council

Calculation of the five-year target

Residual or average method

3.49 There is no clear guidance to planning authorities on how to calculate the five-year target. There were a number of methods for making this calculation across Scotland. In the 2018 housing-land audit the council used the average method. In the 2020 audit, it has returned to using the average method again as recommended in PAN 1/2020.

3.50 Using the residual method only serves to inflate the target, often to undeliverable levels.

3.51 Reporters in previous appeal decisions had used the residual method. The council therefore, as a matter of prudence, adopted this method in the 2019 housing-land audit. The calculation was based upon the housing-supply target. Using the residual method, the council's 2019 housing-land audit shows a land supply in Stirling of 3,058 units or 5.3 years' supply. This would still have been a sufficient supply.

Housing-land requirement or housing-supply target

3.52 It was appropriate for the 2019 audit to base its calculation on the housing-supply target. The housing-supply target identifies the number of houses to be built over the plan period. The housing-land audit is a monitoring tool, not a plan-preparation tool. It is the housing-supply target that requires to be delivered, and therefore that should be monitored.

3.53 The housing-land requirement is a tool of development planning to ensure sufficient sites are allocated in the plan. The purpose of the "generosity" in the housing-land requirement is to ensure the housing-supply target can be achieved. The "generosity" is a buffer to ensure that, should site programming change or a site become non-effective, there will be other effective sites available to allow the housing-supply target to be achieved. If the housing-land requirement were used as the basis of calculating the required five-year supply of effective housing land, it could show a shortfall in meeting the required five-year effective-housing-land supply even when progress towards meeting the housing-supply target is being maintained.

3.54 The court was wrong to comment in *Gladman 2020* (before the publishing of PAN 1/2020) that the housing-land requirement is the basis for the calculation of the five-year

effective supply. It misunderstood the respective purposes of the housing-supply target and the housing-land requirement.

3.55 In the 2020 audit, the council calculated the five-year target from the housing-land requirement using the average method as recommended by PAN 1/2020.

Calculating the housing-supply target in Stirling

3.56 In Stirling, the housing-supply target is Stirling Council's view of the number of new homes that require to be built after other housing-market interventions by the planning authority, such as better-utilising existing housing stock or bringing empty properties back into use. The audit does take account of demolitions. The sites in Raploch have been vacant for a number of years. The demolitions that took place there were taken into account when the housing-supply target was set.

Alleged inaccuracies in the 2019 audited housing-land supply

3.57 PAN 2/2010 advises the council to consult widely with the house-building industry and infrastructure providers in collating its housing-land audit. The council seeks to reach agreement on the programming of sites with the industry body, Homes for Scotland. This was achieved from 2015 to 2018. In 2019, agreement was not reached on seven sites. The council is not required to reach agreement in order to include those sites in the audit.

3.58 No aspect of the 2020 housing-land audit was disputed by Homes for Scotland.

2019 disputed sites

3.59 The council included the seven disputed sites in the 2019 because it took a different view from Homes for Scotland on the application of the PAN's criteria for effectiveness in each case. For a site to be effective, it must be demonstrated that it can be free of constraints and be developed for housing within five years from the audit date. Taking the disputed sites in turn, the council was satisfied that they met the criteria for effectiveness (and so for inclusion in the 2019 audit) for the following reasons:

3.60 SC112/H088 Balfron – KH Parsons Workshop:

- Ownership: The owner was willing to divest the site. Pre-application advice had been given to a developer. Since the site was in the ownership of a party who was expected to release it for development, it met this criterion for inclusion in the audit.
- Physical: Although the site is sloping, it is not such as would preclude development. There was an existing building on the site. Planning permission in principle had previously been granted for development.

3.61 SC215/H083 Balfron – Depot Site: The site was part of an identified land-disposal programme. It met the "ownership" criterion.

3.62 SC267/H152 Buchlyvie – South of Fisher Place: There were access issues to the site. The council was working with a potential developer to resolve this, possibly using council land. The council was committed to removing the constraint. The site met the "physical" criterion.

3.63 SC268/H153 Strathblane – South of A81: The site is sloping, but this is not such as to preclude its development. One developer's viability concern does not mean the site is

unviable for any developer. The council was satisfied the constraint can be overcome in the next five years.

3.64 SC041/H072 Plean – Touchill Farm: The site was being marketed as a single unit. The council has had pre-application discussions with a developer, including discussion of house types and developer contributions. The “ownership” criterion is met.

3.65 SC201A/H052 Stirling – Former Stirling Royal Infirmary Site: NHS Forth Valley own the site and will be releasing it to the market. The “ownership” criterion is met. The site is allocated for housing in the LDP. The strategic housing investment plan (SHIP) identifies that there will be 10 affordable units, while the remainder would be market housing.

3.66 SC212/H077 Fallin – East Fallin: The landowner is willing to sell and the site is being marketed. The council are having detailed pre-application discussions with a developer. The clawback is not a constraint to the potential developer, who is aware of it. Burdens on title are not a constraint to development of a site.

3.67 The seven sites the appellant has disputed therefore all meet the relevant criteria for effectiveness.

Disputed sites and the 2020 audit

3.68 Planning permission has been granted for 11 houses on site SC268/H153 Strathblane – South of A81. The figure for the site in the 2020 audit of 20 units is nonetheless justified, since the permission was granted in June 2021, outwith the monitoring period for the audit of 1 July 2019 to 30 June 2020.

Small sites and windfalls

3.69 The council assumes that 35 units per year will come forward from small sites and windfalls. This assumption is made and included in the audit to ensure that such sites are accounted for. They have not otherwise been allocated in the LDP.

3.70 The 35-unit assumption was based on the evidence at the time the LDP was prepared. It was justified on the basis of the average number of completions on small sites and windfall sites between 2010 and 2015 inclusive, which was 34.2 units. The council’s justification and methodology was accepted in the examination. The council does not include specific sites of one to three units in the audit.

3.71 Table 7a of the 2020 housing-land audit shows that 34 completions were recorded from windfall sites, including small sites, during the audit’s monitoring period. To include an assumption of 35 completions in the housing-land audit is robust and reasonable.

Strategic-site programming

3.72 SC074/H057 – Durieshill: No party, including Homes for Scotland, questioned the programming of this site during the audit process in 2019. Planning permission has been issued. The council is working with the developer to secure the necessary section 75 agreement and discharge pre-commencement conditions.

3.73 SC252/H069 – East Plean (Cushenquarter Farm, Plean): No party disputed the programming for this site during the audit process in 2019. Persimmon’s update to programming was accepted by all parties in the draft, including Homes for Scotland.

3.74 The programming of the sites in the 2020 audit was not disputed by Homes for Scotland.

Delivery of affordable housing

3.75 The appellant suggested that 31 percent (907 units) of the 2019 five-year supply would be from affordable housing at one site in Raploch. This was a misunderstanding. The figure of 907 units was the total number of affordable units to be built across all developments. The commentary below the audit's table 6 merely highlighted Raploch as a key site. There are a large proportion of affordable units at regeneration sites in that area.

Case for other parties

3.76 Other parties did not make a detailed case on housing-land supply. However, Strathblane Community Council in its [response to my first procedure notice](#) stated that site H153 in Strathblane was attracting interest from developers, contrary to the claim of the appellant that it was ineffective. It also referred to the prospect of housing coming forward on an unallocated site in Killearn. In a [submission of February 2021](#), it referred to the application for planning permission for 11 dwellings at the site.

Reporter's conclusions

Alleged inaccuracies in the 2019 and 2020 audited supply

3.77 A housing-land audit is a snapshot of effective housing land on the audit's base date. The base date for the 2019 and 2020 audits (the date of the "snapshot") were 30th June 2019 and 2020 respectively.

3.78 PAN 2/2010 sets out a process for carrying out housing-land audits. This includes a process of data-gathering and consultation with house-builders and infrastructure providers. It is not a process I can replicate in the context of a planning appeal.

3.79 No audit will be infallible. Each audit will rely to some extent on assumptions (for instance about programming of sites) or judgements (for instance about marketability) on which informed people might reasonably differ. The precise figures given by an audit for housing-land supply provide a spurious degree of accuracy. An audit can be seen as a best guess, indicating the broad band into which the five-year effective-housing-land supply is likely to fall.

3.80 The credibility of the audit is established by the process through which it is arrived at, which is why agreement of consultees is often considered important in an audit. Though I cannot re-run the audit, in my view, my role in this appeal is to consider the robustness of the audit in respect of issues specifically raised by the appellant. If the evidence justifies my reaching a conclusion different from that of the audit, I consider I may do so.

3.81 Homes for Scotland disputed the effectiveness of seven sites included by the council in the 2019 audit. It did not dispute other aspects of the audit that the appellant disputed. Homes for Scotland had no outstanding dispute in respect of the 2020 audit.

3.82 Where there was no dispute in the audit process, I consider that the audit draws credibility from that fact (allowing that no such process will be perfect and that I should still address issues properly raised by the appellant).

Sites previously disputed by Homes for Scotland

3.83 As regards the seven sites disputed by Homes for Scotland in the 2019 audit, six remain in the audited supply in the 2020 audit. A start on house construction is now not programmed on SC112/H088 Balfron – KH Parsons Workshop until 2025-6.

3.84 The appellant's submission indicates it maintains its objection in respect of these sites because it was not party to discussions on the audit and is "not aware of any material from the council that addresses" the specific issues it raised. The appellant gives no indication, equally, that it sought to check the position itself. I have some doubt as to whether the appellant's submission is sufficient to pass the minimum evidential requirement for me to question the effectiveness of sites that was undisputed in the audit. Nonetheless, the council did not provide further evidence to me in respect of the effectiveness of those sites when it had the opportunity to do so. As a matter of precaution, therefore, I will consider each of the six remaining sites disputed in 2019 in the light of the evidence of the 2020 audit and submissions made to me in respect of the 2019 audit.

3.85 Since PAN 2/2010 requires the effectiveness of sites to be demonstrated, I consider that where I am left uncertain by the evidence as to a site's effectiveness, I should discount the site. I consider each of the disputed sites in turn.

3.86 SC215/H083 Balfron – Depot Site: The 2019 housing-land audit estimated this site would produce 10 homes, and this is still the estimate in the 2020 audit. The allocation is quite large and is physically on two levels with a steep slope between. It is a mixed-use allocation in the development plan. The part of the allocation envisaged to produce housing, according to the LDP (page 122), is in the upper part and fronts onto Buchanan Street. On the day of my site inspection, an area in the lower part of the allocation was being developed for small-business units. There was a small recycling point at the southern point of this lower part of the allocation.

3.87 The appellant has provided me with particulars of sale from Stirling Council demonstrating that the council is marketing the upper part of the site, fronting on Buchanan Street, for sale for housing development. It follows that there is no ownership constraint upon the marketed site's development. From my site inspection, it was clear to me that the marketed site was sufficient for the estimate of 10 homes associated with the development-plan allocation. It was located beside an existing residential tenement.

3.88 There is a reservation in the mixed-use allocation for waste-management infrastructure. This is at the other end of the allocation from the housing site described in the particulars of sale provided. It would be over a hundred metres away from the housing site, on a much lower level, with intervening buildings and trees. There are existing residential tenements closer to the existing waste-management facility. The appellant does not suggest that the waste-management facility represents a constraint on the site's marketability, but may wish to imply that. If so, I do not agree.

3.89 If the site has not yet been sold for housing development, that does not demonstrate it is ineffective. I see no reason, based on the matters raised by the appellant or the position of Homes for Scotland in 2019, since reversed, to exclude the site from the effective supply.

3.90 SC267/H152 Buchlyvie – South of Fisher Place: This site was estimated in the 2019 audit to produce 15 houses, and is still estimated to produce 15 houses in the 2020 audit.

The council has acknowledged that there is no control over access to the site. The council states it is committed to removing the constraint, potentially using council land. No evidence has been submitted in the appeal that would demonstrate the council has actually made the land necessary for providing the site access available as part of its programme of land disposal. While I do not exclude that the access constraint could be removed within five years, I find the evidence before me does not demonstrate that the site is effective.

3.91 SC268/H153 Strathblane – South of A81: The site is estimated in the audit to produce 20 houses. The site now has planning permission for 11 houses. On my site inspection, it did not appear to me that the relatively pronounced slope on the site would represent a significant constraint on its development given that other land with a similar slope nearby had been developed. I consider that the site was properly included in the audit as effective.

3.92 I asked the council to justify its estimate of 20 houses for the site, when the permission now granted is only for 11 houses. It pointed out that the permission was granted after the end of the audit year and 20 was a reasonable assumption to make. I accept that point. Nonetheless, given that the application was ongoing and a material consideration, I take the cautious view for the purpose of this appeal that the figure should be reduced to 11.

3.93 SC041/H072 Plean – Touchill Farm: This site was estimated in the 2019 audit to produce 85 houses in the five-year supply, but this is reduced in the 2020 audit to 15. In its response to the council, the appellant did not deny or otherwise address the council's evidence that the site is being marketed as a single unit or that the council had had pre-application discussions with a developer. Given this unchallenged evidence from the council, I find that ownership does not represent a constraint. I find that the site is properly regarded as effective.

3.94 SC201A/H052 Stirling – Former Stirling Royal Infirmary Site: This site was estimated in the 2019 audit to produce 41 units in the five-year effective supply, but in the 2020 audit only 10 units. It may be, as the council claim, that sufficient of the allocated site is surplus to the requirements of NHS Forth Valley that it can be released for development. But the council has not stated or provided evidence that it is formally part of NHS Forth Valley's programme of land disposal or that it is programmed to be released for such development. Consequently, I do not consider it is demonstrated to be effective.

3.95 SC212/H077 Fallin – East Fallin: This large site was estimated to produce 55 houses in the five-year effective supply in the 2019 audit, but is now estimated to produce 139 houses in the 2020 audit. The site is allocated in the LDP for housing development. The fact that there is not currently planning permission or a developer attached to the site does not mean that the site is not marketable. The appellant has not suggested the owner is unwilling to sell. The appellant states that the burden on the site title is a clawback. Such a burden is a matter that would influence the price of the site's sale. It does not represent a constraint on the site's development. As the appellant states, the site has been assessed as effective since 2013, including in undisputed housing land audits in 2016, 2017 and 2018. The fact it has not yet been sold for development does not mean it is not marketable. I consider the audit properly included the site as effective.

3.96 I therefore conclude that land for 34 units (the total for the sites I have found not demonstrated to be effective) should be deducted from the 2020 audited housing-land supply. Following this deduction, the total effective-housing-land supply would be 2,744.

Small sites and windfall sites

3.97 The table at the LDP's appendix A (page 106) shows that there is an assumption that there would be 35 completions per year from small sites and windfall sites. Small sites (fewer than 4 houses) are not allocated in the LDP. Nor – by their nature – are windfall sites.

3.98 The 2020 housing-land audit includes a number of named sites, which are stated to be windfall sites. The audit estimates the number of house completions on those sites and incorporates its estimate into the audited housing-land supply. But it then adds *a further* 35 houses per year to the audited housing-land supply to represent completions on both small sites and windfall sites. The audit justifies this addition by reference to the LDP and its examination, in which (as it states) the estimate of 35 completions on small sites and windfall sites received scrutiny and was accepted.

3.99 In 2020/21, for example, the audit projects the number of completions on sites allocated in the LDP as 241. The projected number of completions on identified windfall sites is 30. This makes a total of 271. The audit then adds 35 for completions on small sites and windfall sites to reach the projected total for that year of 306 completions. There are therefore 65 completions on small sites and windfall sites included in the estimate for that year. This is 85 percent more than were projected in the LDP.

3.100 It is perfectly reasonable in a housing-land audit to add into estimates of future housing completions a figure for completions on as-yet-unknown windfall sites and on small sites that would not be allocated in the plan. It is not true, though, for the council to say that it is justified in projecting 35 completions on windfall sites and small sites because that position was accepted at the examination of the LDP. If the LDP figure of 35 completions per year is to be relied upon, then the council is double-counting completions on windfall sites. The estimate of 35 completions per year is evidently intended in the LDP to cover all completions on windfall sites, since all windfall sites were unknown at the time of the LDP. In adding both projected completions on known windfall sites and a standard estimate of completions on all windfall sites to total completions, I find the audit is including two figures for the same thing.

3.101 The council applied the same method in the 2018 and 2019 housing-land audit, so there was double-counting of windfall sites in those audits too. In the circumstances, it is hardly surprising that the audits show fewer completions for windfall sites and small sites than the estimate of 35 made in the LDP.

3.102 In my view, it would be wrong to do as the appellant suggests in its [reply to the council on the fifth procedure notice](#) and deduct the assumption of completions on windfall sites and small sites entirely from the audited housing-land supply. There will continue to be completions on small sites. As-yet-unidentified windfall sites will also contribute to the five-year effective-housing-land supply. The appellant itself suggested in its [response to the second procedure notice](#) that an annual projection for small sites and windfall sites should be 20 completions per year, rather than 35. The housing-land audits before me show completions on small sites alone of 32 in [2016](#), 20 in [2017](#), 13 in [2018](#), 21 in [2019](#), and 10 in [2020](#). Given the special circumstances of the pandemic in the 2020 audit, I discount it. The other four audits give an average over four years of 21.5 completions on small sites. In the circumstances, I consider that the appellant's suggestion of an assumption of 20 completions a year on small sites and as-yet-unidentified windfall sites is reasonably conservative. I will replace the 2020 audit's annual assumption of 35 units with an

assumption of 20 units. As a consequence, I consider the total for the five-year effective-housing-land supply should be reduced by 75 (a deduction of 15 per year over five years).

3.103 This further deduction from the audited figure leaves an effective-housing-land supply of 2,669.

3.104 One site is shown in the 2020 housing-land audit as a windfall site, but has no planning permission recorded in respect of it: SC284 (Park of Keir). This site contributes 15 houses to the audited housing-land supply. For the purposes of the appeal, very little rides on this small number. As the appellant states, the guidance in PAN 2/2010 paragraph 62 is that windfall sites should only be included in the effective housing-land supply if planning permission has been granted in respect of them. However, given that there was not an objection in the audit process to inclusion of this site in the audited housing-land supply and that the development is the subject of a notice of intention by Ministers to grant permission, it would seem absurd to exclude it. I have already deducted a figure from the assumption for delivery from as-yet-unknown windfall sites such that, on the basis of an average of recent audits, I am effectively making a conservative assumption that no houses will be delivered on such windfall sites other than small sites. Given this conservative position elsewhere, and the stage that the Park of Keir development has reached in obtaining permission, I consider it is appropriate not to deduct it from the audited supply just because planning permission has not yet been secured, notwithstanding the advice in the PAN.

Strategic sites

3.105 I do not understand that Homes for Scotland disagreed in the course of the audit with the programming for the two strategic sites (Durieshill – SC074 – and East Plean – SC252). No evidence has been submitted to me of any other party’s disagreement in that process. There is no evidence before me that the appellant consulted the developers attached to the two sites or any other person as regards their programming.

3.106 Of the five housing-land audits before me, the site at Durieshill (SC074) is recorded as producing houses as part of the audited supply in each one of them. The site’s capacity is estimated at 3,042 housing units in the 2020 audit, though not all of these could be built within the period of the five-year target. The following table shows how each of the five assessed the supply:

audit	Year									Total units in five-year audited supply
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	
2016	0	0	12	50	75	-	-	-	-	137
2017	-	0	0	50	75	100	-	-	-	225
2018	-	-	0	50	75	100	100	-	-	325
2019	-	-	-	0	50	75	100	100	-	325
2020	-	-	-	-	0	0	40	75	100	215

3.107 The East Plean site (SC252) has been recorded as producing housing in the audited supply since 2017. The site's capacity is estimated at 500 housing units, though (again) not all of these could be built within the period of the five-year target. A similar table can be produced in respect of it:

	year								
audit	2017 /18	2018 /19	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24	2024 /25	Total units in five-year audited supply
2017	0	15	25	35	25	-	-	-	100
2018	-	0	12	40	50	70	-	-	172
2019	-	-	0	30	59	28	70	-	187
2020	-	-	-	0	20	30	60	60	170

3.108 This evidence suggests that programming for these two sites in previous audits has shown some optimism bias.

3.109 As PAN 2/2010 states, "Programming is widely recognised as a less than scientific exercise". Planning authorities are enjoined not to overestimate likely completions and housebuilders are enjoined not to underestimate the yield from any given site with the aim of seeking additional land allocations. Those compiling the previous audits possibly did not anticipate the difficulties involved in bringing two such large sites to a point where they would start producing housing. But that need not be the case in the 2020 audit.

3.110 In respect of Durieshill, there appears to have been a reassessment in the 2020 audit, and the programming is much less optimistic than in the previous two years. The council determined it was minded to grant permission in principle in 2019. The appellant has pointed out that a planning obligation must be concluded before grant of permission and that some of the intended pre-commencement conditions attached to the permission as agreed by the council would be difficult quickly to discharge. While I accept these points, it does not appear to me to be overly optimistic to envisage that the site should start producing its first houses two and a half years after the decision to grant permission in principle.

3.111 As regards the East Plean site, it is concerning that there is no record in the 2020 audit of planning permission having been granted at the audit date, although the evidence provided in response to my second procedure notice indicated that an application had been submitted. Although the 2020/21 audit year has begun, I have not been provided with any evidence that there has been a start on the site. If no permission has in fact yet been granted, that could well delay a start in the present year. It is possible, as the appellant pointed out in another context, that work on that site or another site might proceed faster than envisaged following any delay or more houses might be produced than envisaged. Nonetheless, given the optimism bias shown in previous audits and the apparent lack of permission at the audit date, I consider it is cautious to assume that the programme will slip by one year, and therefore to deduct 60 units from the audited supply. I consider that the allowance of an additional year is likely to provide sufficient time for completion of the

application process (including the conclusion of the obligation or any necessary appeal) and a start on the site.

3.112 This further deduction from the figure for the audited supply leaves an effective-housing-land supply of 2,609.

Raploch

3.113 The appellant argues that the audited housing-land supply depends heavily upon accelerated delivery of housing site at Raploch. It is not clear to me what specific sites the appellant is referring to. I understand the sites in the Raploch area listed in the 2020 audit as contributing to the five-year effective-housing-land supply to include H061, H066, H067 and H131. The total contribution of those sites to the audited housing-land supply amounts to not more than about 319 houses. The programming at Raploch masterplan sites was not disputed by Homes for Scotland in the 2020 housing-land audit. For most sites, it is not dissimilar to the programming in the undisputed 2018 or 2019 housing-land audit, though part of the capacity of site H066 that was previously ineffective is recorded as having become effective. I do not consider it would be appropriate in the course of an appeal on an unrelated site to re-evaluate the programming of the Raploch sites outside the audit process without more cogent evidence being presented that the programming cannot be relied on. I also doubt that the programming could be wrong to a degree that would make a significant difference in the present appeal.

Demolitions

3.114 The council states that demolitions for regeneration sites were taken into account in calculating the housing-supply target. The appellant has not produced evidence to support its suggestion that demolitions on regeneration sites were not taken into account. If, as the appellant claims, the housing-supply target was not in fact net of demolitions, this issue could have been raised by Homes for Scotland in the process for the 2019 or 2020 audit. It was not. Nor was it raised in any of the previous three audits submitted in this appeal. If there had been a significant issue arising from the treatment of demolitions, I am confident it would have emerged in the audit process.

Alleged over-optimism in projecting completions in housing-land audits

3.115 Chart 8 of the 2019 audit showed that house completions fell short of what was programmed by a relatively large amount in 2018/19 (112 completions) and 2019/20 (96 completions). In earlier years there were both under-estimates and over-estimates.

3.116 As regards 2019/20, the audit explains that the “deviation is largely down to the slowdown of the construction sector as a result of the Covid-19 restrictions.” The appellant disputed this. It argued that there is no evidence of an effect from the pandemic because the 132 figure for completions is similar to the figure in 2018/19 audit year (142 completions).

3.117 This is very slight evidence to displace the audit’s explanation, which would otherwise be the obvious explanation for the very low number of completions in that year. The appellant has not provided any other evidence to support its assertion. The lockdown largely prevented the construction industry from operating between 23 March 2020 and 11 June 2020 (when a soft start with physical distancing was permitted on construction sites). Those the spring and early summer months are likely to be more productive than the

preceding winter months. Without more convincing evidence, I do not accept that completions in the audit year (which ran to the end of June 2020) were not substantially adversely affected by the lockdown. The 2019/20 figure for completions is the lowest in any of the ten years recorded in the audit. The figure of 142 completions in the previous year was the previous low. The most that can be said for the appellant's argument is that the evidence cannot clearly demonstrate the lockdown was responsible for the whole of the shortfall. I find it likely the audit is correct in attributing the low number of completions in the 2020 audit to the coronavirus pandemic.

3.118 The impression from table 8 is that projections have been broadly accurate, rather than generally over-estimated. The low number of completions in the 2019 audit appears to have been an aberration from the ten-year average of 262 completions per year.

3.119 In any case, the programming in the 2020 audit was agreed. Subject to the specific matters I have considered above, I do not find it appropriate for me, in the context of a single appeal, to set aside the agreed programming in the audit on the basis of a generalised allegation of over-optimism from the appellant.

Conclusion on the audited housing-land supply

3.120 Having made deductions in respect of sites I am treating as ineffective for the purpose of this report and for the double-counting of windfall sites from the audited housing-land supply, my finding for the purpose of this report is that the effective-housing-land supply at the audit date for the 2020 housing-land audit was 2,609. I emphasise that the audit on which this figure is based (like any audit) is by no means infallible, but I am confident that the figure gives the broad order of the five-year supply, in accordance with the evidence that has been supplied in this appeal.

Calculating the five-year target

Housing-supply target or housing-land requirement

3.121 Although *Gladman 2020* was not decided on the question of whether the housing-land requirement or housing-supply target should be the basis of the calculation of the five-year target, it was plainly the court's view that the former was the basis of the calculation. The Scottish Ministers subsequently conceded that this was the correct interpretation of their policy. I cannot accept, therefore, as the council have argued, that the housing-supply target should be used as the basis of the calculation.

3.122 The appellant is correct in its response to my second procedure notice that the housing-supply target is a target for completion of houses and the housing-land requirement is a requirement for provision of housing land.

3.123 The housing-land requirement is not separated into affordable and market land (indeed, policy 2.2 provides for affordable housing to be included in market developments). Therefore, whether or not the appellant is justified in its concern about the separation of the housing-supply target into affordable and market targets, there is no similar concern about a calculation of the five-year target based on the LDP's housing-land requirement.

Identifying the housing-land requirement

3.124 The appellant and council disagree on what figure should be used for the housing-land requirement. In its response to my sixth procedure notice, the appellant uses the

figure of 6,417 for the years 2015 to 2027¹¹. This is the figure for the housing-land requirement identified in table 4 of the LDP. The council's 2020 audit appears to rely upon a figure of 7,786 for the years 2010 to 2027. It used the similar figure of 7,788 for a similar period in its [response to my fifth procedure notice](#). The council has not stated the source for this figure, and I have not been able to identify it¹². Whatever the source of the council's figure, though, it appears to me that the housing-land requirement to be used in the calculation is properly the figure identified in the LDP as the housing-land requirement (6,417) and related to the period of the plan (2015 to 2027).

Residual or average method

- *Use of the residual method in previous decisions of Ministers and reporters*

3.125 The appellant referred in the present appeal to decisions in appeals PPA-400-2064, PPA-400-2071 and PPA-320-2118 in which reporters and the Scottish Ministers had used a residual method for calculating the five-year target. The reporters and Ministers did not, in any of the three appeal decisions cited, apply exactly the same method as that advanced by the appellant in the present appeal as its preferred method.

3.126 In PPA-400-2067, the reporter said she considered the purpose of maintaining a five-year effective-housing-land supply was to ensure the development plan's overall "housing land requirement" was met. She said further that it was clear previous house completions should be considered in the calculation. A shortfall should only be discounted if there were policy reasons for doing so.

3.127 Her use of the term "housing land requirement" needs some explanation. The development plan in that case used the terms "housing land requirement" and "housing requirement" interchangeably. The former term was used in policy headings, the latter in the body of the policy. At the time the development plan was adopted, there was no requirement in national policy to distinguish a figure for new house completions from a requirement for housing land. That requirement only appeared subsequently, with the adoption of the present SPP in 2014. The development-plan policy was ambiguous as to whether the housing requirement / housing land requirement was for land or for house completions.

3.128 Although national policy in place at the time that development plan was adopted required a generous supply of housing land, it was disputed in appeal PPA-400-2067 whether the figure in the development plan for the housing land requirement/housing requirement already included "generosity" or not. Although the reporter rejected applying an additional percentage to the "housing land requirement" to account for generosity, she did not expressly resolve the question of whether "generosity" was already included.

¹¹ The appellant advanced a different approach to identifying the housing-land requirement in its [response to my second procedure notice](#). That involved adding 16 percent (the figure for generosity in the Stirling LDP) to the council's housing-supply target for 2010 to 2027. This gave an alleged housing-land requirement of 8,204 over the 17 years from 2010 to 2027, which in turn gave an annualised figure more favourable to the appellant when house completions for the period were netted off than the figure for the housing-land requirement in the LDP. In my view, given that the development plan expressly identifies a housing-land requirement for the period 2015 to 2027, the appellant was right to abandon this approach.

¹² It appears to me that there is an argument (I would put it no higher) for identifying the housing-land requirement for 2010 to 2027 by adding 16% to the housing-supply target for that period (7,072 plus 16% = 8,204) or adding the generosity for the period 2015 to 2027 shown in LDP table 4 to the 2010-2027 housing-supply target (885 + 7072 = 7,957). Neither calculation gives a result equivalent to the figure of 7,788 given by the council in its evidence.

3.129 Both West Lothian appeals (PPA-400-2064 and PPA-400-2071) were determined under the same development-plan policy. My decision in PPA-400-2071 followed the policy interpretation in PPA-400-2067 closely, though I generally used the term “housing requirement” in preference to the term “housing land requirement”, except where the context required otherwise. It is clear from the decision in both cases that both the reporter in PPA-400-2067 and I considered that there was no distinction in the figures between the number of houses the plan required to be completed and the amount of housing land required. The housing requirement / housing land requirement set out in policy represented the number of houses the development plan required to be completed in the plan period. The five-year target was calculated in those cases on the basis that it had to ensure that there was sufficient effective land over five years to enable completion of houses at a rate that would achieve the housing requirement / housing land requirement over the period of the plan. I understand that, in subsequent appeal decisions, reporters have found that the housing requirement / housing land requirement in the development plan applying in West Lothian is the equivalent of the housing-supply target.

3.130 It was no doubt because of the ambiguity in the previous policy and the need to demonstrate generosity of housing-land supply that a distinction was introduced in the 2014 SPP between the housing-supply target and the housing-land requirement. The housing-supply target was the policy view on the number of homes to be delivered in each housing-market area. The housing-land requirement was a target for housing land. It represented the figure for the number of new homes required (derived from the housing-supply target) increased by a margin of 10 to 20 percent in order to ensure a generous supply of land for housing is provided.

3.131 Since policy in the present case makes a distinction between the number of new houses to be completed and the amount of housing land required to enable that number of completions, the use of the residual method with the “housing land requirement” in appeal PPA-400-2067 and PPA-400-2071 is not directly in point with the present case.

3.132 Appeal PPA-320-2118 related to a plan put in place after the publication of the present SPP. The plan did provide a separate housing-supply target and housing-land requirement. The reporter applied a residual method, but the calculation was based on the housing-supply target, not the housing-land requirement¹³.

3.133 It can be said that the residual method has been used in previous decisions of Scottish Ministers – at least in the cases cited to me. But the method of calculating the five-year target was not the same in those cases as that proposed by the appellant in the present appeal. This is because the basis of the calculation was different. In the light of further developments in interpretation of Scottish Planning Policy, and particularly the court’s comment in *Gladman 2020*, it can now be said that the use of the housing-supply target as the basis of the calculation of the five-year target in PPA-320-2118 was an error.

3.134 I understand from the 2021 Housing Land Research Paper¹⁴ (issued at the close of the consultation on the SPP revisions and PAN 1/2020), that the housing-land requirement was not used as the basis of calculating the five-year target in any of the seven planning appeal cases examined for that research.

¹³ The court in *Gladman 2019* made no adverse comment on the method used in this latter case (indeed, none of the parties – including the appellant in the present appeal – apparently suggested the method was incorrect).

¹⁴ chapter 3, paragraph 3.27

3.135 I do not consider that previous decisions of reporters or Ministers cited to me are applicable to the present decision. On the basis of the evidence, it seems likely that the error of using the housing-supply target as a basis for calculating the five-year target before *Gladman 2020* was general in appeal decisions.

- *Use of the residual or average methods in previous Stirling housing-land audits*

3.136 The 2016 housing-land audit used a residual method in which house completions were deducted from the housing-land requirement set in the 2014 local development plan. This is the sole instance in the evidence before me in which, before *Gladman 2020*, a planning decision-maker calculated the five-year target by a residual method on the basis of the housing-land requirement, as the appellant suggests ought to be done.

3.137 The 2017 and 2018 audits both used an average method, in which the calculation was based on the housing-supply target. The 2019 audit used a residual method, though with the calculation based on the housing-supply target. The audit itself stated that it did so in order that it conformed with the method used by reporters. The 2020 audit reverted to an average method, though with the calculation based on the housing-land requirement.

3.138 There has not, therefore, been much consistency in the council's approach to calculating the five-year target in its housing-land audits. The changes arose generally because the council was adapting its method to appeal decisions or advice from central government or heads of planning. The various changes in the method, though, did lead to substantial changes in outcome as regards the sufficiency of the five-year effective-housing-land supply.

- *The appellant's preferred residual method*

3.139 The appellant's preferred method of calculating the five-year target is set out in the table after paragraph 3.22 of this report. Using the figure for the audited housing-land supply from the 2020 audit (2,778), it showed a five-year effective-housing-land supply that was 73 percent of what was required (3.6 years). Using my adjusted figure (2,609), there would be a supply of 68.5 percent of what was required (3.4 years).

3.140 The terminology used at line (c) ("annual housing requirement") and line (g) ("net annual housing requirement") of the table means that there is an elision between the separate concepts of completion of new housing units and supply of effective housing land. These concepts should be kept separate (a point the appellant makes elsewhere in its reasoning).

3.141 The appellant's preferred method would have the outcome that the housing-land requirement would effectively supersede Stirling LDP's housing-supply target as the figure for the number of new homes to be built. This is because, if homes are not built at an annual rate that will ensure the number of homes built by the end of the plan is equivalent to the housing-land requirement, then a "shortfall" in completions is indicated. This – in turn, through the sustainable-development presumption and LDP policy 2.1 – triggers policy support for exceptional land release. But there is not necessarily any actual shortfall in house completions in terms of policy, because the housing-land requirement is not a target for house completions. It is a policy requirement for the supply of housing land, which is not the same thing. The relevant policy target for house completions is (in Stirling's LDP at least) the housing-supply target.

3.142 The appellant's preferred method would indicate a "shortfall" in house completions even if the "shortfall" arose solely from the LDP's provision for generosity in the supply of housing land. This has several odd results:

- For there not to be a "shortfall" by the appellant's preferred method, there would have to be a rate of house completions that exceeded by at least 16 percent a rate that was necessary to meet the LDP's figure for the number of new houses required (in Stirling, the housing-supply target).
- Even if houses were built each year at a rate that was sufficient to meet the plan's figure for new houses, the cumulative "shortfall" would grow through the development-plan period, tilting the balance further in favour of exceptional release of unallocated land for housing.
- If (as the appellant's preferred method would require) the housing-supply target was met by mid-2025/6, the method would still find a "shortfall" if there was insufficient land to complete houses at a rate of 762¹⁵ a year to the end of the plan period in 2027.

3.143 SPP diagram 1 and paragraph 115 expressly states that the figure for the number of new homes to be built is to be identified from the housing-supply target. And in the case of the Stirling LDP, that figure is the same as the housing-supply target identified in the plan. There is no suggestion in the SPP that the number of house completions should equal the housing-land requirement. That would be absurd, since the purpose of the housing-land requirement is to ensure that there is a generous supply of housing land to enable the number of new homes required by the plan to be built – that there should be more land than completions.

3.144 Indeed, the proposition implied in the appellant's preferred method is absurd. It is that, unless there are more house completions (by a factor of 16%) than new houses are required by the plan, relevant policy indicates more effective land should be released to allow such house completions.

3.145 I consequently find that the appellant's preferred approach to calculating the five-year target would lead to an inflated figure for the target. Given that the appellant's preferred method of calculating the five-year target was used in the 2016 housing-land audit, it can be said there is some previous precedent for its use relevant to the present case. I acknowledge that it is an aim of the SPP that there should be a generous supply of housing land. However, I consider the method to be illogical. Furthermore, I do not consider it is a correct approach that a presumption that favours exceptional release of new land should be triggered by the inflated figure for the five-year target produced. That would undermine the process of allocating sites for development in formulating the development plan.

3.146 Notwithstanding that I consider this method should not be used, it may be Ministers will take a different view. If so, it is my view that, insofar as a shortfall in meeting the five-year target arises as a result of failure of completions to keep pace with the requirement for 16-percent generosity in allocation of housing land, the tilt on the tilted balance should be very slight.

¹⁵ Figure (g) from the appellant's table after paragraph 3.22 of this report. This figure is based upon the housing-land requirement from the LDP, rather than the figure for the housing-land requirement that is the basis of table 9 of the 2020 audit.

- *The alternative residual method*

3.147 The appellant proposed an alternative method of calculating the five-year target in its appeal submission and subsequently in its [response to my second procedure notice](#). This method was not advanced in its later submissions. Nonetheless, for completeness, I consider it here.

3.148 The method involved deduction of house completions from the housing-supply target before the addition of “generosity” of 16% to arrive at a figure for the housing-land requirement. I have produced the following table using the method (and the letter references) shown in the third column on page 8 of the appellant’s response to the second procedure notice, but applying the figure for completions from the 2020 housing-land audit.

3.149 The table has one adjustment by me to add in a step not fully included by the appellant: the calculation of the residual housing-supply target, before addition of “generosity”. I have used the appellant’s terms to describe the items in the table, though – as I said above - I do not consider that they are wholly accurate (they elide the difference between completion of new housing units and the supply of effective housing land).

Description	Calculation	Figure
(a) housing requirement ¹⁶		7,072
(b) length of plan		17
(c) annual housing requirement	(a) / (b)	416
(d) completed plan years		10
(e) housing completions in plan period		2,619
(additional step) residual housing requirement	(a) – (e)	4,453
(f) Net residual housing requirement	(additional step) + 16%	5,165
(g) Years remaining	(b) – (d)	7
(h) net revised annual completion rate	(f) / (g)	738
(i) 5-year requirement adjusted against delivery	(h) x 5	3,690

3.150 Figure (i) (referred to by the appellant as “five-year requirement adjusted against delivery”) represents the five-year target calculated by this method.

3.151 Judged by this method, the audited housing-land supply found by the 2020 housing-land audit (land for 2,778 units) is only 75 percent of what is required (it amounts to a supply for only 3.8 years). My adjusted figure for the audited housing-land supply (2,609) show a supply of just under 71% of what is required (3.5 years).

3.152 This method has some attractions:

- It appears to be a similar approach to the calculation of the housing-land requirement in LDP table 4 (the appellant first advanced it on this basis),
- It is also consistent with the reporter’s comment in appeal PPA-400-2067, adopted by Ministers, in the sense that, by taking into account the shortfall in house

¹⁶ Although referred to by the appellant as “housing requirement”, this figure is actually the housing-supply target identified in the LDP.

completions in years before the baseline year for the five-year target, it would make it more likely that the housing-supply target would be met.

- It creates a five-year target that requires a “generous” supply of effective housing land (in the sense of adding 16%) to enable the residue of Stirling housing-supply target to be met,
- But its requirement for a generous supply of land is not then translated by the method into a target requiring construction of more houses than the plan has stated are required.

3.153 This method, however, does not appear to be in line with the court’s comment in *Gladman 2020*. The method results in a figure for the housing-land requirement that is dynamic: it varies from year to year depending upon the number of previous completions in the plan period. The method does not work from the housing-land requirement identified in the LDP, which the court said it should be. It is based on the 17-year housing-supply target, not the 12-year housing-land requirement. No appeal decision has been cited to me in which this alternative method has previously been applied to calculating the five-year target.

3.154 In *MacTaggart & Mickel Homes Limited v Inverclyde Council* [2020] CSIH 44, a similar re-calculation was proposed in identifying how much land a local development plan should provide to meet the housing-land requirement set by the strategic development plan. The court was clear that a planning decision-maker should not recalculate figures identified in the plan in this way (see paragraphs 62 to 63 of the Lord President’s opinion). The context of the *MacTaggart* judgment was very different, of course. Nonetheless, in my view, the same principle would apply in this case. The housing-land requirement is clearly identified in the plan. It is not for the planning authority or other parties to recalculate a different “housing-land requirement” from that identified in the plan as a basis for establishing the five-year target.

3.155 Furthermore, notwithstanding its advantages, the method is not without its flaws. First, there are self-evident arguments against using a residual method. These include:

- A residual method implies a presumption that a shortfall in completions (and so a failure to use the existing supply of effective housing land) will trigger policy support for an addition to the effective supply. A requirement to add land to the effective supply where there has been a shortfall in house completions can seem counter-intuitive. This is particularly so, when it is considered that the opposite will also in theory apply: if there are more completions than expected early in the plan period, the residual method will indicate that less effective land is required for the remainder of the plan period.
- It is also a feature of the residual method that the relevant target will tend to become harder to meet towards the end of the plan period if a shortfall caused early on is not made up (there is less time left in the plan, the same shortfall is spread over fewer years, and so the requirement becomes higher for each year). The addition of earlier shortfalls into later years of the plan can look like a rush to meet a target by the relatively arbitrary date of the plan’s end. There was a shortfall of 1,540 house completions before the start of the period of the Stirling LDP’s housing-land requirement in 2015. These would be carried forward by the appellant’s alternative residual method.

These arguments were available to parties in appeal PPA-400-2067, but the reporter emphasised the importance of ensuring the target for house completions was achieved.

3.156 The reporter in PPA-400-2067 did acknowledge that there could be policy reasons for not taking account of the shortfall. These included a situation in which there was evidence that the shortfall was unrelated to the supply of housing land. In that case she considered whether the recession following the financial crisis was a reason not to take account of the shortfall.

3.157 In the present case, the 2020 housing-land audit attributes the under-delivery of housing of 96 units in the 2020 audit year from that programmed in the 2019 audit to the coronavirus pandemic. It would clearly be incorrect for a shortfall in house completions caused by the coronavirus pandemic to contribute to the triggering of a policy presumption supporting the exceptional release of additional land.

3.158 Assuming that the entire 96-house shortfall from the projection was the result of the coronavirus, it does not much change the position in respect of the shortfall in completions of new houses. It does demonstrate the general criticism of a residual method, though, that there are circumstances in which issues unrelated to failure in the effective-housing-land supply can cause a “shortfall” and that adding more effective land to the supply is not always the right approach to addressing a shortfall. I have no evidence before me, though, of earlier events that might have caused a shortfall in house completions.

3.159 The council has claimed that taking account of a shortfall could result in a five-year target that is undeliverable. This indicates a view that there are capacity limits for delivery of new houses. It would not be surprising if there were capacity limits in the construction industry. It is well-enough known at the time of the writing of this report that there are shortages of construction material and labour. I have not been provided with evidence, though, of the degree to which such limits exist or will persist. In the absence of such evidence, I can reach no conclusion on whether any such capacity limits would prevent the shortfall in house completions in the plan being made up in the latter years of the plan.

- *The average method used in the 2020 housing-land audit*

3.160 The 2020 housing-land audit states that it uses the following method to calculate the five-year target:

$$\text{5 year supply of effective land requirement} = (\text{development plan housing land requirement} / \text{plan period}) \times 5$$

3.161 This is the average method, as described in the former PAN 1/2020. The council has provided no express justification for applying this method in the 2020 audit, other than that it was the method set out in PAN 1/2020. The PAN has of course since been quashed. However, the council stated in response to my first procedure notice, defending its use of the average method in a previous audit, that the residual method will only serve to inflate the five-year target, often to undeliverable levels. I understand its case in favour of the average method therefore to be that it does not tend to inflate the amount of effective housing land required beyond what can be delivered.

3.162 The council's figure for the five-year target set out in the 2020 housing-land audit (2,290) is derived by the method set out above from its figure for the housing-land requirement (7,788), for which I can find no basis. I have already found that the housing-land requirement identified in the LDP should be used to calculate the five-year effective-housing-land supply. Using the method above, a housing-land requirement of 6,417 over a 12-year period gives a five-year target of 2,674.

3.163 Judged by this method, the audited housing-land supply in the 2020 housing-land audit, which indicated there was land for 2,778 units, represents 103.9 percent of what is required (a supply for 5.2 years). My adjusted figure for the audited housing-land supply (2,609) represents 97.5 percent of what is required (a supply of 4.9 years).

3.164 I understand that the purpose of setting a housing-land requirement in the LDP is to ensure that there is a generous supply of land for housing. Since it is calculated from the number of new homes the plan states are required (which in Stirling is the housing-supply target), I understand it to be set in order to assist delivery of that target.

3.165 It will often be the case that the average method, calculated from the housing-land requirement, will be sufficient to require provision of enough land to allow house completions at a rate that will allow the plan figure for new house completions to be met, even if there has been a shortfall in meeting the target in previous years. This is because of the element of generosity included in the housing-land requirement. The generosity is not always enough though. It is not enough in the present appeal.

3.166 If the average method was to be applied in the present case, and so 2,674 was set as the five-year target, this would imply that land should be provided that would allow completion of 534.8 houses a year. However, if Stirling's housing-supply target is to be achieved by the end of the plan period in 2027, it will require completion of 636 houses a year in each of the seven plan years remaining. If the audited housing-land supply figure for the next five years of 2,778 is accepted, it represents - over those five years - only 87 percent of the amount of land required to allow completions at a rate that will achieve the housing-supply target. (For clarity, I set out how these figures are calculated in the table below).

Table: comparing five-year target (derived by average method) and audited housing-land supply with the rate of completion required to achieve the Stirling housing-supply target

Description	Calculation	Figure	My adjusted figure from 2020 audit
(a) housing-supply target ¹⁷		7,072 units	
(b) housing completions in plan period ¹⁸		2,619 units	
(c) audited housing-land supply ¹⁹		Land for 2,778 units	Land for 2,609 units
(d) remainder of housing-supply target	(a) – (b)	4,453 units	
(e) Years remaining in plan		7 years	
(f) annual completion rate required to achieve housing-supply target by the end of the plan	(d) / (e)	636 units	
(g) housing-land requirement ²⁰		Land for 6,417 units	
(h) period of housing-land requirement ²¹		12 years	
(i) annual housing-land requirement	(g) / (h)	Land for 534.8 units a year	
(j) five-year target (calculated by average method)	(i) x 5	Land for 2,674 units over five years	
(k) rate of completions required over a five-year period to be on track to achieve the housing-supply target	(f) x 5	3,180 units	
Five-year target as a percentage of the rate of completions required over a five-year period to achieve the housing-supply target	(j) / (k) x 100	84%	
Audited housing-land supply as a percentage of the rate of completions required over a five-year period to achieve the housing supply target	(c) / (k) x 100	87%	82%

3.167 Therefore, if Ministers accept that the average method is an appropriate method of calculating the five-year target in this case, they are also accepting that the target so calculated will not provide enough effective land to build houses at a rate such that the housing-supply target will be achievable by the end of the plan period. The method is consequently not consistent with the reasoning of PPA-400-2067. If the housing-supply target is taken to represent the demand for new houses over the plan period, this suggests that the appellant is correct that the five-year target so produced will be insufficient to require the provision of enough effective housing land to allow demand for new houses to be met over the plan period²².

¹⁷ Stated in the LDP. In Stirling, it is the same as the number of new houses identified in the plan as to be built in accordance with SPP paragraph 116.

¹⁸ As stated in the 2020 housing-land audit

¹⁹ As stated in the 2020 housing-land audit

²⁰ As stated in the LDP

²¹ As stated in the LDP

²² I could make the small reservation here that the housing-supply target does not necessarily represent current housing demand in every case. This is for two reasons. It is a policy target based on and properly reflecting assessed demand at the time the plan was formulated, but not necessarily a figure for current demand. As a matter of policy it might be higher or lower than demand in the particular housing-market area. Changes in the economy since 2018 could have significantly changed the pattern of demand. But I have no evidence that the housing-supply target was set at a level greater than assessed demand and no evidence at all on any changes in demand since 2018.

- *Selecting the method to calculate the five-year target*

3.168 I am presented with three methods. The appellant's preferred method is not logical, and provides an inflated target. For policy support to be accorded to the addition of effective housing land to the supply on such a basis negates the development-planning process. The assumption that land must be provided to allow houses to be built at a rate faster than the plan requires would cause the policy to direct the planning authority to approve sites according to their promoters' priorities rather than according to priorities set in the formulation of the development plan.

3.169 The appellant's alternative method does not appear to be consistent with the court's comment in *Gladman 2020*.

3.170 I am left with the average method as used in the 2020 audit. It does what I understand the court suggested was required in *Gladman 2020*, in basing its calculation of the five-year target on the housing-land requirement set in the development plan. Given the evidence in this case, the average method is inadequate to provide ongoing assurance that the amount of effective land will be sufficient to allow houses to be built at a rate that will meet the residue of the plan's figure for new houses, let alone to provide a supply of effective land that is 16 percent more than that figure. Its use, though, addresses my finding that a shortfall in house completions will not always be caused by a failure in the effective-housing-land supply, and consequently that a shortfall need not always be addressed.

3.171 It appears to me that the question of whether the five-year effective-housing-land supply provides sufficient effective land to allow houses to be built at a rate that will enable the plan figure for new house completions to be met will be a material consideration. I also consider that the figure produced by the appellant's alternative method (which shows whether there will be 16 percent more effective housing land than is required for construction of new houses at a rate that will meet the remainder of that figure for the number of new houses required) is also a material consideration.

3.172 SPP treats the maintaining of a five-year effective-housing-land supply as a minimum. It appears to me that, if the average method is used and it produces a five-year target that falls below what would be required to allow completion of houses at a rate that will meet the housing supply target, the tilt on the balance as a result of any shortfall would be relatively steep.

3.173 Since Ministers may take a different view, I will make an assessment in my conclusions of the planning balance for each of the three methods presented to me.

- *Demand and the audited supply to the end of the plan*

3.174 The appellant argues that the audited housing-land supply to 2026-27 (3,901 in the 2020 audit, even without the deductions from the housing-land supply the appellant considers should be made) is insufficient to meet the remaining housing-land requirement over the remainder of the plan period. It argues that this indicates unmet demand for housing land.

3.175 I have several comments on this argument:

- There is no policy requirement that, at a 2020 baseline, there should be sufficient effective land in the audited supply to the end of the plan period in 2027 to meet the housing-land requirement. The ongoing policy requirement, as set out in SPP paragraph 123, is that there should be a five-year effective-housing-land supply.
- I acknowledge that SPP paragraph 120 requires that, in the process of formulating a development plan, the planning authority should allocate a range of sites (which may be effective or expected to become effective over the plan period) to meet the housing-land requirement in full. Although the law may change soon, as it stands, the law requires the preparation of a new LDP for 2023. A new LDP would address this policy in the context of a comprehensive examination of what is required to meet housing demand. That is not possible in the present appeal. It would do so well before the question of the sufficiency of housing land in 2025-6 or 2026-7 arose. Given that context, I do not consider that the allocation of sufficient housing land to meet the housing-land requirements to 2027 is best dealt with now, in an appeal in respect of a single housing site.
- The figure of 3,910 for the housing-land supply in the audit excludes sites considered ineffective in 2020. A site in the established supply that was ineffective in 2020 may well be effective by 2025-6 or 2026-7. There is no basis in evidence to exclude such sites.
- In any case, the housing-land requirement is not a proxy for or a measure of demand either for housing or for housing land. While calculated in Stirling from the housing-supply target, its purpose is to provide a generous supply of housing land. It is a means to meeting the housing-supply target. It is a step (or possibly two) removed from any assessment of demand, whether for housing or for housing land.

I therefore reject the appellant’s argument that a failure to show through the housing-land audit that there is sufficient land to the end of the plan to meet the housing-land requirement demonstrates unmet demand for housing land. I acknowledge that the fact the 2020 housing-land audit does not show an amount of housing land that is equal or more than the housing-land requirement to the end of the plan is a matter that should properly be taken into account. Given my comments above, though, I find it is a matter of little weight.

Conclusion on the five-year effective-housing-land supply

3.176 The following table sets out my conclusions on the five-year effective-housing-land supply calculated by the three methods I have considered applied to, first, the audited housing-land supply in the 2020 audit and, second, that figure with my adjustments.

	2020 audited housing-land supply (2,778)	2020 audited housing-land supply with my adjustments (2,609)
Appellant’s preferred residual method	73% (3.6 years)	68.5% (3.4 years)
Appellant’s alternative residual method	75% (3.8 years)	71% (3.5 years)
Average method	103.9% (5.2 years)	97.5% (4.9 years)

3.177 The evidence I have on the supply of effective housing land indicates to me, in broad terms, that:

- there is just below a five-year effective-housing-land supply when the target is calculated in accordance with the average method, but an under-supply of between a quarter and a third when calculated by other methods, and
- whatever method is applied, there is not enough effective housing land, according to the 2020 audit, to allow house-building to proceed at a pace for five years from the 2020 baseline that would enable the LDP's housing-supply target to be met by the end of the plan period.

3.178 The appellant has advanced a separate case, relying particularly upon the LDP's spatial strategy, that there is unmet demand for housing land in Strathblane in particular. I will consider that argument separately, in considering the spatial strategy.

CHAPTER 4: COMPLIANCE WITH THE LDP'S SPATIAL STRATEGY

Key references

- [Local development plan \(LDP\)](#)
- [Appellant's planning statement](#)
- [Appellant's statement of appeal](#)
- [Appellant's updated statement of appeal](#)
- [Council's report to the planning panel](#)
- [Council's response to my first procedure notice](#)

Introduction

4.1 The matter to be dealt with in this chapter is the proposed development's consistency with the LDP's spatial strategy. The spatial strategy is set out in [LDP](#) part 5. The policies in part 7, particularly primary policy 2, are relevant to its interpretation.

4.2 LDP Table 1 (Spatial Strategy Development Approach) indicates that Strathblane is a tier 4 settlement in the LDP's settlement hierarchy located in the plan's Rural Villages Area. It is subject to a development approach of "sustainable expansion". There are three provisions describing what development may take place in such a settlement under this approach, of which the first two are relevant:

- Concentrate development within settlements
- Controlled small-scale expansion of existing settlements consistent with their size and role in the settlement hierarchy to include new affordable housing and business space

4.3 The table gives two reasons for these development approaches:

- To help sustain local services and facilities through increased diversity in the population, recognising that such services are more readily accessible within settlements.
- To contribute to the housing need and demand in the area and local employment opportunities.

4.4 The appellant's main submissions on the spatial strategy are set out in its [updated statement of appeal](#) and also (because there has only been limited change in the spatial strategy from the previous LDP) the [original statement of appeal](#) and [planning statement](#) are relevant. The council's main submissions on the spatial strategy are in its [response to my first procedure notice](#). Its [report to the planning panel](#) also remains relevant.

Case for the appellant

4.5 The spatial strategy explains (LDP paragraph 6.15) that, within the Rural Villages Area, most new development is limited to small-scale expansion of existing villages which is why there is a shortfall against housing targets for that area. The strategy has been informed by and predicated on an assumption that the LDP released enough land for development. In the case of residential development that was found not to be the case.

4.6 Of the two sites allocated for housing in Strathblane,

- the Braidgate development (site reference H106) has been fully built out. It will not make any further contribution to the council's housing-land supply.
- the other (site reference H153) has had planning permission granted, but for 11 houses rather than the 20 houses estimated in the LDP's allocation.

4.7 Although the settlement hierarchy indicates that "controlled small-scale expansion" is permissible in the Rural Villages Area, there is no definition in the LDP of "small-scale" or "village" or any criteria that might set a maximum size for development in Strathblane or otherwise identify what is acceptable. The LDP states only that villages allocated for sustainable expansion in the Rural Villages Area will be suitable for development of a "small scale consistent with the size and role" of the settlement. In a village like Strathblane with a population of 1,990, the proposed development is of a relatively modest size. The characteristics of the settlement and its size, coupled with the assessments provided with the application demonstrate that the proposal is not out of keeping with its scale or character.

4.8 As regards other nearby settlements:

- Balfroon, a rural village with a similar population of 2,000 has 68 homes allocated in the 2018 LDP
- Fallin, an eastern village, with a population of 2,800 has land allocated for 424 homes in the 2018 LDP.
- In Drymen, in neighbouring Loch Lomond and the Trossachs National Park, the park authority has recently granted planning permission for 88 units (see [committee report](#)).

4.9 If it was thought necessary, the proposed development could be capped at 70 units by condition, so that the size of the proposed development would be controlled.

4.10 The LDP acknowledges in 6.15 (page 25) that villages such as Strathblane, within the Rural Villages Area will require to accommodate further development in addition to allocated sites. Whilst this was expressed as being after 2027, that was in the context of the LDP having identified sufficient land for housing up to that date – which is not the case. Strathblane is already a highly pressured area, requiring provision of a higher proportion of affordable housing.

4.11 The plan recognises that affordable housing need will continue to grow within the Rural Villages Area, and more innovative opportunities for delivering new housing development in this area will need to be considered. A third of the proposal (23 homes) would be affordable. To reflect the latest housing survey results and previous community feedback on meeting housing need in Strathblane (that there should be smaller properties for younger people and first-time buyers and as a mix of tenures to facilitate older people wanting to downsize locally), the delivery of such a mix might be ensured by planning condition (for instance two-, three- or and four-bedroom homes).

4.12 Neither the council in response to this appeal, nor the reporters in rejecting a proposal to include allocation of the appeal site in the LDP, set out how or why they consider that the scale of housing proposed would harm the strategic objective of securing community identity within the wider conurbation. The proposed development would not harm the settlement character or setting, and no evidence, beyond subjective assessments has been provided otherwise.

4.13 In view of the partial ineffectiveness of the sole remaining housing site in Strathblane, H153, development elsewhere is required to address the needs identified for Strathblane in the sustainable-expansion policy.

Case for Stirling Council

4.14 The local development plan's vision supports small- to medium-sized infill peripheral housing developments within and adjoining settlements in the Rural Villages Area. The spatial strategy provides support for controlled small-scale expansion of existing villages consistent with their limited size and role in the settlement hierarchy, to include new affordable market housing and local business space.

4.15 LDP primary policy 2 requires that, when dealing with housing proposals outwith plan allocations, sites in the Core Area located close to and easily accessible by major public-transport routes are to be preferred, rather than sites in the Rural Villages Area or countryside. The proposed development site, given its location in the Rural Village Area, is not in a strategically preferable area. No sequential exercise or similar has been carried out to demonstrate that a development at the proposed location would represent the most appropriate solution to any shortfall in the housing-land supply.

4.16 In the Rural Villages Area, development is constrained by accessibility and landscape considerations. The proposed development would have an unacceptable effect on the green belt and setting of Strathblane.

Reporter's conclusions

4.17 As regards the requirements of LDP Table 1 (Spatial Strategy Development Approach) on LDP page 16:

- the proposed development cannot be said to “concentrate development within settlements” since it is outside the settlement.
- the proposed development would include market housing and there is no dispute that it could be required by planning obligation to include sufficient affordable housing to meet policy as regards its location in a “pressured area”.
- the question of whether it represents controlled small-scale expansion of Strathblane consistent with its size and role in the Settlement Hierarchy is at issue.

4.18 The appellant refers to the proposed development as “moderate sized” (updated statement of appeal, page 5 paragraph (a)) and argues it would not prejudice the delivery of the plan. I understand the appellant's position to be that, even if the proposed development does not fit the requirement that it should be small-scale (with no admission that it does not), it does not raise any adverse consideration in respect of the aims of the plan.

Whether the settlement's expansion would be “small-scale”

4.19 As the appellant points out, there is no express definition in the table or elsewhere in the LDP of what constitutes “small-scale expansion”. The scale of the proposed development may be considered, though, within the context of the LDP and existing allocations in Strathblane and similar settlements. I consider the plan includes a number of elements that would assist in interpretation of what “small-scale expansion” means and what its limits are.

4.20 The plan makes two allocations in Strathblane specifically and allocations in other settlements in the Rural Villages Area with which the scale of the proposed development can be compared:

- The Braidgate site (H106) is clearly an expansion of the settlement and, given its inclusion in the plan, can be assumed to be an expansion that the plan views as small-scale in the context of Strathblane.
- The other allocated site (H153, south of the A81) is really development within Strathblane rather than an expansion (and so justified on the first branch of the Tier 4 “sustainable expansion” policy). Nonetheless, if it were to be treated as an expansion of the settlement, it is of similar scale to Braidgate.

4.21 The proposed development is self-evidently considerably larger than either the H106 or H153 allocation (more than three times the size of either, and well over one and a half times the size of both combined). This suggests to me that it is likely to be greater than the scale of development envisaged in the plan as being necessary to meet the purposes of the sustainable-expansion policy in Strathblane and also that it is not “small-scale expansion” in that context.

4.22 The appellant gives three examples of housing development that has been permitted in villages of similar size to Strathblane. Given that the purposes of the “sustainable expansion” policy relate to local matters (to help sustain local services and facilities through increased diversity of population; to contribute to the housing need and demand in the area and local employment opportunities), and that “small-scale expansion” should be consistent with a settlement’s size and role in the settlement hierarchy, I doubt that what is “small-scale” in one settlement is necessarily so in another.

4.23 As regards the three particular examples the appellant has cited:

- The development permitted in Drymen is in a different development-plan area with a very different context to the Stirling area and was permitted under different policies. It is evident that there were viability concerns relating to the development of an existing allocation that caused a long-term housing allocation to be brought forward to be developed at the same time. It is also evident that there were concerns about the proposed development’s effect on the identity of the village given its scale, which had to be considered alongside issues of development viability. The appellant in the present appeal has raised no issues of viability to justify the proposed development’s scale.
- The allocation at East Fallin is in a Tier 3 settlement in the spatial strategy’s Core Area. It is in an area preferred in the plan for development, and without the same constraints identified in the plan as the Rural Villages Area has.
- The total allocations in Balfron amount to 68 houses. These are spread over a number of sites. None is a single site like that proposed in the appeal. Only 35 of these are on sites that expand the settlement (the others are development within the settlement). Even at 68 houses, the degree of development on allocated sites would be considerably less, cumulatively, than that in Strathblane if the proposed development were permitted. Furthermore, Balfron is a settlement that is of a somewhat different character to Strathblane. As the council states, it has more facilities than Strathblane – it has a wider range of shops in a shopping street, and has a secondary school. Therefore the degree of capacity for expansion may be greater.

4.24 In Strathblane, if the H153 allocation is treated as a consolidation, then the Braidgate development on H106 and the proposed development taken together would represent an expansion of the settlement of 98 houses in total during the plan period. This is far more than is proposed in any other settlement in Tier 4. Consequently, I do not consider that any of the examples the appellant cited demonstrate the proposed development in Strathblane is a “small-scale expansion”. I find that the proposed development is not what was envisaged as “small-scale expansion” in the LDP.

Whether there is any prejudice to the plan arising from the scale of the proposed development

4.25 I have noted that LDP table 1 sets out purposes for the “sustainable expansion” policy in respect of Tier 4 settlements. There is a balance to be struck between, on the one hand, achieving aims such as sustaining local facilities, increasing diversity of the population and meeting housing need and demand and, on the other hand, ensuring development addresses the plan’s reasons for limiting development in Tier 4 settlements mainly to small-scale expansion.

4.26 The Stirling LDP area is treated in the plan as a single housing-market area. I do not understand that it is essential in terms of the plan that there must be an effective housing site within the five-year supply in Strathblane in particular. Nonetheless, the purposes of the “sustainable expansion” policy set out above and also the requirement in LDP paragraph 6.4 that there should be a good range and choice of locations for new development to meet local housing pressures suggest it would be desirable.

4.27 Although the Braidgate site was built out before the plan’s adoption, it was of course built out within the period within which housing requirements are considered in the plan (even if before the plan’s adoption). Site H153 is likely to produce no more than 11 houses rather than the 20 expected. Insofar as the proposed development might be advanced on the basis that it will replace the missing 9 houses, its size as compared with the H153 development suggests that it goes beyond the plan’s view on what was necessary to meet those requirements.

4.28 The plan (as set out in the introduction to its section A on placemaking and implementing the spatial strategy) ranks in order of preference the consolidation of built-up areas and the regeneration of existing communities, followed by strategic greenfield expansion (building on existing infrastructure, while limiting adverse environmental impacts). LDP Table 1 indicates expressly that one of the purposes of the strategic-development areas is to relieve pressure on the green belt. To have the plan’s support, small-scale development in the countryside must satisfy environmental criteria and the green belts must continue to protect the character, identity and setting of settlements. For development outwith allocated sites, LDP primary policy 2 provides a preference for the Core Area to the Rural Villages Area. It indicates that there are four areas of constraint that arise for development in the Rural Villages Area: accessibility, infrastructure, landscape and biodiversity. It is on account of these constraints that the spatial strategy generally directs development towards the core area. Furthermore, primary policy 3 (provision of infrastructure) indicates that management and enhancement of existing infrastructure and reducing the demands for new infrastructure is the preferred approach in implementation of the spatial strategy.

4.29 The appellant has referred to LDP paragraph 6.15 as indicating that the Rural Villages Area will play a greater role in the provision of housing after 2027. This, though, is

subject to the provision that infrastructure constraints can be overcome. I understand the constraints to include those matters set out in primary policy 2.

Conclusion on compliance with the spatial strategy

4.30 I do not consider that the proposed development would be a “small-scale expansion” of Strathblane as envisaged in the plan. A consideration of whether the proposed development is of a scale that would prejudice the plan requires to take account both of the degree to which the proposed development would achieve the aims of the sustainable expansion policy applying to tier 4 settlements like Strathblane and the degree to which it would be subject to the constraints identified in primary policy 2 for the Rural Villages Area: landscape, accessibility, infrastructure, and biodiversity. I deal with these in chapters below. I will conclude in my final reasoning whether in the light of such constraints, the proposed development would represent development of a scale that would not prejudice the plan.

4.31 The council suggests that a sequential exercise should be carried out to determine whether the proposed development would be suitable to address a shortfall in the effective-housing-land supply. I do not agree. I acknowledge that, if there is an adequate effective-housing-land supply, it is not appropriate generally to permit housing on sites outside the locations allocated for housing in the plan (subject to the appellant’s point that the housing-land supply relies on an assumption of some development on unallocated sites). However, if there is a shortfall or otherwise unmet demand, Ministers are not required to determine whether the application site is the most acceptable site in the Stirling Council area. They only need to determine, applying the tilted balance, whether the proposed development would be acceptable in terms of the statutory criterion for determining a planning application.

CHAPTER 5: GREEN BELT AND LANDSCAPE AND VISUAL EFFECTS

Key documents

- [Local development plan policies 1 \(Placemaking\) 1.5 \(Green Belts\) and 9 \(Managing Landscape Change\)](#)
- [Supplementary guidance SG03 Green Belts, October 2014](#)
- [Landscape character assessment for Rolling Valley Farmland](#) (at end of LVIA)
- [Landscape and visual impact assessment \(LVIA\)](#)
- [Design statement](#)
- [Planning statement](#)
- [Development parameter plan rev A](#)
- [Council's report to the planning panel](#)
- [Strathblane Community Council objection](#)

Introduction

5.1 The effects of a proposed development on a green-belt designation and on landscape and visual amenity are not identical issues, but there is considerable overlap. For that reason, I deal with them in the same chapter.

The appellant's case

5.2 The proposal will require the development of green-belt land. The effect upon the role and function of the green belt is addressed in the [landscape and visual impact assessment](#) (LVIA), the [design statement](#) and the [planning statement](#). The LVIA concludes that the impact can and has been mitigated in so far as possible through detailed consideration given to the parameters plan and suggested mitigation proposed. LDP policy 1.5 Green Belts does not exclude development on green-belt land. Development of the appeal site would not create coalescence of settlements and complies with the council's supplementary guidance ([SG03 Green Belts, October 2014](#)).

5.3 Development of the appeal site can be carried out without harm to the character or setting of Strathblane, to the landscape character of the area, visual amenity or the character and purpose of the green belt. Development can be carried out so it respects the historic environment, the setting and character of the village and the setting of the Blane Water and adjacent core path (the Strathkelvin Railway Path / John Muir Way). The design aims include that the proposed development should integrate with the village, enhance landscape quality, reinforce local character and increase biodiversity.

5.4 Although the council objects in terms of the proposed development's landscape and visual impact, it does not identify any specific, unacceptable harm that could not be resolved by the measures proposed in the parameter plan. The council's case is not consistent, suggesting that the proposed development would be both unacceptably dense and would be a sprawling urban expansion at the settlement edge. The proposed development's density would be similar to that of the neighbouring Braidgate development.

5.5 The LDP's proposal of the cemetery site at the edge of the village has the purpose of softening the residual impact of the housing on the H106 (Braidgate) site and providing a suitable transition between the green belt and the village. The current cemetery site sets a landscape precedent for the proposed development. The proposed development would achieve the same aims, though further (but not excessively far) along the road. The

council's criticisms of landscaping and design in respect of impact on the greenbelt can be addressed in a future detailed permission.

5.6 In considering the proposed development's effect on the green belt, the LVIA separately considers the questions of its effect on the separation between Strathblane and Milngavie and its effect on the character, landscape setting and identity of the settlement.

5.7 The proposed housing would accord with the character of Strathblane: houses enclosed by trees enclosed by hills. Restricting development to the western part of the appeal site as shown in the [Development Parameter Plan rev A](#), avoiding both the highest and the lowest parts of the site, would reduce the apparent size of the development in external views but with no reduction in housing numbers. The density and pattern of the development would not be dissimilar to the older parts of the village core. A mix of plot sizes could be used to reflect the village's character. This design approach would avoid the appearance of sprawl. The proposed development would retain and enhance the river corridor at its southern edge. It can reflect the local building character through appropriate selection of materials. It would respect the village's topographic setting by staying within the containment of the slightly higher ground to the housing site's east along the alignment of the right of way. A robust new green edge to the green belt can be created at the eastern edge of the housing site. First views of the village would remain close to their present positions. The proposed development would not extend the village notably along Campsie Road. The proposed cemetery would reinforce the green-belt boundary.

5.8 The loss of green-belt land at this location must be balanced against meeting housing need. Other greenfield and green-belt housing sites have been allocated in the settlement (H153 and H106) and in the wider market area. There is an absence of suitable brownfield land, and that is also a consideration.

The council's case

5.9 The purpose of a green belt according to SPP paragraphs 49 to 52 is to support an LDP's spatial strategy by directing development pressure to more suitable locations. LDP primary policy 1 requires new development to safeguard and enhance built and natural heritage and respect green belts. LDP policy 1.5 indicates that development should not undermine the core role and function of designated green belts either by individual or cumulative impacts. Although there are exceptions to the policy, none apply in this case. Primary Policy 9 requires the capacity of the landscape to accommodate new development proposals to be demonstrated. Among the sensitivities of the Rolling Valley Farmland landscape character area within which Strathblane lies is the cumulative effect of small developments in eroding distinctive landscape character and quality.

5.10 The purpose of the green belt local to the site is to prevent development in the countryside between Strathblane and Milngavie, and prevent the erosion the settlements' separate identities and to protect the landscape setting of Strathblane.

5.11 The LVIA demonstrates that the proposed development would be particularly visible from north, east and west. From the east, the proposed development would be viewed in association with the adjacent Braidgate development and would result in a further 200-metre run of built-up frontage (along with associated boundary treatments, street lights, and roads and footways). This would seriously undermine the recognised function of the green belt to protect the setting and identity of the village from the east. The potential impacts would be greater in seasons when trees are without leaves.

5.12 There would cumulatively be about 100 houses in a densely grouped pattern. This would go against the established sporadic and irregular transitional development pattern beyond the junction of Dunglass View and Campsie Road at the eastern settlement edge. It would represent a significant urban expansion into open countryside. It would be widely prominent and have the effect of visual sprawl, threatening the openness of the green belt and Strathblane's setting.

5.13 The planting at the edge of the Braidgate development is only just starting to get established. It will mature over time and a greater degree of mitigation of any visual impacts will be provided. The openness of the cemetery at the safeguarded location together with the sporadic development on Campsie Road's north side would result in an attractive landscaped gateway when approaching the village from the east, and a transitional feature heading in the opposite direction.

5.14 The design provided by the appellant is schematic and does not provide the robust level of information, including topography, site levels, detailed building design, open space, planting or boundary treatments that would be required to demonstrate that landscape issues are fully addressed. The appellant has not demonstrated that the proposed development would be capable of assimilation into the landscape. It does not accord with LDP primary policy 1, primary policy 9 or policies 1.1 or 1.5.

Strathblane Community Council's case

5.15 Development within the green belt should be permitted only in exceptional circumstances, where policy exceptions apply, otherwise it would set a dangerous precedent. There is strong support in the community for protection of the green belt. The cemetery at the safeguarded site would provide a robust settlement boundary. The Braidgate development should be the last along Campsie Road (the A891).

5.16 The construction of the cemetery to the east of the rise in the land would cause there to be views of the settlement from all directions.

5.17 A large adverse impact is acknowledged by the LVIA at its viewpoint 1 on the A891. The "built up" appearance of the village ends at Dunglass View, contrary to what is suggested in the LVIA. There would be an extension of the built-up appearance of the village, looking along the A891, to the ridge forming the natural limit to views. There is also acknowledged to be a large adverse effect on the John Muir Way (Strathkelvin Railway Path) at viewpoint 2, which is an important local walk and connection into the local cycle and walking network. The LVIA also acknowledges a medium adverse effect at viewpoint 3, though its commentary refers only to the effect on drivers, when passengers, including bus passengers, will also experience it. There would be an introduction of development in a view where there is little presently.

5.18 At the LVIA's viewpoint 4 on Dumbrook Moor, Strathblane is presently hidden, as it is on approach from the A81 from the south. The roofs of the proposed houses would be visible, intruding on Dumbrook Moor's unspoiled aspect. The assessment of a negligible effect is disputed. At viewpoint 5, Ballagan nature reserve, the village is presently well hidden. If the proposal went ahead, the effect would be spoiled and local landscape transformed. The LVIA's assessment of a negligible effect is disputed. The approach on the right of way from the Loch Ardinning nature reserve south of the site is not considered in the LVIA. Walkers on that path would be confronted with the proposed development as they approached the village.

5.19 Overall there would be a high adverse effect on landscape and amenity from the proposed development. The policy requirements on landscape are not met.

Case for other objectors

5.20 Objections referred to the proposed development's adverse effect on the green belt, the precedent it would set for development in the green belt, the lack of a strong green-belt boundary if the proposed development were to proceed, the adverse effect on the landscape, its appearance as ribbon development, its density, its suburban appearance, its adverse effect on views from the village to Dunglass, and inadequate mitigation in terms of landscape planting.

The reporter's conclusions

5.21 There are some difficulties in assessing the landscape and visual effects of a proposed development where an application is for permission in principle rather than for detailed permission. LDP policy 2.1 indicates that where applications are made for release of additional housing land, the submission of detailed planning applications is to be encouraged. Nonetheless, I consider that there is sufficient evidence on the basis of the appellant's LVIA, Design Statement, Development Parameter Plan Rev A and indicative masterplan to reach a view on the proposed development's likely effects on the landscape of the green belt and its other landscape and visual effects.

Effects on the green belt

5.22 A green belt is not solely a landscape designation, but it does have the function of protecting and enhancing the character, landscape setting and identity of a settlement. I consider these landscape aspects here.

Effect upon the setting of Strathblane

5.23 The Landscape Character Assessment for the Rolling Valley Farmland landscape-character area identifies both the pressure for development in Strathblane and the sensitivity of its setting.

5.24 While the proposed development would touch, at its north-west corner, the recent Braidgate development at the eastern edge of the developed area of the village, the relatively dense housing element of the proposed development would be perceived to protrude into what is presently open countryside. I consider that this would be perceived as sprawl in higher views from the Campsies to the northeast, including the path to the Spout of Ballagan (illustrated by LVIA viewpoint 5), in views from the south and southwest (viewpoints 3 and 4 and the right of way to the south of the appeal site) and from Dunglass to the east (viewpoint 6). At viewpoint 3 there is only a relatively fleeting view for vehicles passing on the A81, but the view is of importance, as set out in the Stirling landscape character assessment²³ and gives an early impression of the village. At viewpoint 4 (given the distance and the context of views from the moor in which there are occasional existing views of housing) the effect would be minor but adverse, not neutral, given the extent to which the existing settlement at Strathblane is hidden by trees and topography. From the top of Dunglass the new development would be seen at some distance with the dense

²³ Provided at the end of the appellant's LVIA (part 7).

housing of Braidgate immediately behind, which would to a degree mitigate the adverse effect. There would not be mitigation to the same degree at viewpoints 3, 4 or 5.

5.25 The proposed development would disrupt the continuity of the green belt in the relatively narrow Rolling Valley Farmland landscape character area lying between the special landscape area of Campsies and the green belt to the southwest and south of the village. The effect would to a degree be mitigated by the proposed woodland planting as it matured, particularly in views from the east, though the proposed planting is unlikely to be wholly successful in mitigating the effect on higher views from north, south and south-west.

5.26 The LVIA's assessment is that the proposed development would be consistent with recommendations of the green-belt study because it would be closely associated with Strathblane, its housing element being concentrated on the western side of a slight rise in the middle of the application site. I do not agree that the proposed development would be enclosed within the same topography that encloses much of Strathblane. Although the proposed development would be on the west side of an undulation within the application site, it would be to the east of the fairly steep rise out of the valley that contains Strathblane, a rise at the top of which is the church and western edge of the Braidgate development. The proposed development would be in a location on the valley floor that is more prominent in longer views from the south, southwest, northeast and east than much of Strathblane.

5.27 A cemetery would in principle represent a more open form of development, generally appropriate in the green belt. I also agree with the community council though that the pavement and street lighting serving the cemetery would also be urbanising elements along the road, projecting out of Strathblane.

Effect upon the character and identity of Strathblane

5.28 The primary function of the Strathblane green belt is to prevent coalescence with Milngavie. Given the position of the proposed development to the east of Strathblane, I agree with the parties that that is not a significant concern in this appeal.

5.29 To a degree, the integration of the proposed development with the townscape of Strathblane will depend on detailed design. To achieve the housing numbers proposed within the housing area identified in [Development Parameter Plan Rev A](#), the proposed housing would have to be relatively dense. The requirement for density is demonstrated by the latest iteration of the illustrative masterplan. The likely density and consequent urbanised pattern of development would contrast with the pattern established to the north of Campsie Road (A891). The proposed development would most likely present an urbanised front to the road (as proposed in the design statement and latest iteration of the indicative plan). The houses north of Campsie Road are set back from the road within large gardens and hidden among trees. The contrast would be mitigated by the proposed woodland planting only to a degree.

5.30 The sense of openness and views across open farmland and to Dunglass, particularly from Campsie Road, are presently a feature of the settlement's character. A development such as that proposed would be likely tangibly to diminish this sense of openness, closing off the existing views from the settlement edge across the Rolling Valley Farmland landscape to the south and southeast, including the views to Dunglass. Although the appellant proposes to soften views of the proposed new housing with woodland planting, this planting would further interrupt the views from the settlement across open countryside. Such views would be available beyond the eastern edge of the housing site,

or possibly (on account of the proposed planting) at the eastern edge of the proposed cemetery. In either case, they would be considerably further from the settlement's core than at present, and less available as an aspect of its character.

5.31 If the developer of Braidgate sought by the design of that development to avoid an abrupt transition between the urban area of Strathblane and the open countryside when seen from Campsie Road, it has not been wholly successful, yet at least, in doing so. It may be that Braidgate's impact will reduce in time as the screen-planting and planting in domestic gardens matures, though the screen-planting is relatively thin. Its position near the church and to the west of Dunglass View on the road's north side, however, means that from Campsie Road it gives the impression of arrival in the more urbanised core of the village, having already passed more scattered housing on the right. In views from north and south, Braidgate tends to be hidden by trees, which would not be the case to the same degree for the proposed development, even with the proposed planting.

5.32 Notwithstanding this, I do not consider that the settlement boundary with the green belt presented by the eastern edge of the Braidgate development can be characterised as a "weak" (the claim made by the appellant's design statement). On the contrary, the design of the Braidgate development, enclosed with a palisade fence and set on raised ground with a landscaped strip around it, makes it difficult visually to integrate into the village in townscape terms a new development further to the east. It appears to me that a design response would be required to the raising of the Braidgate development above the natural ground level and the presence of the landscaped strip at its edge. I do not say that there is necessarily no solution, but it is not clear from the design statement how this might be achieved.

5.33 Given the extension of the impression of urbanisation, the closure of views to the south and southeast, the contrast between development to the south and north of Campsie Road and the difficulty of integrating the proposed development visually with the Braidgate development, I consider that the proposed development would be likely not to integrate well with the townscape of Strathblane at the entrance to the village and would be likely to have an adverse impact on its character.

Conclusion on green belt

5.34 I consider that the effect on the setting and character of Strathblane would be adverse and would remain adverse even after the proposed woodland planting matured. I consider that the magnitude of the proposed development's permanent effect on the green belt would be greater than that estimated in the LVIA. I consider it is likely to be medium-low, which - given the acknowledged high-medium sensitivity of this particular part of the green belt - would result in an overall moderate adverse effect on the green belt.

Effects of the proposed development on landscape character

5.35 It appears to me that the appellant's LVIA does not fully take account of the importance of higher views into the Rolling Valley Farmland landscape character area from northeast, south and southwest in assessing its sensitivity or of its narrowness in assessing the magnitude of the proposed development's landscape effect. For these reasons, I consider that the significance of the proposed development's permanent effect on the landscape character area would be greater than the negligible effect assessed for most areas beyond the immediate application site. I acknowledge, though, that an extension

from an existing settlement such as that proposed is unlikely to have a greater-than-local effect on a receptor of the scale of the Rolling Valley Farmland landscape character area.

Effects of the proposed development on visual amenity

5.36 The LVIA assessed the proposed development's effect on visual amenity at six viewpoints. I agree broadly with its assessment of the first three. There would be large and adverse permanent effects on views from Campsie Road (viewpoint 1) and from the railway path adjacent to the site (viewpoint 2). With regard to viewpoint 3, although, given the trees at the hairpin, the views are limited, the viewpoint on the A81 is sensitive. As I have said, it provides an early impression of the valley in which Strathblane is set for those approaching from the south. I consider that the LVIA's assessment of medium adverse effect at the viewpoint is apt.

5.37 I also agree that the overall effect at Dunglass (viewpoint 6) would be relatively limited, but do not agree that the medium-term or permanent effects would be negligible or neutral. The sprawl entailed by the proposed development would likely be evident, even in the context of an apparent extension from the Braidgate development.

5.38 There would be a relatively limited effect on views from Dumbrock Moor (viewpoint 4), but somewhat greater than the LVIA suggests, and I consider that there would be a permanent adverse effect.

5.39 I consider that the medium-term or permanent effects on views on the walk to the Ballagan nature reserve, represented by viewpoint 5 would be greater than recorded in the LVIA and the permanent effect would be adverse, not neutral. I acknowledge that the views take in a much wider area than just the settlement of Strathblane. Nonetheless, Strathblane is a focal point, and the sprawl the proposed development represents would have a permanent visual effect. I consider that the effect would be likely to have a medium magnitude, dropping to medium-low as the proposed planting matured, with overall significance falling from moderate to slight adverse.

5.40 I agree with the community council that there would be an adverse effect upon views from the right of way south of the appeal site, as it descended towards the bridge over the railway path. The sprawl of the village into the countryside would be evident. It did not appear to me that the right of way was very heavily used though, which limits the importance of such an effect.

Conclusion on landscape and green belt

5.41 The appellant acknowledges the proposed development would have an adverse effect on the openness of the green belt. I consider that the proposed development would have an adverse effect on the setting and character of Strathblane. Although any proposal must be considered on its own merits in terms of landscape and visual effects, I agree with the community council that the proposed development would set a precedent in respect of scale and prominence of development in the immediate setting of Strathblane that would not be desirable. I consider that that would be contrary to the purpose of the green belt's designation as set out in the council's supplementary guidance, SG 03 Green Belts. Given this finding, I consider that the proposed development is contrary to primary policy 1 (placemaking) since it does not respect the green belt and to the requirement in policy 1.5 that it should not undermine the green belt's core role and function by its effects.

5.42 As regards primary policy 9 (managing landscape change), the emphasis for non-designated landscapes is on facilitating positive change. One aspect of this is that the appellant is required to demonstrate that the local landscape has capacity to accommodate new development of the type and scale envisaged. The proposed development design (as shown in the parameter plan) does incorporate mitigation that would gradually reduce the impacts of the proposed development. Nonetheless, given my findings in respect of its adverse effect on the setting and character of Strathblane and on local views, I do not consider it would be likely to be wholly successful in doing so. On balance, therefore, I consider that the proposed development would be contrary to primary policy 9. Landscape represents a constraint on the proposed development under primary policy 2.

5.43 Given the likely adverse effect of a development within the parameters proposed on the setting and character of Strathblane, even after mitigation, I do not consider it would comply with the policy principle set out in SPP paragraph 194 (that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape) or with SPP paragraph 202. This weighs against the proposed development. SPP paragraph 203 indicates that planning permission should be refused if the impact on the natural environment is unacceptable. It appears to me that to judge “acceptability” in a case like the present requires a balancing exercise. Adverse effects on the natural environment may be acceptable as a measure in achieving other goals that are desirable in terms of policy, such as achieving a five-year effective-housing-land supply. Consequently, although I consider that the proposed development’s landscape and visual effects weigh against it as considerations, I will leave the resolution of whether it complies with paragraph 203 to my conclusions in this report.

CHAPTER 6: TRANSPORT AND ACCESSIBILITY

Key references

- [Updated transport assessment](#)
- [Appellant's planning statement](#)
- [Appellant's statement of appeal](#)
- [Council's report to the planning panel](#)
- [Strathblane Community Council objection](#)

Introduction

6.1 In the LDP's principal policy 2, infrastructure and accessibility are among the constraints listed for the development of sites in the Rural Villages Area. In housing cases, these are linked issues: transport has to be considered in relation to the location of facilities that new residents might travel to. I have discussed policy on transport and accessibility in this report's chapter 2.

6.2 Parties made their cases in respect of village infrastructure and the site's accessibility in 2017. They had the opportunity to update their cases when the appeal was returned to the Scottish Ministers for re-determination, but they did not choose to add anything substantially new in respect of transport and accessibility. My site inspection did not indicate that there had been any great change since the parties gave their evidence.

Case for the appellant

6.3 The transport assessment shows that the proposed development can be accessed without detriment to highway safety or convenience and that no harm arises to the established safe route to school. The effects of the proposed new junction on Campsie Road (A891) and of traffic from the proposed development on the mini-roundabout at the junction of Campsie Road with the Glasgow Road (A81) have been considered in the assessment. There is sufficient capacity on the road network for car traffic related to the proposed development.

6.4 Strathblane is well-served by amenities, with a shop, post office, pharmacy, public house, restaurant and primary school. In addition, the area has public transport links and a long-distance walking and cycle route to the appeal site's south. A new footway would be provided along the south side of Campsie Road from the proposed cemetery entrance. Walking, cycling and public transport are assessed in chapter 4 of the Updated Transport Assessment.

- The primary school is 650 metres from the proposed development site and would be walkable within 15 minutes even for children.
- It is expected that every secondary-school child from the proposed development would qualify for transport by bus to school in Balfron.
- The post office and village convenience store is on Old Mugdock Road 500 metres from the application site or about 10 minutes' walk.
- Other facilities including a hairdresser and pharmacy are available in the village within 500 metres.
- The proposed development would also link up with the existing walking and cycling route along the railway path through the south of the appeal site.

- The roads are relatively lightly trafficked so the existing road network can accommodate cyclists.
- There are a number of bus services near the proposed development. Buses stop on the A81 about 485 metres from the access to the proposed development. There are regular bus services to Balfron and Glasgow and also a dedicated school service.
- Improvement to existing bus stops are not likely to be necessary to accommodate passengers traveling to or from the proposed development.

6.5 The 400m walking distances are guidance, not absolute requirements. A reporter has recently concluded in another case ([PPA-400-2071](#)) where part of the application site was outwith the 400m PAN 75 distance that “the distances to facilities set out in PAN 75 are simply recommendations, not absolute policy requirements ...”. He did not consider that a small exceedance of the recommended distances was likely by itself to cause a significant change in mode of transport towards private-car use. The slight exceedance of the recommended walking distances is not harm which significantly and demonstrably outweighs the benefits of the proposal. The appeal site is suitable in transport terms.

6.6 The proposal encourages more walking, cycling and healthy and safe lifestyles by facilitating access to additional open space, new paths that will link into the John Muir Way and enable a circular link to the new cemetery and the longbarrow from the existing car park at the church. It will enhance green infrastructure.

Case for Stirling Council

6.7 The council’s roads service did not object to the proposed development on the basis of its effect on junction capacity. The council does not consider that the proposed development would have an adverse effect on the safety or efficiency of the local transport network.

6.8 As regards the transport hierarchy:

- Public transport is restricted to a local bus service with regular but limited services to and from Glasgow, Balfron and Milngavie.
- Most of the proposed development would be more than 400 metres from the two closest bus stops.

SPP paragraph 287 advises against permitting significant travel-generating uses that would increase reliance on the car and where access to local facilities by public transport would involve walking more than 400 metres.

6.9 The village is well served with certain facilities such as cafés and restaurants and a post office. It has limited convenience retail, though, compared to neighbouring settlements, including Milngavie and (to a lesser extent) Killearn and Balfron. Given the limitations of local facilities, the proposed development is likely to cause increased travel demand. It is not sufficiently accessible to public transport. Additional bus-service provision is not realistic. In the LDP’s Core Area, there is greater choice of public transport and accessibility of public-transport routes. The proposed development would be unsustainably reliant upon travel by private car.

6.10 SPP paragraph 76 sets out that it is important to protect pressured areas of the countryside that are easily accessible from Scotland’s main towns and cities from suburbanisation and an unsustainable growth in car-based commuting. Paragraph 76 is

relevant to this appeal given the site's proximity to Glasgow and Stirling. The LDP's spatial strategy is consistent with the policy. The proposed development conflicts with both the LDP's spatial strategy and the SPP as regards promoting sustainable transport and active travel.

Case for Strathblane Community Council

6.11 The community council's survey indicated that an increase in traffic as a consequence of the proposed development was a concern of local residents. The transport assessment does not support the application and is flawed in key aspects.

6.12 The site entrance is 485 metres from the nearest bus stop, and the whole site well beyond the 400-metre distance recommended. Walking distances within the site could exceed 200 metres. The John Muir Way (the Strathkelvin Railway Path) does not represent a shortcut to the bus stop. There is no adequate bus service to support commuting by public transport. The only bus routes are between Balfron and Glasgow. The bus service has limited frequency and hours. There is no bus service, for instance, to the area's main hospital in Larbert.

6.13 It is likely that residents in a development of the type proposed would be commuters to Glasgow, highly dependent on transport by private car. The neighbouring planning authority, East Dunbartonshire, opposes the expansion of Stirling's rural villages for transport reasons including commuter traffic and conflict with tourist traffic. Development such as that proposed would exacerbate the inadequacy of the park-and-ride facilities at Milngavie railway station.

6.14 There are errors in the assessment of private-vehicle flows from the proposed development and consequently on the assessment of its effect on the roundabout at the A81:

- Even the worst-case the trip rates used in the transport assessment are underestimated. It is likely that each house would generate at least one vehicle trip during the morning and evening rush-hours, rather than the 0.5 trips estimated.
- The assessment does not take account of increase in traffic flows as a consequence of development in the settlements north of Strathblane.
- Drivers going to Stirling would generally turn left onto Campsie Road not right as suggested, and they too would impact on the roundabout's operation.

Case for other objectors

6.15 A number of objectors referred to the proposed development's distance from the bus stops, the inadequate nature of the bus services, the likelihood of increased car-based commuting from the proposed development to Glasgow, the effect of the proposed development on road traffic, congestion and the operation of the existing junctions.

The reporter's conclusions

The effect on the junction of Campsie Road (A891) with Glasgow Road (A81)

6.16 The appellant's transport assessment addresses the proposed development's effect on the mini-roundabout on the A81. The council, having consulted its qualified in-house

experts, did not consider that the proposed development would present a problem for the efficient operation of the road network.

6.17 The community council's submissions do not indicate it has access to the same degree of qualified expertise as the council. Nonetheless, it identifies three points that it considers to be errors in the assessment of the proposed development's effect on the roundabout.

6.18 The transport assessment identified the 2016 base level of traffic, made projections for the 2018 traffic level and then added in the level of traffic it estimates from the proposed development. Although the 2018 base projection did not take specific account of other developments north of Strathblane, it did project an increase in traffic using a standard national factor. While it is possible that traffic generation by the proposed development might be somewhat higher than is estimated in the assessment, I doubt it would be as high as the community council suggests (an average of one trip from each house in peak hours). Even assuming every house produces one commuter (which would not necessarily be the case), commuters tend to spread their journeys both in the morning and evening so that they do not all travel in the peak hours. Similarly, while some of those travelling to Stirling might turn west and travel by the A81, that would not be the case for all.

6.19 Even if the projection of 2018 base flow and the estimate of traffic generated by the proposed development made on behalf of the appellant are under-estimates, the table in paragraph 7.11 and appendix D of the transport assessment show the roundabout at the peak hour operating considerably below its capacity. This gives me comfort that the assessment is unlikely to be so wrong that the proposed development would have an unacceptable effect on the roundabout's operation. This is the case even if base traffic flow has risen between 2018 and 2021. This does not necessarily mean that there would not be slightly increased waiting times at the roundabout at peak hours as a consequence of the proposed development.

6.20 Consequently, I agree with the council and the appellant that the proposed development would not be likely to have an adverse effect on the operation of the roundabout, or other part of the road network.

Transport sustainability

6.21 The local shops in Strathblane would be well within the recommended 1600-metre walking and cycling distance from the proposed development. The primary school would be within this distance and the established safe route to school would not be adversely affected. Pupils from the proposed development would have to cross one relatively busy road – the A81 (likely to be particularly busy when pupils are walking to school). This may make parents unwilling to allow younger children to make the trip on their own.

6.22 While there are some shops in Strathblane, I agree with the council that what is available is relatively limited. The appellant's [socio-economic assessment](#) also acknowledges this. It states (paragraph 2.1.8):

“There is presently a limited convenience or comparison retail offer within Strathblane, although there is a pharmacy, restaurants and a village shop.”

It goes on to say (paragraph 3.5.4):

“Reflective of the limited retail offer in Strathblane, it is reasonable to assume that a high proportion of spend by the future residents of the proposed development would be spent at nearby local centres, though largely within Glasgow and East Dunbartonshire (i.e. Milngavie and Glasgow). It is assumed that 40% of the convenience and 30% of comparison retail expenditure will be retained in Stirlingshire.”

This means that a relatively high proportion of the frequent regular trips required for convenience goods (such as food) are assumed to be out of the Stirling area. This seems to me a reasonable assumption to make.

6.23 While I acknowledge that much convenience shopping generated from the proposed development is likely to be in the nearest convenient large centres in Milngavie and Glasgow, some other trips might also be within the Stirling area, but out of Strathblane. As the council has pointed out, Balfron and Killearn as well as Stirling itself, have greater retail facilities than Strathblane. Consequently, I consider it likely that the proportion of convenience shopping done outside Strathblane would be rather higher than 60%.

6.24 The transport assessment indicates that the village convenience store and post office is about 500 metres from the appeal site. This measures distance as the crow flies from the edge of the appeal site. The actual distance people in the proposed development would have to travel would be rather further. They would also have to cross the A81. Although the village shops are within the distance recommended in PAN 75, I consider that the distance is far enough and the facilities sufficiently limited as to make any trip for a larger amount of shopping, when walking or cycling, relatively unattractive. Although there is undoubtedly an advantage in the proposed development being linked to the existing walking and cycle path to the south, it does not shorten the journey into the village and is unlikely to be attractive at night or in poor weather. If a trip was made into the village by car, there is parking available at the village shop, but it is fairly limited. The much greater convenience retail facilities in Milngavie and Bearsden are a relatively convenient car journey away. I consider, given the location and connections of the appeal site, that residents of the proposed development would be relatively more likely to travel out of Strathblane for their convenience shopping even than residents elsewhere in Strathblane.

6.25 The distance to the convenience retailers outside Strathblane who might attract convenience trade from the proposed development is such that walking or cycling are not realistic options for regular trips.

6.26 Public transport (as both the council and community council point out) is relatively limited in terms of destinations, frequency and hours. The nearest bus stops to the proposed development are located on the A81 Glasgow Road, 485 metres from the proposed site access. No houses in the proposed development would actually be within the recommended 400 metres walking distance. Consequently, the location of the site would be relatively inconvenient even for the limited existing bus service.

6.27 As a consequence residents of the proposed development are likely to be relatively heavily dependent on travel by private car for their convenience shopping.

6.28 As regards employment, the socio-economic assessment states (paragraph 2.1.7):

“The 2011 Census further indicates that 69.4% of Strathblane’s residents in employment travel to work by car, with only 3.5% travelling by bus and 4.4%

travelling on foot. This can be explained by the limited employment opportunities within the village, owing to its semi-rural characteristics, and thus the general need for residents to travel further afield to access employment.”

The socio-economic assessment indicates that providing services necessary for the residents of the proposed development might create about 10 permanent jobs, four in retail and six in public service, in Stirlingshire. It does not suggest that most of these jobs would be likely to be in Strathblane itself. In the absence of any other evidence that there are to be additional jobs in Strathblane, I consider it likely that, at the very least, a similar proportion of the residents of the proposed development would work outside Strathblane and would commute to work by car.

6.29 The lack of a direct public-transport link to a facility like Larbert hospital is unlikely by itself materially to increase the number of trips made by car. However, it is likely to increase dependence on the car as a main means of travel for the proposed development, particularly when there is a degree of inconvenience for residents in getting to the bus stop on account of its distance from the proposed development. Even though a bus service is provided to the secondary school in Balfron, the relative inconvenience of getting to the bus stop and of relying on the limited service are more likely than not to increase trips by private car.

6.30 In my decision in appeal PPA-400-2017, I found that the walking and cycling distances to public-transport nodes recommended in PAN 75 did not need to be applied rigidly. The circumstances of that appeal were very different from those of the present appeal. In that case, the appeal site was on the edge of Livingston, a town with considerable facilities, only a relatively small part of the site was outwith the 400-metre distance to a bus stop, there was a more frequent bus service with a shorter journey into the town centre, the site was also largely within the recommended walking distance of a railway station, and the site could access a network of cycling and walking paths by which town facilities could be accessed. In short, the proposal that was the subject of that appeal was far less likely to create a development dependent on private-car travel than the development that is the subject of the present appeal.

6.31 It is likely that most of the residents of the proposed development would be travelling out of Strathblane for employment, for much of their convenience shopping, for secondary education and for other important facilities, such as the general hospital. This, along with the proposed development’s location on the edge of the village with a vehicle access onto a main road, would in my view be likely to create a habitual reliance on private-car travel for residents.

6.32 I consequently agree with the council and the community council that the proposed development would increase reliance on private-car use in a way that is not sustainable. This would be contrary to principle 3 of sustainable development set out in the LDP. It would also be contrary to the SPP criteria for sustainability since the proposed development would not be a place that would be easy to move beyond while reducing reliance on private cars, one of the qualities of successful places. While some degree of mitigation might be possible in terms of improvements to the bus service, there is no evidence before me that any improvements have been proposed. Indeed, the evidence I have from the council is that there is no proportionate means of imposing measures to cause a modal shift that would make up for the proposed development’s disadvantages. In the absence of a rebuttal from the appellant, I accept that evidence.

6.33 The [landscape-character assessment](#) makes reference to the development pressure in Strathblane being extremely high given the attractive character of the village and its proximity to the Glasgow conurbation. It indicates that the designated Strathblane green belt, in association with the Glasgow and Clyde Valley green belt, plays a role in managing development pressure. I consider it likely that much of the commuting from the proposed development would be to centres such as Milngavie and Glasgow, and it would therefore represent a realisation of the very development pressures that the green belt has a role in managing. I consequently agree with the council that the proposed development would be contrary to SPP paragraph 76.

6.34 Although the council did not object that the proposed development would be contrary to LDP policy 3.1 (addressing the travel demands of new development), I agree with the community council that it would not be an accessible development in a sustainable location and would not be located so as to reduce travel demand. It would therefore be contrary to policy 3.1. Since the proposals do not identify satisfactory ways of meeting sustainable transport requirements, I agree with the community council that the proposed development would be contrary to primary policy 4(b), which requires new development to optimise accessibility to active travel options and public transport.

6.35 I consider that transport represents a constraint of the proposed development both in terms of infrastructure and accessibility under LDP primary policy 2.

CHAPTER 7: HISTORIC ENVIRONMENT

Key references

- [Historic environment assessment](#)
- [Archaeological site evaluation](#)
- [Appellant's planning statement](#)
- [Appellant's statement of appeal](#)
- HES [letter dated 6 July 2017](#)
- HES [letter dated 9 October 2017](#)
- HES [letter dated 7 November 2017](#)
- [Council's report to the planning panel](#)
- [Council archaeologist's consultation response](#)
- [Strathblane Community Council objection](#)
- [Strathblane Community Council representation 15 January 2018](#)
- [Development parameter plan rev A](#)

Introduction

7.1 The appellant has supplied a desktop [historic environment assessment](#) and has also provided an [archaeological site evaluation](#) based on trenching at the site.

7.2 The appeal site includes the Broadgate Mound, a burial mound that is four thousand to six thousand years old. It is a scheduled monument. The mound is presently surrounded by a small group of trees, mostly conifers, within the scheduled area. The appellant proposes to remove these trees.

7.3 There are proposals in the Development Parameter Plan Rev A that would retain an undeveloped space around the Broadgate Mound and preserve a viewing corridor towards it.

7.4 Historic Environment Scotland (HES) objected to the proposed development by [letter dated 6 July 2017](#) and subsequently by [letter dated 9 October 2017](#) in respect of the first iteration of the initial [development parameter plan](#). It withdrew its objection by [letter dated 7 November 2017](#) having considered [Development Parameter Plan rev A](#).

Case for the appellant

7.5 The assessments the appellant has carried out demonstrate that there is very little potential for unrecorded remains within the site. The desktop study found that, although there is a concentration of prehistoric remains in the Strathblane area, the appeal site has been cultivated land since the mid-18th century at least and is of lower potential for discovery of mediaeval or later archaeological remains. It was possible that additional prehistoric remains were preserved as subsurface features. Archaeologists engaged by the appellant carried out trial trenching at the appeal site but uncovered no archaeological features or deposits, other than a single unworked flint. No further work was recommended.

7.6 Although there was previously a HES objection to the proposed development in respect of its effect on the Broadgate Mound's setting, that objection has been withdrawn. It would be possible for the proposed development to proceed in accordance with the

principles set out in the Development Parameter Plan Rev A in a way that does not harm the setting of the Mound and which protects and enhances the historic environment.

Case for Stirling Council

7.7 The Broadgate Mound is a rare example of a long mound in western Scotland. There are standing stones in its immediate environs and other potential mounds. This indicates wider potential in the landscape for previously unrecorded archaeological remains and the connection of the mound to a wider setting.

7.8 The proposed housing would potentially block views to the monument from the west and would represent a significant visual intrusion on the mound. The change in the landscape character from rural to urban would detract from how the mound is understood in its context and so from its setting.

Case for Historic Environment Scotland (HES)

7.9 The Broadgate Mound is a rare example of its type in western Scotland. It also contains a cist inserted at the north end of the mound. It is prominent and well-preserved and can make a significant contribution to the understanding of neolithic funerary and ceremonial traditions.

7.10 The landscape position and alignment of the mound would have been important to its ritual and funerary function. The principal characteristics of the mound's setting comprise the open views across the valley floor to and from the monument from east and west, the dominance of the mound relative to any built features in the vicinity, and the views along the mound's axis to the southwest and a standing stone which remains in situ about 175 metres to the northeast across Campsie Road.

7.11 HES's objection to the proposed development is withdrawn on the basis that there would be no housing development or domestic gardens extending outwith the grey area marked "development area" on Development Parameter Plan rev A. This plan addresses some of HES's concerns: views along the axis of the monument to and from the river and the standing stone would be protected and there would be no housing development within at least 45 metres of the scheduled area, so the dominance of the mound relative to built features in its immediate vicinity would be preserved. The proposed development would still compromise the open views along the valley to and from the monument. If the proposed development is approved, the planning authority should have regard to the monument's management, particularly if ownership is to be split between the development's individual owners.

Case for Strathblane Community Council

7.12 The Broadgate Mound is a rare prehistoric site that may be developed for local and tourist interest. Its setting must be preserved or this potential will be degraded.

7.13 The appellant's studies do not rule out the presence of undiscovered subsurface archaeology of pre-mediaeval date. Given the acknowledged concentration of remains in the area, there is the potential for the proposed development disturbing such archaeology.

The council's archaeologist

7.14 The appellant's reports have established that there are no previously unrecorded archaeological remains in the development area.

7.15 The setting of the Broadgate Mound is presently much degraded. The removal of the conifers surrounding it and consequent opening of views is proposed as mitigation of the proposed development's effect. The Mound appears to be located to make reference to other archaeological features – standing stones – in the landscape and prominent geological features – Dunglass and Slackdhu. The proposed improvements to the setting associated with the development do not go far enough to balance the impact on its setting to the west. If there are further improvements including the reseeding of the mound, a grass-cutting programme and agreement to maintain and replace the information board, there would be a net gain to the public.

Reporter's conclusions

7.16 I find that the location of the Broadgate Mound in the valley and the open views to and from it along the valley floor are of some importance to its setting. I accept the advice of HES that the proposed development would compromise the open views along the valley to and from the monument and therefore do some harm to the monument's setting. The degree of harm would not be of national significance, provided that sufficient space is left undeveloped between the mound and the proposed housing in accordance with the proposed development parameters.

7.17 I consider that the removal of the trees within the scheduled area, provision of a signboard and management of vegetation within the scheduled area would allow better appreciation of the mound and its landscape setting. This would be a benefit of the proposed development. It would do much to compensate for the adverse effect on the setting.

7.18 Overall, though, the proposed development would not preserve the mound's setting. It would therefore be contrary to LDP primary policy 7 (Historic Environment). Although the proposed development would not avoid adverse impact on the mound's setting, given the proposed preservation of space around it, I do not consider that the proposed development would have a significantly adverse effect on its setting's integrity. It would not trigger the presumption against development in LDP policy 7.1(a) or be contrary to SPP paragraph 145 (which is in somewhat similar terms to policy 7.1(a)). Given the mitigation proposed, I consider the inconsistency with primary policy 7 is a minor matter that would not by itself result in refusal of the proposed development in the absence of other considerations weighing significantly against it.

7.19 If Ministers approve the proposed development, its adherence to Development Parameter Plan A can be secured by condition to ensure a sufficient distance of housing development from the mound is maintained. A plan can also be required for the monument's management in the context of the sale of the houses in the proposed development to different owners.

CHAPTER 8: FLOOD RISK AND DRAINAGE

Key references

- [Drainage report \(including flood-risk assessment\)](#)
- [Response to SEPA objection in respect of flood risk](#)
- [SEPA objection 4 July 2017](#)
- [SEPA letter 23 October 2017](#)
- [SEPA letter 9 December 2017](#)
- [SEPA submission 16 August 2019](#)
- [Strathblane Community Council objection](#)
- [Strathblane Community Council submission 19 August 2019](#)
- [Strathblane Community Council submission 12 August 2020](#)

Introduction

8.1 The appellant provided a [flood-risk assessment](#) as an appendix to its drainage report. Additional information on flooding was subsequently submitted as a [response to SEPA's initial objection](#).

Case for the appellant

8.2 The flood-risk assessment showed that there would be fluvial flooding at the appeal site from the Blane Water in a 1-in-200-year flood. The extent of the predicted floodplain, including an allowance for climate change, is shown in figure 4 of the Drainage Report. There was predicted to be an overland flow through the proposed housing site and proposed cemetery. The appellant proposes a drainage channel at the eastern side of the appeal site to intercept the overland flow. The drainage channel would simply divert flood water back into the Blane Water. It would prevent overland flow but would not increase flood risk elsewhere. There would be no housing development within the floodplain.

Case for Stirling Council

8.3 The council did not object to the proposed development in respect of flood risk.

Case for SEPA

8.4 SEPA [initially objected](#) to the proposed development on account of associated flood risk. It has [withdrawn its objection](#) on the basis that there is to be no development in the floodplain. Although the proposed cemetery site would be partially within the floodplain, SEPA does not object to it on flooding grounds, provided it does not have a detrimental impact on floodplain conveyance.

Case for Strathblane Community Council

8.5 The field proposed for the development is a very wet place. Flash flooding occurs frequently at the appeal site. Photographs and a video have been supplied of flooding occurring at the appeal site on several occasions including in December 2011, summer 2017, July 2019 and also of the site waterlogged in February 2017. These photographs demonstrate that flooding at the appeal site, including overland flow across the site, is not at all infrequent. It is not limited to once every 200 years. The footpaths depicted in the indicative masterplan of the proposed development would flood routinely.

8.6 The flood-risk assessment is unconvincing for a number of reasons:

- The flood models do not appear to take account of standing water seen at the site, for instance, in February 2017 nor do they take account of the flow into the railway path, which merges with flooding on the Blane Water.
- The site design shows no obvious mechanism for flood water from gardens of houses in the south of the site to reach the flood-detention basin. It is therefore not clear that all flooding from the site would be attenuated. The drainage report does not address this, but leave drainage design to be addressed at the detailed design stage for the proposed development.

Other representations

8.7 A number of objectors referred to flood risk at the appeal site and the potential for the proposed development to increase flood risk elsewhere in Strathblane.

Reporter's conclusions

8.8 There is no dispute that, without the proposed works to create a drainage channel at the site's eastern edge, the proposed development would be partially within the 1-in-200-year floodplain as a result of overland flow caused by fluvial flooding from the Blane Water. To say this is not to suggest that the site would only flood once every two hundred years, but rather that it would flood at least once every two hundred years. The community council's evidence demonstrates that flooding at the appeal site is not unusual. It also demonstrates that during flood events there can be overland flow across the site and quite often flooding on the railway path and on land immediately adjacent to the Blane Water.

8.9 The appellant's solution to the overland flow during a flood event is to channel the flow back into the main body of the Blane Water by creating a trench along the eastern edge of the appeal site. This solution would prevent the overland flow but would not increase flood risk downstream of the appeal site (since without such works, the overland flow would anyway re-join the Blane Water in the southwest corner of the appeal site). Neither SEPA nor the council as flood-protection authority have suggested that the appellant's proposed solution would not be effective in preventing the overland flow. The community council's evidence does not demonstrate otherwise. I therefore accept that the overland flow could be prevented as proposed in the flood-risk assessment.

8.10 The community council questioned whether the baseline flow assessed in the flood-risk assessment was correct, given that there appears to be flow along the railway path during a flood that also joins the Blane Water. While there is evidence of such flow occurring, it would meet the Blane Water at the southeast of the appeal site at its lowest point. It does not appear likely materially to alter the outcome of the flood-risk assessment for the appeal site.

8.11 The community council questioned whether run-off from the curtilages and gardens of the southernmost houses in the proposed development could in practice be directed to the detention basin. It is evident from the plan that those houses would generally be at a higher elevation than the proposed detention basin. It would seem likely that a solution could be provided that would ensure run-off could be directed to the detention basin. Even if that is not possible for the whole garden area of every house, it would seem unlikely that run-off from those gardens would make a material difference to the level of a 1-in-200-year

flood or materially increase the flood risk to Strathblane. Neither SEPA nor the council as flood-protection authority took issue in principle with the flood-risk assessment on this point.

8.12 Although the appeal site is currently within the medium- to high-risk area at present for flooding, the works proposed by the appellant would remove the development area within the site from the floodplain. Compliance with the Development Parameter Plan Rev A should prevent development in an area within the 1-in-200-year floodplain once those works had been carried out. The cemetery could be designed so that it did not have a detrimental impact on floodplain conveyance. The proposed development is capable of being designed so that it does not materially increase the risk of flooding elsewhere. I consider that it complies LDP primary policy 5 (flood-risk management) and with flooding policy in SPP.

CHAPTER 9: CEMETERY

Key references:

- [Appellant's planning statement](#)
- [Appellant's statement of appeal](#)
- [SEPA objection 4 July 2017](#)
- [SEPA letter 23 October 2017](#)
- [SEPA letter 9 December 2017](#)
- [SEPA submission 16 August 2019](#)
- [Council's report to planning panel](#)
- [Strathblane Community Council objection](#)

Introduction

9.1 If the proposed development were to go ahead as proposed, it would not be possible to provide a cemetery at the site safeguarded in the LDP under primary policy 3. The eastern part of the appellant's proposed development would be a cemetery. The appellant proposes to gift the land to the council for that purpose, should the appeal be successful.

Case for the appellant

9.2 Both the council and the community have identified a need for new cemetery capacity in Strathblane. Consultation with the council confirmed that only about five years' capacity remained in the existing cemetery in 2019 ([council email dated 1 August 2019](#)). There is the possibility that burials will have to take place outside Strathblane if the cemetery becomes full. Part of the application site has been allocated in the LDP for provision of a cemetery and the council has allocated funds to acquire the land. No approach has been made to the landowner or preparatory work commenced (such as groundwater monitoring). The landowner does not support the LDP allocation. There is no realistic prospect of the council's cemetery proposal being delivered.

9.3 The necessary groundwater monitoring has commenced and archaeological trenching has been carried out on the proposed cemetery site. The proposed development would also provide a pavement to the cemetery. This would represent both a saving to public finances and the delivery of an important piece of social infrastructure. It is also the only means by which additional cemetery capacity can be delivered in Strathblane at present. This weighs heavily in favour of the proposed development.

9.4 Although SEPA has outstanding concerns about groundwater monitoring in respect of the development of the cemetery, these can be addressed by granting the planning permission in principle subject to a suspensive condition requiring the completion and approval of groundwater monitoring. The appellant has proposed relevant conditions (appeal statement paragraph 5.1.2).

Case for Stirling Council

9.5 The proposed cemetery represents an appropriate green-belt use. It would benefit from an attractive environment and landscape setting. However, moving the proposed cemetery further from the existing settlement boundary raises accessibility concerns. It would be 450 metres from the church, which is beyond the recommended 400 metres within which people should be able to access facilities. The proposed cemetery is in a

significantly less favourable site than that allocated in the plan. The proposed cemetery would also have an adverse effect on the Broadgate Mound. The gift of the land for the cemetery to the council is not a material consideration.

Case for SEPA

9.6 SEPA has an outstanding objection regarding lack of information on the proposed cemetery development's effect on the water environment.

- SEPA indicated that, although it was unlikely that there were private water supplies in the vicinity, information on private water supplies should have been provided in support of the application. Evidence was required to demonstrate whether the proposed development was within the prescribed buffer of such private supplies and to identify any means by which impacts to groundwater were to be avoided.
- The likely groundwater conditions make it possible that there would be a risk to water quality of the Blane Water from the proposed cemetery. Further investigation is required of the site's suitability as a cemetery.

SEPA does not consider it is sufficient to address these matters under a condition. Factual information is required to determine whether the proposed cemetery would be a risk to the groundwater environment.

Case for Strathblane Community Council

9.7 There are limited plots left in the existing Strathblane cemetery. The council has allocated part of the appeal site for development of a cemetery. This was intended to establish a robust green-belt boundary. The proposed development would prevent the development of a cemetery as proposed and would place the cemetery in an inferior location. In the proposed location, it would require parking provision, a pavement extending from the village to the cemetery entrance, and street lighting along the pavement. It would make the cemetery further away from the village for those who wished to visit it.

Reporter's reasoning

9.8 The appellant's proposal to provide land for a cemetery is intended to remedy the infringement of existing safeguarding for a cemetery site. The evidence demonstrates that Strathblane is in need of a new cemetery. I therefore consider the proposal to establish a cemetery is capable of being a material consideration.

9.9 Although the appellant argues that a cemetery would not proceed on the safeguarded site if permission is not granted for the proposed development, I am not convinced of that. The council's evidence, not denied by the appellant, is that it has allocated capital to acquire cemetery land. Even if the landowner does not presently support the allocation, the council has compulsory-purchase powers available to it that, failing agreement, it could use to acquire land for such a purpose. It is perhaps not entirely surprising that the council has not moved forward with proposals to acquire the existing safeguarded area or identify its suitability in the light of the current appeal process. However, it is not certain that such a process would be successful in providing cemetery capacity in Strathblane before the present capacity runs out. This is not least because, as the appellant has pointed out, it is not certain at this stage that the land allocated for the cemetery has ground conditions that make it suitable to be a cemetery and there would be cost to the planning authority involved in determining whether it would be.

9.10 The appellant's proposal to provide land for a cemetery to serve Strathblane would undoubtedly be a benefit of the proposed development, assuming the land the appellant has proposed to provide is itself suitable for that purpose. Like the council, I consider a cemetery to be an acceptable use in the green belt. However, the appellant has not supplied the information necessary to determine whether the proposed cemetery site is in fact suitable. That information could be supplied under a condition of permission. Nonetheless, at this stage, it is not certain that the cemetery can be provided as proposed, and the appellant offers no alternative should it not prove possible.

9.11 I agree with the council that, in terms of the safeguarded site's proximity and accessibility to the church and the village, it is more suitable for a cemetery than the proposed site. There would be some inconvenience involved in those going to the cemetery having to walk further. There is no suggestion, though, that the proposed location of the cemetery would generate significant additional vehicle traffic.

9.12 Given that the appeal is for planning permission in principle, and that the cemetery is only one element of the application, I do not consider it would be problematic to grant permission in principle while the question of the proposed cemetery site's suitability in terms of its ground conditions was still at issue. This would be on the basis that the proposed cemetery site's suitability was considered as a specified matter under conditions of the permission.

9.13 Given the lack of certainty that a cemetery could actually be provided at the safeguarded site or that it could be provided on the land proposed by the appellant, I do not consider that either the effect on the safeguarding or the appellant's offer to provide a cemetery within the appeal site has any great weight in the appeal's determination. If anything, given the somewhat greater suitability of the safeguarded site, the replacement of that site with the proposed site is a consideration that lies very slightly against grant of permission. However, given that the proposed development would be contrary to the safeguarding of land for the cemetery at a site near the church, I consider that, if the cemetery can be provided, it ought to be, as the appellant has offered.

CHAPTER 10: SOCIO-ECONOMIC BENEFITS

Key references

- [Socio-economic assessment](#)
- [Appellant's planning statement](#)
- [Appellant's statement of appeal](#)
- [Council's report to planning panel](#)

Introduction

10.1 The appellant has provided a [socio-economic assessment](#) of the proposed development. The benefits assessed are stated to include:

- £12.1 million construction investment
- 122 construction jobs during construction
- 115 induced jobs during construction
- £5.2 million gross value added during construction
- Over £200,000 council-tax revenue and £400,000 retail spend in Stirling-council area from residents
- 16 retail and public-service jobs to serve the development
- 77 additional economically active adults in Strathblane

Case for the appellant

10.2 The socio-economic benefits of the proposal are substantial and capable of being significant material considerations. The council accepts that there would be economic benefits, which it states would for the greater part be temporary and achievable from construction of a similar development that accords with the LDP's spatial strategy. The implication is that the benefits are not sufficient to outweigh potential conflict with the LDP. However, the economic benefits will not arise otherwise in Strathblane because the remaining housing site allocated in the plan is ineffective.

10.3 The twenty-three affordable housing units proposed and the gift of land for the cemetery site to Stirling Council along with the carrying-out of initial preparatory works (archaeological and hydrological) are further socio-economic benefits. They weigh positively in the balance when considering the proposed development.

Case for Stirling Council

10.4 There would be some economic benefits to the proposal. Some of the benefits – those arising from the construction work – are temporary. As regards other benefits, similar benefits might arise from construction of housing elsewhere, in a location that accorded with the LDP's Spatial Strategy. The economic benefits carry limited weight and are insufficient to set aside the provisions of the development plan.

Reporter's reasoning

10.5 I acknowledge that the proposed development would represent a benefit in terms of provision of affordable housing in Strathblane. It represents considerably more affordable housing than development of the remaining allocated site in Strathblane (H153) would provide, particularly if the latter only produces eleven houses. While the community council

has expressed concern about the mix of sizes of affordable housing, I consider that this can be controlled by condition.

10.6 I have dealt with the appellant's proposal to provide the cemetery above. If the provision of a new cemetery came to pass, it would represent a benefit, but given the uncertainty in respect of it, it does not have determinative weight.

10.7 As regards other socio-economic benefits, I agree with the council that they would be at least equally likely to arise from a development that was in accord with the development plan's spatial strategy. In some respects, such as retail spend, the proposed development would be likely to result in more leakage from the Stirling-council area than would occur in respect of a development within the development plan's Core Area given its proximity to retail centres over the council's boundary and likely reliance on those centres for convenience as well as comparison shopping. Subject to those comments, the socio-economic benefits do weigh in favour of grant of permission. Although the construction spend is a temporary economic benefit, it would undoubtedly be a useful economic boost in the context of economic recovery from the recent recession.

CHAPTER 11: BIODIVERSITY

Key references:

- [Phase 1 environmental-risk assessment](#)
- [Phase 1 habitat and protected-species survey](#)
- [Tree survey](#)
- [Strathblane Community Council objection](#)

Case for the appellant

11.1 The habitat and protected-species survey, tree survey and environmental-risk assessment demonstrate that the proposal would not have any adverse impact on ecology that outweighs its benefits.

Case for Strathblane Community Council

11.2 The community council has questioned whether the survey properly deals with the proposed development's effects on the nearby Ballagan Glen and the Dumbrock Loch Meadows Sites of Special Scientific Interest, and the Endrick Water Special Area of Conservation (SAC).

11.3 The community council also suggested that the proposed development would cause a reduction in lapwing habitat.

Reporter's reasoning

Designated sites

11.4 I understand the interests for which Ballagan Glen to be designated are its geology and its ash woodland. The interest for which Dumbrock Loch Meadows is designated is its unimproved lowland grassland. The Endrick Water Special Area of Conservation (SAC) is designated for lamprey and salmon.

11.5 The community council suggests no mechanism by which the protected interests of either the Ballagan Glen or Dumbrock Loch Meadows would be affected (other than that Ballagan Glen is quite near the proposed development). In the absence of this, I do not consider that there is any evidence to indicate that they would be affected.

11.6 Although the Blane Water is a tributary to the Endrick Water, the SAC is more than 8 kilometres downstream. Nonetheless, the habitat and protected species assessment indicates that, without mitigation in place, there is the potential that the proposed development would have an effect upon the SAC. Given the distance of the SAC from the proposed development, I have no reason to disagree with the assessment in the survey that it is unlikely any such effect on the SAC would be significant.

Lapwing

11.7 I find it unlikely that the improved grassland used for agricultural grazing comprising the part of the site that is proposed to be developed is ideal habitat for lapwing. The walkover survey of the site, carried out in July, did not identify lapwing present, though it does not expressly discount the possibility that the site might be used by lapwing. I have no reason to disbelieve the community council that lapwings have been seen there. On my

site inspection I did observe, though, that there is other, probably more suitable, lapwing habitat in the area. I find that the proposed development might involve a very small attrition to possible lapwing habitat. Nonetheless, I do not consider that this should represent a constraint on the proposed development, subject to the recommendation of the habitats and protected-species survey that development should be carried out outwith the bird breeding season, or with a qualified ecologist present to check for nesting birds in advance of construction.

Other species

11.8 While effects on other species, such as bats, have been raised by objectors, the effects on these species were addressed in the Habitats and Protected Species Survey. In the case of bats, the survey found that while the Blane Water might provide habitat, the part of the site to be developed was of low value. No other likely adverse effects of any significance on protected species were identified. No evidence has been provided that is sufficient to demonstrate the survey's conclusions were incorrect.

Improvements to biodiversity incorporated in the proposed development

11.9 The appellant's proposals include a number of measures that would protect and improve biodiversity, including the enhancement of the hawthorn hedgerow through the middle of the site, the provision of artificial structures including log piles and animal boxes, the use of appropriate lighting during construction, the proposed landscape planting, and the protection of existing habitats along the Blane Water. At present, the part of the appeal site proposed for development is grazed pastureland of limited biodiversity. As is perhaps understandable in an application in principle, there is limited specification of the improvements in the reports provided by the appellant, and therefore the degree of benefit is difficult to estimate, though the positive effects would be likely to be relatively minor.

11.10 I consider that these measures can be secured by a condition of any planning permission granted.

Conclusion

11.11 I do not consider that the proposed development's effect on biodiversity represents a constraint. I consider that the appellant's proposed measures to improve biodiversity weigh in favour of the proposed development.

CHAPTER 12: OTHER MATTERS

Groundwater

12.1 SEPA has indicated that the appellant would have to confirm whether de-watering was required for any excavations to carry out the residential development. A licence under the Water Environment (Controlled Activities) (Scotland) Regulations would be required for such abstraction.

12.2 While ideally information would be provided at an early stage on groundwater level, the need for dewatering during the proposed development's construction, and on the likelihood that any required controlled-activities license for dewatering would be granted, I do not consider that the absence of such information prevents the determination of an appeal in respect of planning permission in principle. If Ministers decide to grant permission, the necessary groundwater assessment can be carried out before approval of matters specified in conditions of the permission.

12.3 I acknowledge that the possibility that a controlled-activities licence would be required represents a potential constraint on development of the appeal site which might cause it to be ineffective should the licence be refused. There is no suggestion in SEPA's letter that such a licence would be refused though. Therefore I do not consider it requires to be treated as a constraint for the purpose of assessing the site's effectiveness.

Sewerage

12.4 The community council suggested that sewerage capacity at Strathblane is limited, that this could impact on existing residents and that the proposed development would take up capacity that would otherwise be used by planned developments. Scottish Water, which is responsible for providing a sewerage connection to the proposed development indicated that there is sufficient capacity at the Strathblane Waste Water Treatment Works for the proposed development. I consider it is best placed to know the capacity of its system. I do not understand there to be a basis in current planning policy or law for Ministers to reserve sewer capacity for a development allocated in the development plan. I do not consider any constraint arises for the proposed development in respect of sewerage.

Schools

12.5 The community council and others questioned whether there was capacity at local schools to accommodate children from the proposed development. The council as education authority did not consider that any difficulty would arise in accommodating pupils from the proposed development at either Balfron High School or Strathblane Primary School. I consider it is best placed to assess future capacity at its schools. I do not consider any constraint arises for the proposed development in respect of school capacity.

Pre-application consultation

12.6 Although concerns were raised about the quality of the pre-application consultation, there was an opportunity to comment on the application itself. The council accepted the report of pre-application consultation and did not suggest that the requirement to carry out the consultation was not properly met. In those circumstances, I do not consider that the quality of the pre-application consultation would represent an obstacle preventing determination of the appeal.

Capacity of facilities

12.7 Objectors have raised questions regarding the capacity of local retailers and primary healthcare providers. I doubt that the former would be a material consideration of any significant weight against the proposed development. As regards the latter, there is no objection from any body responsible for the provision of healthcare that would suggest a shortfall in capacity. In the absence of such an objection, I consider the evidence is insufficient to reach a conclusion that there is a shortfall in capacity.

CHAPTER 13: CONDITIONS AND PLANNING OBLIGATION

Conditions

13.1 The council provided [draft conditions and heads of terms for a planning obligation](#) for the proposed development, should it be approved. The appellant [commented upon these](#) in its reply to the council. I have set out my recommended conditions in appendix 2 to this report. These broadly adopt the council's conditions, subject to the following comments.

13.2 I have dispensed with the council's first proposed condition, which simply confirmed that planning permission in principle was granted for the proposed development. It was consequently unnecessary.

13.3 For the sake of brevity, I have grouped together a number of the council's proposed conditions requiring further detailed approvals. These are incorporated in my recommended condition 1.

13.4 I have also altered my recommended condition 1 to ensure that the proposed development is restricted to the parameters shown in Development Parameter Plan rev A. I have incorporated the requirements [proposed by the appellant](#) that the mix of house types and tenures should be approved so that it best meets the needs of Strathblane. I have not included the appellant's proposal that there should be a cap of 70 on the number of houses in the proposed development. That maximum is already in the description of the development. Finally, I have included a requirement for measures to be approved to promote biodiversity as part of the proposed development. This reflects an undertaking given by the appellant on the basis of the [Habitats and Protected Species Survey](#).

13.5 I have incorporated the council's proposed condition on air quality into a broader condition requiring the approval and implementation of a construction environmental management plan. The plan would also cover mitigation in respect of the potential of nuisance from construction noise and of risk to the water environment and to breeding birds from construction.

13.6 I have included a condition as proposed by the appellant in respect of groundwater monitoring ([Appeal Statement](#) paragraph 5.1.2) as my recommended condition 8. This includes a requirement to report not only on the effect of the proposed cemetery, but also the effect of any dewatering and the proposed development's potential effect on private water supplies.

13.7 Finally, I have included a condition requiring pre-construction surveys, as recommended in the [Habitats and Protected Species Survey](#) as condition 9.

13.8 Strathblane Community Council argued that there should be a condition requiring community consultation on application for matters specified in condition. Since there is a statutory opportunity for the public to comment on applications in respect of such matters, I did not consider it was necessary to include a condition for this. I have addressed above other matters raised by the community council in respect of conditions.

Planning obligation

13.9 There is no disagreement that a planning obligation is required to ensure the provision of affordable housing on the appeal site. Such an agreement should be entered into and registered in respect of the appeal site before permission is granted. It should

provide for 33 percent of the proposed development to be affordable housing if Scottish Government funding is available, or – if it is not – for 12 percent of the housing on site to be affordable. In the latter case, the affordable housing would be funded jointly by the developer (a 60-percent share) and the council or a local housing association (a 40-percent share).

13.10 The council's proposed requirements for the grant of permission make no reference to the provision of the cemetery. I consider that the provision of the cemetery would best be dealt with in the planning obligation. This should provide that the land for the cemetery should be transferred to the council, if the ground conditions prove suitable. If the council does not wish to accept the cemetery, then the obligation should provide for alternative means for the cemetery to be delivered.

CHAPTER 14: CONCLUSIONS AND RECOMMENDATIONS

The development plan

Assessment against LDP policies

14.1 The proposed development is acknowledged to be contrary to policy 2.10 (housing in the countryside). I have also found it would be contrary to primary policy 1 (placemaking), policy 1.5 (green belts), policy 3.1 (addressing travel demands of new development), primary policy 4 (greenhouse gas reduction), primary policy 7 (historic environment) and primary policy 9 (managing landscape change).

14.2 The criteria for development on unallocated sites are set out in primary policy 2 (supporting the vision and spatial strategy) and policy 2.1 (the five-year effective-housing-land supply).

Primary policy 2 (supporting the vision and spatial strategy) and policy 2.1 (five-year effective-housing-land supply)

14.3 Primary policy 2 generally supports housing proposals on allocated sites, though there is also provision in respect of development on unallocated sites. When I assessed the five-year target by the average method (and so ignoring the shortfall in house completions in years prior to the 2020 baseline) I found a small shortfall in the five-year effective-housing-land supply. Consequently policy 2.1, which requires the maintenance of such a supply, is triggered. This would clearly be the case also if the other methods, which would take account of the pre-2020 shortfall, were applied to assessing the target.

14.4 With the average method, there was only a shortfall when the deductions that I made from the audited housing-land supply were taken into account. If the figure from the 2020 housing-land audit was used, then there would be a small surplus. But in this case, the surplus would depend upon development on unallocated sites as yet unidentified in the audit (specifically, on the audit's assumption that there would be 35 completions on such sites each year). For this reason too, the proposed development should be considered further in terms of primary policy 2 and policy 2.1.

14.5 As regards primary policy 2, the proposed development is not in the LDP's Core Area. Therefore it is not in a preferred location for development on unallocated sites. It falls to be considered in terms of the identified constraints listed for the Rural Villages Area: the landscape, accessibility, infrastructure and biodiversity. I deal with these constraints in considering the proposed development's compliance with the spatial strategy.

14.6 As regards policy 2.1, it is not disputed that the proposed development meets criteria (c) to (e), and so the only criteria at issue are (a) - that it should be consistent with the LDP vision and spatial strategy, and (b) - that it should meet the provisions of the LDP overarching policy, its sustainability criteria and all other relevant LDP policies.

Spatial strategy

14.7 To be consistent with the spatial strategy, the proposed development should be a "small-scale expansion" of Strathblane. While my interpretation of the LDP indicated to me that the proposed development was not a "small-scale expansion" of Strathblane, in order to determine whether its scale prejudiced the spatial strategy, I found I should consider the

proposed development's effects in respect of the development constraints in the Rural Villages Area identified in primary policy 2.

14.8 The proposed development would not have an adverse effect in respect of biodiversity. I have found, though, that its accessibility would be inadequate and it would contribute to an unsustainable growth in car-based commuting. The transport infrastructure is inadequate to address this. In respect of landscape, the proposed development would have adverse effects on the character and setting of Strathblane due to its scale and location. It would also have local adverse effects on the Rolling Valley Farmland landscape in which Strathblane is set and on visual amenity.

14.9 I acknowledge that the spatial strategy for tier-4 settlements has aims for its sustainable-expansion policy that may not be quite fully achieved for Strathblane. This is because housing allocation H153 in Strathblane is not likely to produce the twenty houses assumed in the plan, but only eleven. The aims include helping to sustain local services and facilities through increased diversity in the population and contributing to housing need and demand in the area. The additional accommodation, including affordable accommodation, that would be provided and its contribution to meeting these aims is undoubtedly a consideration that weighs in favour of granting permission.

14.10 I also agree with the appellant that the lack of LDP housing allocations in Strathblane and other Rural Villages after 2027 weighs to a degree in favour of the proposed development. However, the adopted LDP's view that the Rural Villages Area would play a greater role in the provision of housing infrastructure after 2027 was dependent on infrastructure constraints being overcome. Given the existing infrastructure constraint in terms of accessibility and public transport, this consideration has limited weight.

14.11 I do not find these considerations outweigh the constraints on the proposed development, particularly in terms of its likely effect on car-based commuting. While the aims of the sustainable-expansion policy that I have set out might not be wholly met for Strathblane, there are effective sites in nearby settlements within the same housing-market area. The allocation of housing sites after 2027 can be addressed in the formulation of the next local development plan, which can consider the degree of constraints across the Rural Villages Area.

14.12 I therefore find that the proposed development would not be sustainable expansion, and so not the type of expansion of Strathblane that the spatial strategy envisages. It would not be consistent with the strategy. Permitting a development of a scale and type that did not meet the requirements of the sustainable-expansion policy would, as an undesirable precedent, be likely to prejudice the strategy.

Vision

14.13 The questions that arise as regards consistency with the LDP's vision are similar to those that arise for the spatial strategy. The vision, of course, sought a future with "a range and choice of well-located homes: a range of housing ... available in sustainable locations". The shortfall in the five-year effective-housing-land supply is likely to place a restriction on the range and choice of homes in the Stirling area. Furthermore, within Strathblane itself, the allocated sites are not likely to produce as much housing as was envisaged over the plan period. That may place some restriction on the village's development, including the provision of affordable housing. This weighs in favour of the proposed development.

14.14 However, a thriving community requires development that is sustainably located and protects and enhances historic landmarks and the landscape. The vision supports modal shift to more sustainable forms of transport. I do not regard the proposed development as either well-located or sustainable, given its likely effect on car-based commuting, its impact on the landscape and its effect on the historic environment. I do not consider that the proposed development is wholly consistent with the LDP's vision.

14.15 Nonetheless, there is a tension within the vision between permitting development to address a shortfall in the effective-housing-land supply and the environment factors that weigh against it. In my view, this needs to be taken into account in reaching an overall view on the balance in policy 2.1 between the policy's aim and its criteria.

Sustainability criteria

14.16 Of the LDP's sustainability criteria, I consider that the proposed development is contrary in particular to:

- criterion 1, since it would be likely to have an adverse effect on the settlement character of Strathblane, and
- criterion 3, since it would not reduce the need to travel or reliance on the private car.

Given that I consider the proposed development would contribute to unsustainable growth in car-based commuting, I find that it is also broadly contrary to criterion 2 (it would not contribute to reduction in greenhouse-gas emissions) and criterion 10 (it would not, in its location, make efficient use of existing transport infrastructure). It would not be consistent with criterion 6 since it would not protect the historic environment. I acknowledge that the proposed development would create net economic benefit for the area in accordance with criterion 11. There is also some limited support from criterion 8, given the proposed enhancements in footpath linkages. The proposed development would be consistent with criterion 5 (flooding) and its housing element at least is likely to be capable of meeting criterion 7 (effects on water, air and soil quality), though there is a lack of evidence in respect of the cemetery element's effect on groundwater. Criteria 4 and 9 are of limited relevance. Overall, though, I do not consider that the economic benefit and other minor benefits are capable of overcoming the adverse effects in terms of likely growth in private-car use and on landscape and the historic environment. I find that the proposed development does not accord overall with the sustainability criteria.

Overarching policy

14.17 Given that there is a shortfall in the five-year effective-housing-land supply, a housing development will almost inevitably meet the community's needs in some form.

14.18 To be consistent with the LDP's overarching policy, the proposed development must be compatible with the vision and spatial strategy and conform with the sustainable-development criteria. The proposed development does not meet this requirement. It would be unlikely to reinforce the local sense of place, given its adverse effects on Strathblane's character and setting and on the historic environment, or to integrate well with neighbouring parts of Strathblane physically or visually. It would not conserve or enhance the historic or natural environment.

14.19 In the overarching policy, "development that contributes to sustainable development" is defined as development that meets the sustainable-development criteria. Since the

proposed development does not meet the sustainable-development criteria, I find that it is not – in terms of the LDP – development that contributes to sustainable development. It does not enjoy the LDP’s policy presumption in favour of such development²⁴.

14.20 I find that the proposed development does not wholly meet the criteria of the overarching policy. In that respect, it would be contrary to the policy. However, I acknowledge the tension within the policy, given the community need to address a shortfall in the required five-year effective-housing-land supply. I consider that there is a balance to be struck, and I consider this further in addressing the application of policy 2.1, which deals more directly with maintenance of the five-year effective-housing-land supply.

Other plan policies

14.21 Policy 2.1 requires compliance with other relevant LDP policies. I consider that, if I had found a shortfall in the five-year effective-housing-land supply, policy 2.10 (housing in the countryside) is likely to have had to be set aside by the effect of policy 2.1. For that reason, I doubt that policy 2.10 has much relevance for the purpose of policy 2.1. I consider that the proposed development’s effect on the historic environment, although contrary to policy 7, is a relatively minor issue, particularly since (as I have found) the proposed development would not have an adverse effect on the integrity of the setting of the Broadgate Mound and would not be contrary to policy 7.1. In the absence of other factors, it would not, in my view, be a reason to refuse the appeal.

Conclusion on compliance with policy 2.1

14.22 Overall, therefore, I do not consider that the proposed development meets criteria (a) or (b) in policy 2.1.

14.23 There is a tension within policy 2.1, which requires both that a five-year effective-housing-land supply is maintained and that proposals on unallocated sites meet the policy criteria. Similar tensions appear, as I have noted, in the LDP’s vision and the overarching policy. This is important to the overall balancing of development-plan policies to determine whether a proposed development on an unallocated site has the support of the plan. There may be occasions in which permitting development on an unallocated site to address a shortfall would be consistent with policy 2.1, even if not all policy 2.1’s criteria are met or fully met. In my view, the degree of any shortfall needs to be balanced against the degree to which the criteria are infringed.

14.24 The small shortfall that I have found would not normally be sufficient for an infringement of the criteria to be set aside. In the present case, though, there is another factor: even if the figures in the 2020 housing-land audit are correct and there is a small surplus in the supply when judged by the average method, there is not sufficient effective land to enable completions at a rate over five years that will achieve the bare housing-supply target, let alone provide a generous supply of effective sites. Achieving the housing-supply target is an important element of the plan, and therefore must weigh against a strict application of the criteria in policy 2.1.

14.25 In such circumstances, I find it may be appropriate to permit housing development on unallocated sites if it assists in ensuring a range and choice of well-located homes can be provided. Housing development on unallocated sites could in such circumstances also be

²⁴ This does not mean it is incapable of being “development that contributes to sustainable development” in terms of SPP.

consistent with the plan's overarching policy, which favours development that meets the community's needs and contributes positively to the creation of vibrant, mixed and healthy neighbourhoods. Other parts of the plan (such as the strategy's limit on development in the Rural Villages Area to small-scale expansion) might properly be set aside to allow such development. I have, however, set out above why I consider that the proposed development would not be well-located or contribute to the creation of such neighbourhoods. The unsustainable nature of the proposed development, taken together with its other adverse effect on landscape and visual amenity, the setting of the settlement and the setting of the Broadgate Mound, is such that, overall, I cannot find that any such balancing within policy 2.1 favours it.

14.26 Notwithstanding my view that the average method should be used to determine the five-year target for the effective-housing-land supply, Ministers may consider the appellant's alternative method is the appropriate method to use. That method indicates a shortfall in the five-year effective-housing-land supply of 29 percent (or 25 percent, if my adjustments to the 2020 audit are not accepted). Plainly in these circumstances policy 2.1 will favour approval of additional housing sites. I have already found that the proposed development would not comply with the criteria in policy 2.1. I have set out my view that there can be a balancing of the degree of any infringement of the policy criteria against the degree of shortfall in the five-year effective-housing-land supply. In my view, addressing a shortfall of such a scale may well require the acceptance of adverse effects on landscape of a degree similar to those of the proposed development. As I have set out though, the proposed development would not, in my view, result in the creation of well-located housing or vibrant, mixed or healthy neighbourhoods, not only for reasons of impacts on landscape and the setting of the Broadgate Mound, but also because of its degree of car-dependency. Taken together these appear to me substantial constraints. Given degree of the proposed development's conflict with the sustainable-development criteria, its inconsistency with the plan's vision, the prejudice it would cause to the spatial strategy and that it is contrary to other plan policies, I do not consider a balancing within policy 2.1 favours it.

14.27 Although I regard the applicant's preferred method as leading to an inflated five-year target, Ministers may favour it. The application of that method would show a somewhat larger shortfall in the five-year effective-housing-land supply than the applicant's alternative method. The degree of difference would not be very great though. It also arises as a result of the method's flaw in assuming houses ought to be built at a rate faster than the plan actually requires. Consequently, I do not consider very great weight should be given to the small additional element of the shortfall as compared with the appellant's alternative method. Nonetheless, even taking the shortfall produced by the method at its full weight and not adjusting for the method's flaw, I do not consider a balance of the degree of shortfall against the degree of infringement of the policy criteria would favour the proposed development.

14.28 I find policy 2.1 does not favour the proposed development. I do not find the shortfall, or other likely benefits of the proposed development, to be capable of outweighing the inconsistency of the proposed development with the LDP's vision, spatial strategy or with primary policies 1, 4, 7 and 9 and policies 1.5 and 3.1. Given that the proposed development is not consistent with the plan's vision or spatial strategy and that it is in the Rural Villages Area and is constrained in terms of accessibility, infrastructure and landscape, I find it does not comply with primary policy 2. In my view, it does not accord with the development plan.

14.29 In chapter 3 of this report, I rejected the appellant's claim that sites H083, H072 and H077 had not been demonstrated to be effective and therefore should not be included in the audited housing-land supply. In the 2020 audit, these sites are programmed for 164 houses over five years. If the appellant is correct that these sites should be omitted from the audited supply then the adjusted figure for the five-year effective-housing-land supply would be 2,445. That would reduce the five-year effective-housing-land supply

- using the average method to 91% of what was required,
- using the appellant's alternative method to 66% of what was required, and
- using the appellant's preferred method to 64% of what was required.

In my view, it is highly unlikely that all these sites in the audited supply would fail and the supply would be reduced to this degree. This represents a very cautious view, therefore. Nonetheless, even with a shortfall at this level, I would not consider it would outweigh inconsistencies with other elements of the plan, and I would still find the proposed development would not accord with the development plan.

Other material considerations

Scottish Planning Policy

14.30 My finding that there is a shortfall in the five-year effective-housing-land supply on any method of calculating the five-year target means that the tilted balance applies to determining an application for the proposed development. The degree of tilt on the balance would depend on the degree of the shortfall indicated. Since there is a wide variance in shortfall between three methods I have examined of calculating the five-year target, it might be said that there is a wide variance in the angle of tilt each would indicate. My finding is that the average method is to be preferred, notwithstanding its flaws. However, because the average method produces a five-year target that falls short of what would be sufficient to achieve the housing-supply target (or a supply of effective land that is 16 percent more than the residue of that target, to reflect the plan's "generosity" in allocation of land), that is a material consideration that makes the angle of tilt steeper than the small degree of shortfall by itself would suggest.

14.31 In view of this, I consider on any method that the angle of tilt on the balance is relatively steep. To keep this section of my report as brief as possible, rather than using the method I prefer, I assume the angle of tilt is as set by the appellant's preferred method – a significant shortfall of about a third.

14.32 As regards the sustainability principles set out in SPP paragraph 29:

- The proposed development would provide net socio-economic benefits, including a temporary benefit from construction investment and employment, and permanent benefits including provision of affordable housing and the arrival of new residents in bringing additional spending to its shops. This would make up for (and provide more than) the likely shortfall in the production of houses on the H153 site.
- It would not contribute to the six qualities of successful places, given its likely adverse effects on the character and setting of the settlement, local amenity, and its contribution to an increase in unsustainable car-based commuting. It would not be resource-efficient or adaptable. In some ways a housing development at the proposed site connected to the railway path, in proximity to the Broadgate Mound and with open space and paths nearby, would have some distinctive and pleasant

features. However, its likely car dependency would detract from this quality as a place to live. This factor, together with the impact on Strathblane's setting would be unlikely to improve Strathblane as a distinctive and pleasant place. The proposed development consequently would not meet the placemaking criteria in SPP paragraph 38.

- It would not make efficient use of existing transport infrastructure.
- It would have little impact on delivery of infrastructure, other than the proposed cemetery. Given the uncertainty involved in delivery of the cemetery, I have not found the offer of land for the cemetery to have great weight either for or against the proposed development.
- It would not be accessible in terms of public transport.
- Though a minor increment, it would not support climate-change mitigation.
- It would not protect the historic environment or the landscape.
- It would not be at significant flood risk, if designed within the parameters proposed.
- It would have little effect in respect of the Land-Use Strategy, waste or (subject to conditions imposed on consent) on water, soil or air quality.

14.33 Certain factors weighing against the proposed development would not be conclusive, given the policy onus to provide a five-year effective-housing-land supply.

14.34 Given its location and scale, the proposed development would be unlikely to facilitate positive change in the landscape or maintain or enhance the character or setting of Strathblane. In view of SPP paragraphs 194 and 202, these landscape and visual considerations weigh against the proposed development. Nonetheless, I have found that, with the mitigation the appellant has proposed, the adverse effect on the landscape of the greenbelt would, once the mitigation is established, only be moderate adverse. I have found that, to address the degree of shortfall indicated, adverse effects on landscape of this degree may well have to be accepted in the Stirling area.

14.35 Although the proposed development would detract from the setting of the Broadgate mound, and so would not either promote the care and protection of the historic environment or enable its positive change, the impact would not be of a degree or nature as to affect the integrity of the mound's setting adversely. Consequently, SPP paragraph 145 does not require the proposed development to be refused for reasons relating to its adverse effect on the mound alone.

14.36 However, I have found that the proposed development would contribute to an unsustainable growth in car-based commuting in a pressurised area, easily accessible from Glasgow and Stirling, contrary to SPP paragraph 76. This effect would occur even though the proposed development would be adjacent to an existing settlement and is a result of its proposed location and scale. The likely car-dependence of the development, in my view, would run against the grain of SPP, since it would create a place that was not sustainable or properly connected into public-transport infrastructure and would adversely affect efforts to reduce carbon emissions.

14.37 I do not consider the adverse landscape impact of the proposed development would be acceptable to establish a car-dependent development on the edge of Strathblane. Consequently I do not consider that the proposed development complies with SPP paragraph 203 in respect of its adverse landscape effect.

14.38 Consequently, I consider that the adverse effects do significantly and demonstrably outweigh the benefits of the proposed development, notwithstanding the tilt on the balance

in favour of it. I find that the proposed development would not be sustainable overall. Consequently, I do not find support for the proposed development in SPP.

14.39 Since I do not find the proposed development to be supported by SPP where the five-year target is calculated by a method that provides the steepest tilt, I do not find it is supported by SPP if any other method of calculating that target is applied.

Conclusion

14.40 I have concluded that the proposed development does not accord with the development plan. I do not find material considerations that would indicate it should be granted permission nonetheless. Consequently, I recommend that the appeal should be dismissed and permission refused.

14.41 If Ministers are minded nonetheless to grant permission, I recommend that any permission should not be granted until a planning obligation has been entered into on the basis set out in this report's chapter 13 and that any permission be subject to the conditions set out in appendix 2 to this report.



Reporter

Appendix 1: application drawings

- [Site location plan](#)
- [Development parameter plan rev A](#)

Appendix 2: Recommended conditions

1. Site Design and Layout - Application for Approval of Matters Specified in Conditions:

Prior to commencement of development on site, a further application for approval of matters specified in the conditions shall be submitted to the Planning Authority; this further application shall include the following details:

- a. Drawings illustrating the layout of the site including existing and proposed contours, access, parking, vehicle turning and footpath provision, foul and surface-water drainage arrangements and the position of all buildings.
- b. Plans, sections and elevations of all proposed buildings and other structures clearly indicating the colour and type of facing materials to be used for all external walls and roofs and details of existing and proposed ground levels, details of under building and finished floor levels.
- c. A scheme of landscaping for the whole site indicating existing trees and other planting to be retained and proposals for new boundary walls, fences and hedges, and new planting specifying number, size and species of all trees and shrubs.
- d. A scheme for the promotion of biodiversity, for instance by provision of artificial structures such as log piles and animal and bird boxes.
- e. Proposals for a programme of management and interpretation of the Scheduled Monument Broadgate Mound that includes the following:
 - the design, construction and erection of an interpretation board, explaining the context and nature of the mound;
 - an arrangement to manage and maintain the board;
 - a programme of tree and vegetation management within scheduled area;
 - measures to protect the scheduled monument.
- f. Details of the noise attenuation measures to be adopted at the site for the proposed dwelling houses sited adjacent to the A891 Campsie Road. These measures shall take into account the positioning of houses, a stand-off distance from the public road and a noise barrier.
- g. A scheme setting out how a mix of tenures is to be secured of the houses in the development most suitable to meeting the needs of the settlements of Strathblane and Blanefield, including evidence to demonstrate suitability.

The layout proposed under part (a) of this condition and the plans, sections and elevations of the proposed buildings under its part (b) shall show a range of house types and sizes most suitable to meet the needs of the settlements of Strathblane and Blanefield. The developer shall provide evidence of such suitability.

The layout proposed under part (a) of this condition shall adhere to the parameters shown in the Development Parameter Plan (Development Parameter Plan Rev A, DWG. No 5508_002A). In particular:

- the proposed housing development must be sited within the grey area marked “Development Area” in that plan, with no elements of the development (including domestic gardens) extending outside that area,
- there shall be no houses or gardens within 45 metres of the scheduled area of the Broadgate Mound Scheduled Monument.

The development shall not commence unless the details have been approved in writing by the Planning Authority. It shall not be implemented other than in accordance with the approved details.

Reason: In order to ensure that:

- a. the overall layout, elevations, and design including landscape design is satisfactory for the site and green-belt landscape setting.
- b. there is provision for improvement of biodiversity within the site design and arrangements for its management.
- c. the archaeological potential of the area is safeguarded and recorded.
- d. the residential amenity of the approved housing at the site is protected in particular in respect of traffic noise from the A891.
- e. the tenure of the housing element of the development and the design of the development is such that it best meets the housing needs of Strathblane and Blanefield.
- f. the views along the axis of the Broadgate Mound Scheduled Monument to and from the river to the southwest and standing stone to the northeast are protected and so that the dominance of the mound relative to built-development features in its immediate vicinity are protected, and
- g. the proposed development's effect on the local landscape and hydrogeological environment is mitigated.

2. Transport Planning (Roads Development Control): Application for approval of matters specified in conditions

Prior to commencement of development on site, a further application for approval of matters specified in the conditions shall be submitted to the Planning Authority; this further application shall include the following details:

- a. A Comprehensive Travel Plan setting out proposals for reducing dependency on the private car against approved targets and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangement to sustain commitments for the duration of the plan.
- b. Pedestrian Connection: Details of the proposed pedestrian connection from the existing/extended footway network, to the proposed cemetery from an extended footway adjacent to the A891 Campsie Road.
- c. Core Path: Details indicating the proposed connections to the John Muir Way / Strathkelvin Railway Path. Any plans to connect to the core-path network shall ensure that access is not restricted to the path during or post construction.
- d. Bus Improvement Plan developed in consultation with local public-transport operators which investigates, assesses and recommends on the options for bus penetration through the site.
- e. Roads Design: A layout showing the design of all roads within the proposed development in accordance with the requirements of the Roads Authority's Development Roads Guidelines and Specifications, and incorporating the design guidance given in Designing Streets.
- f. Vehicular Access: A full detailed engineer's design for the proposed access points onto the A891 Campsie Road, the details of which shall be informed by a vehicle speed survey carried out at the proposed location of the cemetery access. The submission shall be supported by a Stage 1 Road Safety Audit.

- g. Parking requirements and provision and cycle-parking provision for the residential aspect of the development, in accordance with the Council's Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments. Driveways shall be dimensioned 3 metres wide x 5.5 metres long (single car) or 5.5 metres wide x 5.5 metres long / 3 metres wide x 11 metres long (2 cars), or a combination of the two to accommodate three cars. Visitor parking spaces shall be provided in the form of on-street lay-bys with the spaces being evenly dispersed throughout the site to encourage optimum usage.
- h. A parking layout for the cemetery to ensure sufficient parking is made available and that no overspill parking on the public road occurs.
- i. A swept-path exercise, detailing the movements of a standard refuse vehicle (see the Council's SG19 Waste Management: Requirements for Development Sites for guidance) and fire-tender vehicle, undertaken upon conclusion of the internal-layout design.
- j. Surface Water Management: The surface water drainage system shall be designed taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in 'SUDS for Roads'. The SUDS strategy will include details of measures to be employed during the construction phase of the project.
- k. Waste Management: Proposals for waste collection provisions, which takes into account the Council's Supplementary Guidance SG19: Waste Management - Requirements for Development Sites.

The development shall not commence until these details have been approved in writing by the Planning Authority. It shall not be implemented otherwise than in accordance with the approved details.

Roads constructed as part of the development shall be offered for adoption upon satisfactory completion.

Reason: To ensure that the development design and layout and parking provision facilitates road safety and that the sustainability of transport serving the development is maximised

3. Restriction on Construction Hours:

During the course of construction, no machinery shall be operated, no activity carried out and no deliveries received at or despatched from the site out with the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays; unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the occupants of nearby housing from excessive noise/disturbance associated with the implementation of this permission.

4. Lighting:

The lighting associated with the development shall be designed and installed such that it will not cause light intrusion at surrounding residential properties and to limit light pollution to the natural environment and any effects on breeding birds or protected species, either during construction or occupation of the completed development.

Reason: To limit the risk of light intrusion at existing properties neighbouring the site in the interests of residential amenity and to limit light pollution to protect breeding birds and protected species.

5. Contaminated land.

The presence of any previously unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At that stage, a comprehensive contaminated-land investigation shall be carried out if requested by the Planning Authority.

Reason: To ensure all contamination within the site is dealt with.

6. Construction environmental-management plan:

Prior to commencement of development on site, a construction environmental-management plan shall be submitted to the planning authority for approval. It shall contain at least measures to:

- protect air quality equivalent to those in appendix D to the report by ITP Energised on air quality dated May 2017 and submitted by the appellant in support of the application or measures of at least equivalent effectiveness.
- set out measures to prevent noise nuisance during construction.
- protect the quality of the Blane Water and downstream habitats.
- require that all construction works are completed outside the bird breeding season (1 April to 31 August) unless it is necessary that certain works should take place within the bird breeding season. In this latter case, a suitably qualified ecologist, whose appointment is approved by the planning authority, shall be employed to search the site for evidence of nesting birds immediately prior to the works and to re-check if works are delayed for longer than 48 hours. If a nest is recorded, a suitable working buffer as recommended by the ecologist will be put in place until the young have been fledged.

The development shall not be commenced until the council has given its written approval of the plan. It shall not be implemented other than in accordance with the approved plan.

Reason: To ensure the protection of the environment and amenity during construction including ensuring to minimise impact on air quality in the interests of public health, to minimise any disturbance from construction noise, to protect breeding birds and to protect the quality of the Blane Water and the Endrick Water Special Area of Conservation.

7. Flood Risk and Drainage - Application for Approval of Matters Specified in Conditions:

Prior to commencement of development on site, a further application for approval of matters specified in the conditions shall be submitted to the Planning Authority. This further application shall show a layout and levels drawings which meet the following parameters and requirements:

- a. There shall be no built development and enabling earthworks within the 1:200 functional flood plain of the Blane Water.
- b. Safe and flood-free access can be achieved from all of the proposed properties within the site to a secure area of ground above the 1:200 flood design.

- c. Proposals for the development of the site that take into account the existing ground water levels at the site and an assessment of groundwater risk and appropriate mitigation measures are factored into the site design.
- d. Proposals for the retention and discharge of waste and surface water.

The development shall not be commenced unless the layout and levels drawings have been approved in writing by the Planning Authority. The development shall not proceed otherwise than in accordance with the approved layout and levels drawings.

Reason: In the interest of public safety and to ensure that adequate and timeous drainage arrangements are made for the development of the site

8. Water environment – Application for Approval of Matters Specified in Conditions:

Prior to commencement of development on site, a report must be submitted to the Planning Authority on a groundwater-monitoring exercise undertaken in accordance with the SEPA Guidance Note on Assessing the Impacts of Cemeteries on Groundwater (LUPS-GU32, v4 or any more recent version of that guidance). Without prejudice to the generality of this condition, the report shall in particular assess whether there would be any adverse effect on the Blane Water or on any private water supply as a consequence of the proposed development and identify any requirement for dewatering to enable the housing development to proceed. The report shall describe the method of monitoring, set out its results and any recommended mitigation. No development shall commence until the Planning Authority gives its approval in writing that the report is sufficient to provide this information. No development of the cemetery shall commence unless the council separately gives its approval in writing having considered the recommendations of the approved report. The development shall not be implemented otherwise than in accordance with any mitigation recommended in the report as approved.

Reason: To ensure that the development is implemented in a manner that ensures the protection of the water environment.

9. Habitat and species surveys

Prior to commencement of development on site, a survey shall be carried out of habitats and species within the site and a report provided to the council. In addition, a badger survey shall be carried out within the site and adjacent to the southern boundary of the site. The report shall include any measures required to address effects on protected species identified in the survey. No development shall commence unless the Planning Authority gives the report its approval in writing. The development shall not be implemented otherwise than in accordance with any mitigation recommended in the report as approved.

Reason: to minimise the effect of the proposed development on habitats of conservation value and on protected species.