

<b>Issue 8a</b>	<b>Housing in the Countryside</b>	
<b>Development plan reference:</b>	RD3 - Housing in the Countryside, page 32	<b>Reporter:</b> David Buylla
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Cleish &amp; Blairadam Community Council (00048)                  Hubbard &amp; Mitchell Ltd (00224)                  Alison Ramsay &amp; Susan Fraser (00390)                  The Braes of the Carse Conservation Group (00391)                  James &amp; Christina Ritchie (00634)                  Inchtute Community Council (00701)                  Douglas Davidson (00743)                  Councillor Michael Barnacle (02633)                  Friends of Rural Kinross-shire (05105)                  Scottish Natural Heritage (05211)                  Kinross-shire Civic Trust (06950)</p>	<p>Molly Miller (07693)                  Matthew Pease Architect (09125)                  Scone Palace &amp; Estate (09163)                  Ristol Ltd (09166)                  Snaigow Estate (09289/11)                  CKD Galbraith (09289/12)                  Glen Quaich Estate (09289/15)                  Jamie Sinclair (09289/21)                  Innerwick Estate (09289/22)                  Andrew Davidson (09389)                  Will Fraser (09594)                  Catriona Culley (10074)</p>	
<b>Provision of the development plan to which the issue relates:</b>	Sets out the policy framework for assessing planning applications for houses in the countryside.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy Amendments</u>                  Scottish Natural Heritage (05211/2/002): Recommend inclusion of additional policy wording after f): '<i>Restoration of houses rather than replacement will be strongly preferred where the building is of traditional form and construction</i>'. This is also consistent with the supplementary guidance (section 4a) (Core_Doc_064). Through previous policy reviews SNH have expressed a need to strengthen the emphasis on restoration rather than replacement of traditional houses in rural areas. Assessment of the policy through the SEA process also strongly supports this. Although this concept is detailed in the Supplementary Guidance without a clear statement in the main policy it could be overlooked. The Council should therefore reconsider the focus of Policy RD3 based on the findings of the SEA Environmental Report Addendum no.2 Appendices on page 9 (S4_Doc_604).</p> <p>Hubbard &amp; Mitchell Ltd (00224/1/001 &amp; 00224/3/001); CKD Galbraith (09289/12/002): The definition of '<i>brownfield land</i>' in the LDP glossary (S4_Doc_507) does not accord with the definition of '<i>rural brownfield land</i>' in the current adopted Housing in the Countryside Policy 2009 (supplementary guidance to the LDP) (Core_Doc_064). The latter excludes land occupied by redundant and unused buildings but the LDP glossary definition includes land with buildings. The definition within category 6 of the Housing in the Countryside Guide Supplementary Guidance is inconsistent with the widely held definition of brownfield land. Category 6 of the Supplementary Guidance also requires evidence of removal of dereliction or significant environmental improvement. Having to remove any buildings prior to making an application will adversely impact on an applicant's ability to demonstrate meeting these requirements.</p>		

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001): The inconsistency in definition constitutes a departure from national policy contrary to Circular 1/09 section 97 (S4\_Doc\_268). It is inappropriate and misleading to seek to fundamentally change a core definition to a policy or policy category in the LDP via supplementary guidance (reference is made to SPP (Core\_Doc\_048), The Planning (etc) (Scotland) Act 2006 section 22 (S4\_Doc\_266) and the Town & Country Planning (Development Planning) (Scotland) Regulations 2008 (S4\_Doc\_267). The Council suggests that brownfield sites containing buildings could be eligible under category 5 of the Supplementary Guidance (Core\_Doc\_064) but by their very nature many brownfield sites would fail to fulfil the criteria of this category. CKD Galbraith (09289/12/002): The exclusion of land with buildings from the Supplementary Guidance definition may not offer scope for conversion on such sites.

Andrew Davidson (09389/1/003): There is insufficient scope in the policy to enable existing and proposed rural businesses to gain cross subsidy capital for business development through new build residential development. This does not meet the terms of SPP paragraphs 94 and 95 (S4\_Doc\_123)

Friends of Rural Kinross-shire (05105/1/005); Inchtute Community Council (00701/1/005): More should be done to retain agricultural buildings or use them for other employment uses rather than lose them to residential development.

Inchtute Community Council (00701/1/005): Such buildings should be genuinely redundant rather than made such by developers.

Friends of Rural Kinross-shire (05105/1/005): Further steading developments should be refused until it can be demonstrated that there are no local businesses that could use them.

Douglas Davidson (00743/4/001): The policy is not specific on the impact of residential development on road infrastructure and the effect on existing village occupiers.

Kinross-shire Civic Trust (06950/1/002): The policy may not be sufficiently robust to control housing development in Kinross-shire. If LDP policy is to constrain housing within defined limits and there are sufficient housing numbers to comply with TAYplan (Core\_Doc\_099) there should be no need for additional housing as defined by Policy RD3 which developers will use to build more houses whether needed or not.

#### Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002): Should settlement boundaries not be re-instated for: Airtully (Snaigow Estate (09289/11/001)); Collace (Jamie Sinclair (09289/21/002)); Amulree (Glen Quaich Estate (09289/15/001)) additional LDP policy provision is required which considers and gives material weight to the social and economic implications of development proposals in terms of community maintenance and enhancement. Policy RD3 is slanted towards the prevention of inappropriate development in open countryside and accordingly may not provide sufficient strength of support for sustainable windfall proposals within and around village settings. Policy 54 section (e) of the Highland Area Local Plan (S4\_Doc\_269) is a good example of how policy can promote reasonable proposals within recognisable village/building groups whilst discouraging inappropriate proposals in the wider open countryside.

Innerwick Estate (09289/22/001): Welcome Policy RD3 but there should be a further distinct policy in the LDP to deal with the sparsely populated areas of Western Highland Perthshire previously identified by the local plan as requiring support to combat depopulation and degradation of such remote rural communities. Policy 54 section (e) of the Highland Area Local Plan 2000 (S4\_Doc\_269) which promotes housing in scattered but recognisable building groups or places within Western Highland Perthshire should be carried over to the LDP with reference to Glen Lyon and specifically mentioning Camusvrachan as a settlement requiring support.

#### Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001): Policy RD3 and Supplementary Guidance should apply within the Green Belt.

Molly Miller (07693/11/001): Greenbelt Policy NE5 (S4\_Doc\_404) will provide sufficient control over acceptable development within the greenbelt and provide clear direction as to future growth and protection of the landscape setting. If a proposal accords with Policy RD3 there is no justification for preventing it because it is within the greenbelt. Not applying Policy RD3 in the greenbelt is not in accordance with SPP (Core\_Doc\_048) which seeks to promote rural housing in all areas.

Ristol Ltd (09166/13/001): The first two categories of the policy and Supplementary Guidance provide a tight policy framework to control the siting of new development whether the site is in the greenbelt or not should have limited, if any, bearing as the policy thrust is to only permit acceptable development within the countryside. This reflects SPP (Core\_Doc\_048). Greenbelt as a policy constraint for developing within building groups would support rural enterprise and access to the countryside.

Scone Palace & Estate (09163/4/006 & 09163/4/016): The statement that Policy RD3 does not apply within the greenbelt should be removed or amended to state '*This policy does not apply in the greenbelt except where it fits with the Scone Palace and Estate Masterplan, Supplementary Planning Guidance*'. The objectives of Policy RD3 are just as applicable in the greenbelt as elsewhere and excluding the greenbelt will remove opportunities to achieve environmental benefits and support rural development and economic opportunities in this area. The impact of Policy RD3 on the Green Belt would be minimal and its embargo makes an already restrictive policy even more inflexible. The Supplementary Guidance (Core\_Doc\_064) already controls building groups (category 1) and infill sites (category 2) so there is no need to exclude these from the Green Belt. Category 3 provides limited opportunities which should not create any issues for the Green Belt. Category 4 can help make the countryside more attractive and makes better use of existing resources. It is illogical not to allow this in the Green Belt area. Regarding category 5, some conversion is allowed under the proposed Green Belt policy but not the replacement of redundant non-domestic buildings which does not make sense in light of the objectives of the Green Belt designations to preserve the setting, views and special character of Perth. Lastly the non-application of Category 6 removes the opportunity to achieve environmental improvement in the Green Belt and improve the setting of Perth.

#### Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policy RD3 should not apply within Conservation Areas.

Kinross-shire Civic Trust (06950/1/003): The agricultural land surrounding Cleish is an important part of the setting and should be retained as such.

Cleish & Blairadam Community Council (00048/1/005): Application of the policy is contrary to the stated aims of LDP paragraph 7.6.1 and 7.6.2 (S4\_Doc\_419) and the Cleish Conservation Area Design Appraisal (S4\_Doc\_198).

#### Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): Recommend Policy RD3 and Supplementary Guidance (Dec 2011 version) are amended to reflect the outcome of the Habitats Regulations Appraisal (S4\_Doc\_142) in relation to water quality and bird disturbance to comply with the Habitats Directive.

Will Fraser (09594/1/002); The Braes of the Carse Conservation Group (00391/1/003); Alison Ramsay & Susan Fraser (00390/1/001); James & Christina Ritchie (00634/1/004); Catriona Culley (10074/1/001); Councillor Michael Barnacle (02633/1/005); Matthew Pease Architect (09125/1/001): Support Policy RD3 and the associated Supplementary Guidance as written.

#### **Modifications sought by those submitting representations:**

##### Policy Amendments

Scottish Natural Heritage (05211/2/002): The following additional policy wording should be included after f): *'Restoration of houses rather than replacement will be strongly preferred where the building is of traditional form and construction'*. The Council should reconsider the focus of policy RD3 based on the findings of the SEA Environmental Report Addendum no.2 Appendices on page 9 (S4\_Doc\_604) to clearly state the concept of restoration rather than replacement of buildings in the main policy.

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001); CKD Galbraith (09289/12/002): Consistency is required between the definitions of brownfield land in the LDP glossary (S4\_Doc\_507) and the Supplementary Guidance (Core\_Doc\_064). Hubbard and Mitchell Ltd (00224/1/001) and (00224/3/001): Change wording of Category 6 of the Supplementary Guidance to bring it into line with the definition of *'brownfield land'* in SPP glossary (S4\_Doc\_125) and the LDP.

Andrew Donaldson (09389/1/003): Policy RD3 should include provisions to reflect the terms of the SPP paragraphs 94 and 95 (S4\_Doc\_123) which encourage development plans to support opportunities for small scale housing development linked to rural businesses or which would support the formation of new businesses.

Friends of Rural Kinross-shire (05105/1/005): Further steading developments should be refused until it can be demonstrated that there are no local businesses that could use them.

Inchtute Community Council (00701/1/005): No specific modification sought but is implied that Policy RD3 should be stronger on ensuring retention of farm buildings for agriculture or employment uses.

Douglas Davidson (00743/4/001): No specific modification sought but is implied that Policy RD3 should be specific on the impact of residential development on road infrastructure and the effect on existing village occupiers.

Kinross-shire Civic Trust (06950/1/002): Questions the need for additional housing under Policy RD3 but no explicit modification sought.

Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002): The LDP should contain policy provision such as that in Policy 54 (e) of the Highland Area Local Plan (S4\_Doc\_269). The definition of a building group for this particular purpose could be expanded to recognise larger building groups e.g. 10 or 20 recognised buildings. Ideally the policy should identify a proposal specific to Airtully (Snaigow Estate (09289/11/001)); Amulree (Glen Quaich Estate (09289/15/001)); and Collace (Jamie Sinclair (09289/21/002)).

Innerwick Estate (09289/22/001): The LDP should support and retain Policy 54 section (e) of the Highland Area Local Plan 2000 (S4\_Doc\_269) with particular reference to Glen Lyon. Camusvrachan should be referenced in a list of specifically mentioned settlements requiring support.

Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001); Scone Palace & Estate (09163/4/006 & 09163/4/016): Policy RD3 and Supplementary Guidance should be altered to allow their application within the Green Belt. Scone Palace and Estate (09163/4/006) and (09163/4/016): Alternatively the policy should be amended to state '*This policy does not apply in the Green Belt except where it fits with the Scone Palace and Estate Masterplan, Supplementary Planning Guidance*'.

Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policy RD3 should not apply within Conservation Areas. Cleish and Blairadam Community Council (00048/1/005): The Policy and Supplementary Guidance should be amended to exclude land within Cleish Conservation Area.

Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): Policy RD3 and Supplementary Guidance (Dec 2011 version) (Core\_Doc\_064) should be amended to reflect the findings of the Habitats Regulations Appraisal (S4\_Doc\_142) in relation to water quality and bird disturbance. The following suggested additional text should be added after the sentence '*This policy does not apply in the Green Belt...or replacement buildings.*' at the end of Policy RD3 on page 32:

*'Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River TAY SACs'*.

**Summary of responses (including reasons) by planning authority:**Policy Amendments

Scottish Natural Heritage (05211/2/002): The detail of Policy RD3 against which planning applications will be assessed is contained within the associated Supplementary Guidance (Core\_Doc\_064). This clearly states in section 4a that restoration will be favoured over replacement where a building is of traditional form or construction. It is not considered necessary to repeat this statement in Policy RD3.

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001); CKD Galbraith (09289/12/002): Seek a change to the definition of brownfield land in the Housing in the Countryside Supplementary Guidance (Core\_Doc\_064) to bring it into line with the definition contained in the LDP glossary page 306 (S4\_Doc\_507) and SPP glossary page 55 (S4\_Doc\_125). As the changes relate to the supplementary guidance rather than LDP policy this issue was addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core\_Doc\_160). The approved response to these comments is summarised as follows: Experience of the 2005 policy demonstrated that allowing brownfield sites containing buildings to be developed led to large scale suburban type housing development which met with significant public opposition. This section was therefore revised to purposefully exclude land with buildings to discourage further applications for large scale housing. Policy RD3 and section 6 of the supplementary guidance refer specifically to rural brownfield land and so the definition differs from the LDP glossary wider definition of brownfield land within settlements. It is not considered that the differing definition of rural brownfield land constitutes a departure from national policy. The full response can be found in the report to the Enterprise and Infrastructure Committee on 7 November 2012 (Core\_Doc\_160).

No modification is proposed to the Plan.

Andrew Donaldson (09389/1/003): The respondent considers there is insufficient scope for cross-subsidy for business development through new build residential development. Such detail relates to the Supplementary Guidance (Core\_Doc\_064) rather than LDP policy. This issue was therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core\_Doc\_160). The approved response is as follows: Policy RD3 and Supplementary Guidance do not presume against such proposals providing that they are acceptable as a housing site in terms of at least one of the Housing in the Countryside Policy categories. There is support for the development of rural businesses through Policy ED3: Rural Businesses and Diversification (S4\_Doc\_395).

No modification is proposed to the Plan.

Friends of Rural Kinross-shire (05105/1/005); Inchtute Community Council (00701/1/005): The respondents consider more should be done to retain agricultural buildings for employment rather than lose them to residential development. Such detail relates to the Supplementary Guidance (Core\_Doc\_064) rather than LDP policy. This issue was therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core\_Doc\_160). The approved response to these comments is summarised as follows: Section 5 of the supplementary guidance requires an applicant to demonstrate a building has become redundant. Section 6 includes the requirement that there are no other pressing requirements for other uses such as business or tourism on the site. This requirement has also been added to section 5 as a new criterion. The full response can be found in the report to the Enterprise and Infrastructure Committee on 7 November 2012 (Core\_Doc\_160).

No modification is proposed to the Plan.

Douglas Davidson (00743/4/001): The respondent is concerned that the policy is not specific on the impact of development on existing village occupiers. Such detail relates to the Supplementary Guidance (Core\_Doc\_064) rather than LDP policy. This issue was

therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise & Infrastructure Committee on 7 November 2012 (Core\_Doc\_160). The approved response is as follows: Supplementary Guidance criterion c) for all proposals requires satisfactory access and services to be available or capable of being provided by the developer. Such impacts are also assessed through the planning application process.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (06950/1/002): The LDP only identifies larger housing sites (generally no fewer than 10 units). Smaller sites come forward as unexpected and unallocated windfall opportunities. As recognised in LDP paragraph 3.5.2 (S4\_Doc\_501) some people need or want to live outwith settlements. Furthermore SPP directs development plans to '*support more opportunities for small scale housing development in all rural areas*' in order to help improve the viability of rural communities (SPP paragraphs 94 and 95 (S4\_Doc\_123)). It is therefore considered appropriate, and in line with SPP, to allow for housing development in rural areas. Where such developments come forward through the planning application process it is necessary to have a policy such as Policy RD3 to assess these.

No modification is proposed to the Plan.

#### Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002); Innerwick Estate (09289/22/001): Of the four settlements mentioned in the representations only Camusvrachan is within the Western Highland Perthshire area designated in the Highland Area Local Plan 2000 to which Policy 54 (e) (S4\_Doc\_269) applies. Amulree is in the Highland Area but not in Western Perthshire; Airtully and Collace are within Perth Area.

The intention of the Highland Area Local Plan Policy 54(e) (S4\_Doc\_269) was to allow for some development in areas of Western Highland Perthshire which were too scattered to define a boundary. Where there was pressure for the concentration of houses in a single location, consideration of applications were to be deferred until an Advisory Plan had been approved for the area. However the Council's experience was that the Advisory Plan approach was not successful. Local communities were not happy with the number of houses which could potentially be accommodated within the Advisory Plan boundaries. They considered that housing of the scale being proposed should be identified as sites in the Local Plan rather than through an Advisory Plan.

The Council's Housing in the Countryside policy and guidance has been further developed since the Highland Area Local Plan was published in 2000 and has undergone a number of reviews (in 2005, 2009 and through the Proposed LDP in 2011). None of these reviews included the provision from Policy 54 (e) of the Highland Area Local Plan (S4\_Doc\_269) because Policy RD3 is already supportive of proposals for houses in the countryside in appropriate locations and circumstances. It is recognised that SPP seeks to maintain and improve the viability of rural communities and supports small scale housing which supports diversification and other sustainable economic growth in less populated areas (SPP paragraph 95 (S4\_Doc\_105)). However there is still a need for balance between supporting the growth and viability of rural communities, and preventing inappropriate development which would have an adverse impact on landscape quality thus detracting from the very thing which attracts people to live in such areas. There is considered to be sufficient flexibility in the policy and associated supplementary guidance

to allow for suitable development in the areas mentioned in the representations, in other settlements like these or in settlements which have a more scattered and dispersed building arrangement. It is therefore not considered necessary to include further policy provision in the LDP.

No modification is proposed to the Plan.

Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001); Scone Palace & Estate (09163/4/006 & 09163/4/016): SPP paragraph 163 (S4\_Doc\_124) defines the types of development which may be appropriate within a Green Belt. These do not include housing. LDP Policy NE5: Green Belt (S4\_Doc\_404) is a restrictive policy and sets out the specific and limited circumstances under which development within the Green Belt will be permitted in line with the provisions of the SPP. Although Policy RD3 controls the type and circumstances under which housing can be developed in the countryside, if it were to apply in the Green Belt there would be a clear conflict with Policy NE5 and SPP which do not allow for any housing in areas of Green Belt. It is not therefore considered appropriate to amend Policy RD3 to allow for its application within the Green Belt.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/006 & 09163/4/016): The Green belt boundary is considered in Schedule 4 no. 14 (Scone Palace and Estate representation number 09163/4/012). It is not considered appropriate to amend Policy RD3 to allow for its application where it fits with the proposed Scone Palace and Estate Masterplan Supplementary Planning Guidance.

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policies RD3 and HE3: Conservation Areas (S4\_Doc\_508) are complementary and together provide a strong framework for assessing development proposals in such sensitive areas, indeed there is even more protection afforded as the criteria of both policies would have to be satisfied. The area in question at Cleish is outwith a settlement boundary. It is not LDP policy to prevent development in Conservation Areas but instead to encourage appropriate development which preserves or enhances the character and appearance of the area. It is therefore considered appropriate that Policy RD3 applies in Conservation Areas which are outwith a settlement boundary.

No modification is proposed to the Plan.

Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): It is considered that amending Policy RD3 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal page 97 (S4\_Doc\_142) (including Appropriate Assessment) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites apply for proposals arising under this policy. It

would also set out what would be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy RD3 as detailed in the 'Modifications Sought' section.

#### Additional Information

In addition to the representations on Policy RD3 a number of comments were submitted on the associated Supplementary Guidance. These were considered by the Council's Enterprise and Infrastructure Committee on 7 November 2012. The committee report, which includes the approved responses to the comments made in appendix 1, can be found in the report to the Enterprise and Infrastructure Committee on 7 November (Core\_Doc\_160) for information.

#### **Reporter's conclusions:**

1. A number of representations relate to the wording that is used in the supplementary guidance entitled "Housing in the Countryside Guide" (November 2012). This document is not before this examination, which limits the relevance of representations of this nature. However, consideration has been given to whether the policy itself is sufficiently clear or whether matters, which are currently set out in the supplementary guidance, ought to be included within the policy.

#### Policy Amendments

2. Scottish Planning Policy (SPP) recognises that the historic environment contributes to sustainable development through the energy and material invested in buildings. It also recognises its importance in providing a sense of identity and continuity for communities. Against that background, it is clearly preferable that traditional houses are restored rather than replaced. This is recognised in the supplementary guidance and need not be repeated in the policy itself. However, it would be helpful if the status of supplementary guidance, which is to set out more detailed assessment criteria, which are requirements for proposals to meet rather than merely guidance to be taken into account, is fully understood by users of the Proposed Plan. A minor modification to the wording of the note to this policy would avoid any doubt as to its importance.

3. The authority is entitled to define brownfield land in rural areas on a different basis to that in other areas. There is no conflict in this approach with either legislation or government policy. The concerns that have been raised over the definition of "rural brownfield land" are recognised. However, as this is in supplementary guidance, it is not a matter for this examination. The modification that is recommended to the final paragraph of the policy, by stressing the significance of supplementary guidance, should avoid any confusion over the meaning of the reference in category (f).

4. The approach to housing in the countryside that is set out in SPP is to balance support for rural communities and business with protection of the rural environment. It does not oblige planning authorities to take a particular approach to this exercise but leaves this for local definition. There is therefore no conflict with SPP in the authority's approach to this balancing exercise.

5. Issues such as appropriate alternative uses for agricultural buildings, redundancy and impact on roads and neighbouring residents, are matters that are addressed in the supplementary guidance rather than in the Proposed Plan. They are not therefore before this examination. SPP expects authorities to set out detailed requirements such as

these in supplementary guidance so as to keep the plan a more concise and focussed document. It would therefore be contrary to SPP for the policy to be expanded so that it addressed all of the requirements with which prospective developers of housing in the countryside are expected to comply. The modification that is recommended to the final paragraph of the policy, by stressing the significance of supplementary guidance, should highlight the importance of these matters to prospective developers.

6. TAYplan expects the majority of housing development to be provided in accordance with the settlement hierarchy but does not preclude limited development in the countryside. SPP also recognises the importance of authorities taking a positive approach to new development in rural areas and confirms that the requirement for development plans to allocate a generous supply of land to meet housing requirements applies equally to rural and urban areas. There is a need therefore for a policy that is supportive of appropriate levels of rural housing, including in locations outwith established settlements.

#### Additional Policy Provision

7. Policy RD3 supports housing development in the countryside where it falls within a wide range of categories and where it complies with the requirements that are set out in supplementary guidance. This approach recognises the benefits of new rural housing to community maintenance and enhancement. There is no evidence to support the claim that it is inappropriately slanted towards the prevention of development. Earlier approaches to the issue, which supported a greater level of rural housing in a wider range of locations, were evaluated by the authority and found not to have achieved the correct balance between support for rural communities and business on the one hand and environmental protection on the other. Bearing that in mind, there is no convincing evidence that the authority's approach to this issue is unreasonable and no grounds to support the inclusion of an additional policy, which would take a more relaxed approach in particular parts of the authority's area. Reference should be made to the conclusion in Issue 20c that the Proposed Plan identifies a generous supply of land for housing, which further undermines any argument for a relaxation of controls over housing in the countryside.

#### Application of Policy RD3 within the Green Belt

8. One expectation of green belt designation, as confirmed in SPP, is to provide clarity and certainty on where development will and will not take place. Green belt designation is intended to impose a significant restriction on development. Green belts do not prevent all types of development and SPP identifies certain types and scale of development which may be appropriate in such areas. However, housing development is not identified within that list. Policy RD3 is essentially supportive of housing in the countryside and it is appropriate therefore for the proposed plan to exclude from that policy, land within the green belt in order to reflect the much stricter level of control that applies to land with that designation when compared with other countryside areas. It might be true that if green belt land were not excluded from Policy RD3, some of the development opportunities that are permissible under that policy, such as development on brownfield land, could provide improvements to the landscape. But SPP confirms that green belt designation is not intended to be used to protect natural heritage. The objectives which green belt designation seeks to achieve are more significant than that. These are discussed under Issue 14. Any economic or other benefits that could be expected to be delivered by permitting green belt sites to develop under Policy RD3 are of insufficient value to justify the undermining effect to the green belt that its application

would have.

9. This is especially apparent within Scone Palace and estate. If land within the estate were to benefit from Policy RD3 on the basis that it complied with a masterplan with which the estate wishes to promote development, there would be significant erosion of the proposed green belt. Land within the estate is fundamental to the effectiveness and integrity of the proposed green belt because it is essential to the open, undeveloped landscape setting of Perth. Any economic benefits to the estate and wider economy would not justify the harm that this requested modification would cause.

#### Application of Policy RD3 in Conservation Areas

10. In contrast, there is no need for the policy to exclude land within conservation areas. Housing development within such areas is potentially acceptable under Policy HE3A, subject to the requirements of that policy, which offer protection to the conservation area's character and appearance.

#### Assessment under Habitats Regulations Appraisal

11. In order to comply with the Habitats Directive and Regulations, it would be appropriate for Policy RD3 to be modified to reflect the outcome of the Habitats Regulations Appraisal in relation to water quality and bird disturbance.

### **Reporter's recommendations:**

#### Policy Amendments

1. Modify the final sentence of the policy to read as follows:

***"Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant supplementary guidance, in particular the Housing in the Countryside Guide."***

2. Modify the policy by adding, immediately before the Note, the following:

***"Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs"***.