

Issue 9	Policy 19 Housing in the Countryside	
Development plan reference:	Policy 19: Housing in the Countryside, page 36	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Braes of the Carse Conservation Group (0161) Kinross-shire Civic Trust (0526) The John Dewar Lamberkin Trust (0532/02) Portmoak Community Council (0541)		Royal Society for the Protection of Birds (RSPB) (0546) Councillor Michael Barnacle (0584) Scone Estate (0614)
Provision of the development plan to which the issue relates:	Policy 19: Housing in the Countryside	
Planning authority's summary of the representation(s):		
<p><u>Application of Policy 19 within the Green Belt</u></p> <p>The John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009): Object to the limitation of the application of the Housing in the Countryside policy in the Green Belt. The scope of development acceptable in the green belt should be widened.</p> <p><u>Amendments to the HRA requirements</u></p> <p>Braes of the Carse Conservation Group (0161/01/013): In order that appropriate weight is afforded to them, Policy 19 should state that development proposals should not result in adverse impacts on Local Landscape Areas.</p> <p>RSPB (0546/01/005): It is the Council's responsibility to undertake Appropriate Assessments. The Conservation (Natural Habitats, &c.) Regulations (CD026) and Scottish Planning Policy (SPP) (CD004) confirm that applicants can be required to provide information for the Assessment. A wording change is suggested to clarify this in Policy 19.</p> <p>Portmoak Community Council (0541/01/004): Policy 19 should state that development proposals should not result in adverse impacts on the integrity or the character of the protected areas listed.</p> <p><u>Comments relating to Supplementary Guidance</u></p> <p>Scone Estate (0614/01/022): For category (6) development on rural brownfield land, the definition of 'brownfield land' should reflect the widely accepted SPP definition of brownfield so as to avoid confusion (CD004, page 71).</p> <p>Scone Estate (0614/01/021): There is a significant disparity between the wording of the Housing in the Countryside policy and Supplementary Guidance (CD167), and Development Management officer interpretation. A review is required to provide additional clarity in the policy text and the Supplementary Guidance to allow Development</p>		

Management officers to give consistent advice and interpretation of the policy at pre-application stage, particularly in relation to categories (4) and (5). Often advice states that without a structural survey no opinion will be given, and a site visit will not be possible. However, it is unreasonable to expect applicants to undertake a costly investigative structural survey without some comfort that an application will be supported. Photographic evidence should be sufficient for a decision to be made either way, and the policy should be written either within the LDP or in the Supplementary Guidance to ensure that firm direction is given to allow a prospective applicant to make an informed decision on whether to continue to an application or not.

Other comments

Scone Estate (0614/01/011): The LDP should state clearly that the Housing in the Countryside policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.

Councillor Michael Barnacle (0584/01/009): Objects to the lack of recognition of the extent of windfall development in Kinross-shire which serves the Edinburgh market (approximately 300 since 2012). This suggests that the expected tightening of the current policy has not occurred.

Kinross-shire Civic Trust (0526/01/004): The current Policy has not been interpreted properly leading to developments in Kinross-shire which are inappropriate to their rural setting. The resulting architecture is very banal and uninspiring; housing in the countryside, particularly in Kinross-shire which has so many Special Landscape Areas, has to recognise and be appropriate to the landscape situation. The Argyll & Bute Council Sustainable Design Guidance (RD004) is referenced as a good example. Such developments are also contrary to Sustainable Policy defined in the Strategic Policy as they will likely encourage additional travel. A more robust policy has to be adopted in order that future housing in the countryside reflects its rural situation and creates more of a mix of housing rather than dormitory suburbs which do nothing for the community.

Modifications sought by those submitting representations:

Application of Policy 19 within the Green Belt

The John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009): The scope of development acceptable in the green belt should be widened.

Amendments to the HRA requirements

Braes of the Carse Conservation Group (0161/01/013): The last sentence of policy 19 should read: '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 **and Local Landscape Areas.**'

RSPB (0546/01/005): Add the following text after the final paragraph (which ends... 'River Tay SACs'): 'Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.'

Portmoak Community Council (0541/01/004): Reword last sentence to read: 'Development

proposals should not result in adverse effects, either individually or in combination, on the integrity **or character** 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'.

Comments relating to Supplementary Guidance

Scone Estate (0614/01/022): The definition of 'brownfield land' in category (6) should reflect the SPP definition of brownfield (CD004, page 71).

Scone Estate (0614/01/021): The Policy should be written either within the LDP or in the Supplementary Guidance to ensure that firm direction is given at pre-application stage, but no specific wording changes are proposed.

Other comments

Scone Estate (0614/01/011): The LDP should state clearly that the Housing in the Countryside policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.

Councillor Michael Barnacle (0584/01/009): No specific change sought.

Kinross-shire Civic Trust (0526/01/004): No specific change sought.

Summary of responses (including reasons) by planning authority:

Application of Policy 19 within the Green Belt

The John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009): Policy 19 controls the type and circumstances under which housing can be developed in the countryside. If its application were to be widened within the Green Belt, it would bring Policy 19 in direct conflict with Policy 41: Green Belt, which only allows for very limited housing development. The previous Examination Reporter concluded that 'Policy RD3 [of the adopted LDP] 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 within the designation when compared with other countryside areas' (CD015, page 85, paragraph 8).

It is not therefore considered appropriate to amend Policy 19 unless a change is first made to Policy 41 to allow for more housing opportunities within the Green Belt. As discussed under Issue 17: Policy 41 Green Belt, no modifications are proposed to Policy 41. It is not therefore appropriate to widen the application of the Housing in the Countryside policy in the Green Belt as this would bring Policy 19 into conflict with Policy 41.

No modification is proposed to the Plan.

Amendments to the HRA requirements

Braes of the Carse Conservation Group (0161/01/013); Portmoak Community Council (0541/01/004); RSPB (0546/01/005): The wording of the final paragraph of Policy 19 reflects the mitigation measures set out in the Habitats Regulations Appraisal (HRA) as approved by SNH (CD056). The HRA Appropriate Assessment is only concerned with

impacts on the integrity of Natura 2000 sites. The character of an area is therefore not relevant to the HRA. The Natura 2000 network consists of those sites which are protected at European level i.e. Special Areas of Conservation and Special Protection Areas. Local Landscape Areas are a local designation at Perth & Kinross Council level only and are therefore not relevant to the HRA. No further changes are considered necessary.

No modification is proposed to the Plan.

Comments relating to Supplementary Guidance

Scone Estate (0614/01/022): The definition of rural brownfield land is set out in the Housing in the Countryside Supplementary Guidance (CD167, section 6). The Guidance itself is not a matter for this Examination. The previous Examination Reporter did, however, comment briefly on this particular issue concluding that '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' (CD015, page 84, paragraph 3). The Council's reasons for defining rural brownfield land differently to the SPP definition of brownfield land can be found in the Examination Report for the adopted LDP (CD015, page 81). There is not considered a need to make any changes to the policy itself in light of these comments.

No modification is proposed to the Plan.

Scone Estate (0614/01/021): The detail for Policy 19 is set out in Supplementary Guidance which is not a matter for this Examination. It is not considered that there is a disparity between the wording of Policy 19, the associated Supplementary Guidance, and Development Management officer interpretation. In any event the detailed matters raised in the representation are more appropriately addressed in the Supplementary Guidance, or in a review of procedure. No changes are considered necessary to Policy 19 itself in light of the concerns raised in the representation.

No modification is proposed to the Plan.

Other comments

Scone Estate (0614/01/011): Policy 6: Settlement Boundaries already states that where there is no defined boundary to a settlement then the Housing in the Countryside policy applies. No further clarification is considered necessary to Policy 19.

No modification is proposed to the Plan.

Councillor Michael Barnacle (0584/01/009): In the period 2012–2017 there were a total of 315 house completions on all sites across the Kinross Housing Market Area (2017 Housing Land Audit, CD050, page 34). This includes small sites (of less than 5 houses) and developments which are within settlement boundaries and which therefore fall outwith the scope of Policy 19.

In that same period 68 of the completions were windfall sites in the Kinross landward area i.e. developments outwith settlement boundaries (Windfall house completions, CD150). A further 84 completions were on small sites within the landward area (2017 Housing Land Audit, CD050, page 32). In the period 2012-2017 48% of completions in the Kinross Housing Market Area were on windfall or small sites in the landward area. The table below

compares this with the other housing market areas in Perth & Kinross.

Housing Market Area	Landward area windfall completions 2012-17	Landward area small sites completions 2012-17	Total completions 2012-17	% of completions on landward area sites 2012-17
Highland	31	112	235	61%
Kinross	68	84	315	48%
Perth	177	140	1,260	25%
Strathearn	5	63	544	12%
Strathmore	24	44	337	20%
Greater Dundee	15	0	27	55%
Perth & Kinross	320	443	2,718	28%

Source: 2017 Housing Land Audit (CD050, pages 32 & 34) and Windfall house completions (CD150).

The percentage of completions on landward area sites (small sites and windfall) varies widely from 12% in the Strathearn Housing Market Area to 61% in the Highland Housing Market Area. It is therefore considered that the extent of completions on landward area sites does not constitute a failure of the Housing in the Countryside policy to control inappropriate development in the Kinross HMA, but rather it simply reflects of the nature of the area and the development opportunities which have come forward since 2012. Significant progress has been made on a number of the allocated sites in the Kinross HMA since the adoption of the current LDP. It is therefore expected that the proportion of completions coming from windfall developments will reduce going forward. It is not considered that any changes are required to Policy 19: Housing in the Countryside as a result of the concern raised in the representation.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (0526/01/004): The Housing in the Countryside Supplementary Guidance (CD167) gives detailed guidance against which planning applications are assessed. It is acknowledged that the 2005 version of the Guidance had some unintended and undesirable consequences. Since then, however, the Guidance has been reviewed twice and there are now many good examples of developments in the countryside which have come from the implementation of the Guidance. In addition the Council has prepared a Draft Placemaking Guide (CD041) which will be adopted as supplementary guidance to the new LDP, and following on from this a series of detailed Technical Notes will be prepared to provide specific guidance on a range of issues including housing in the countryside. Whilst steps are already in place to further increase the guidance available to applicants and development management officers, the Housing in the Countryside policy itself is considered robust and fit for purpose. No changes are therefore considered necessary to Policy 19 in response to the concerns raised in representations.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (0526/01/004): SPP acknowledges the importance of protecting against unsustainable growth in car-based commuting in those areas which are easily accessible from cities and main towns (CD004, paragraph 76). In such areas plans are to: 'guide most new development to locations within or adjacent to settlements; and set out the circumstances in which new housing outwith settlements may be appropriate...'

(CD004, paragraph 81). In line with TAYplan Policy 1 the majority of new development is directed towards the largest settlements (CD022, page 8). Outwith settlements, categories 2-6 of Policy 19 and the associated Supplementary Guidance set out in some detail the circumstances under which new housing will be permitted. The policy is therefore considered to accord with SPP paragraph 81 (CD004) and as such no changes are considered necessary.

No modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations: