

IV

PLANNING APPEAL DECISION

PLANNING APPLICATION 23/00789/FULM: LAND TO SOUTH OF LINLATHEN GROVE, ARBROATH ROAD, BROUGHTY FERRY

There was submitted Agenda Note AN7-2025 advising that Planning application 23/00789/FULM sought planning permission for a residential development of 38 dwellings with associated infrastructure and landscaping. The application was refused by the Planning Committee at its meeting on 12th August, 2024 for the following reasons:

- (i) The application site is designated as Open Countryside on the Dundee Local Development Plan 2019 Proposals Map. The proposed residential development fails to meet any of the criteria outlined by LDP Policy 31 and would result in development within the Open Countryside. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- (ii) The development fails to demonstrate that residents would be able to meet the majority of their daily needs within a reasonable distance of their home, by walking, wheeling or cycling or using sustainable transport options, contrary to the principles of local living. The application is therefore contrary to the requirements of NPF4 Policy 15a. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- (iii) The application fails to demonstrate the development would be accessible by public transport. The application is therefore contrary to the requirements of NPF4 Policy 13b and LDP Policy 54. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- (iv) The application site is not allocated for housing in the LDP and fails to meet the criteria contained within NPF4 Policy 16f. The application is therefore contrary to NPF4 Policy 16a and Policy 16f. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- (v) The development would not form part of a well-connected network, does not make moving around easy or reduce car dependency as required by the Six Qualities of a Successful Place. The application is therefore contrary to the requirements of NPF4 Policy 14b and LDP Policy 1. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.

Planning appeal reference PPA-180-2073 was submitted to DPEA on 30th September, 2024. Following review, the Reporter appointed by Scottish Ministers concluded that the proposed development failed to demonstrate the principal of housing in this location could comply with the Development Plan. This included failing to comply with LDP Policy 9 and NPF4 Policy 16f in relation to not adhering to the Councils spatial strategy and failing to improve the tenure mix in an area where existing choice was limited.

The proposal was also considered contrary to NPF4 Policy 9 as the applicant did not clearly address the biodiversity mitigation hierarchy nor would the development significantly reduce the need to travel unsustainably due to factors including the distances to local facilities, the overall quality of key active travel connections, and the lack of certainty over improved public transport accessibility.

Lastly, the proposal was considered contrary to LDP Policy 31 as the site was designated Open Countryside and the proposal failed to meet the relevant criteria.

The Report upheld the decision to REFUSE planning permission and dismissed the appeal. The full appeal decision can be accessed via:

[23/00789/FULM | Residential development with associated infrastructure and landscaping | Land To South Of Linlathen Grove Arbroath Road Broughty Ferry Dundee](#)

Claim for Award of Expenses

The appellant submitted a claim for an award of expenses during the appeal process. The applicants appeal for an award of expenses was based on matters including the Council's handling of the application and reasons for refusal not being relevant or justified.

The Reporter did not consider there to be any evidence that the Council acted unreasonably in its handling of the application, nor that the Council failed to give relevant and fully justified reasons for refusal. The committee report set out valid planning grounds for each of its reasons. The Reporter concluded an award for expenses was not justified and dismissed the claim.