



# Shepherds

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**HOUSE BUILDING PLOT AND PADDOCK  
BY WELLBANK, BY DUNDEE  
ANGUS  
DD5 3PN**



**FIXED PRICE – PLOT - £114,000  
PADDOCK - NEGOTIATION**

**Outline planning consent for one house.**

**Good sized site area of 840sq.m adjacent to public road.**

**Additional paddock/ground of approx 0.5 acre also available by negotiation.**

The site is sheltered on the west by dismantled railway line and to the east lie a pair of renovated farm cottages in private ownership. This property makes up a trio of properties. See plan attached.

Outline planning consent was obtained on appeal and copy of the Reporters decision is attached. Purchasers will be responsible for making their own full enquiries and lodging for detailed planning consent and building warrant etc.

The **paddock** to the rear extends to approx 0.5 acre and would be suitable for instance for a pony and the paddock is available by negotiation as an addition to the plot.

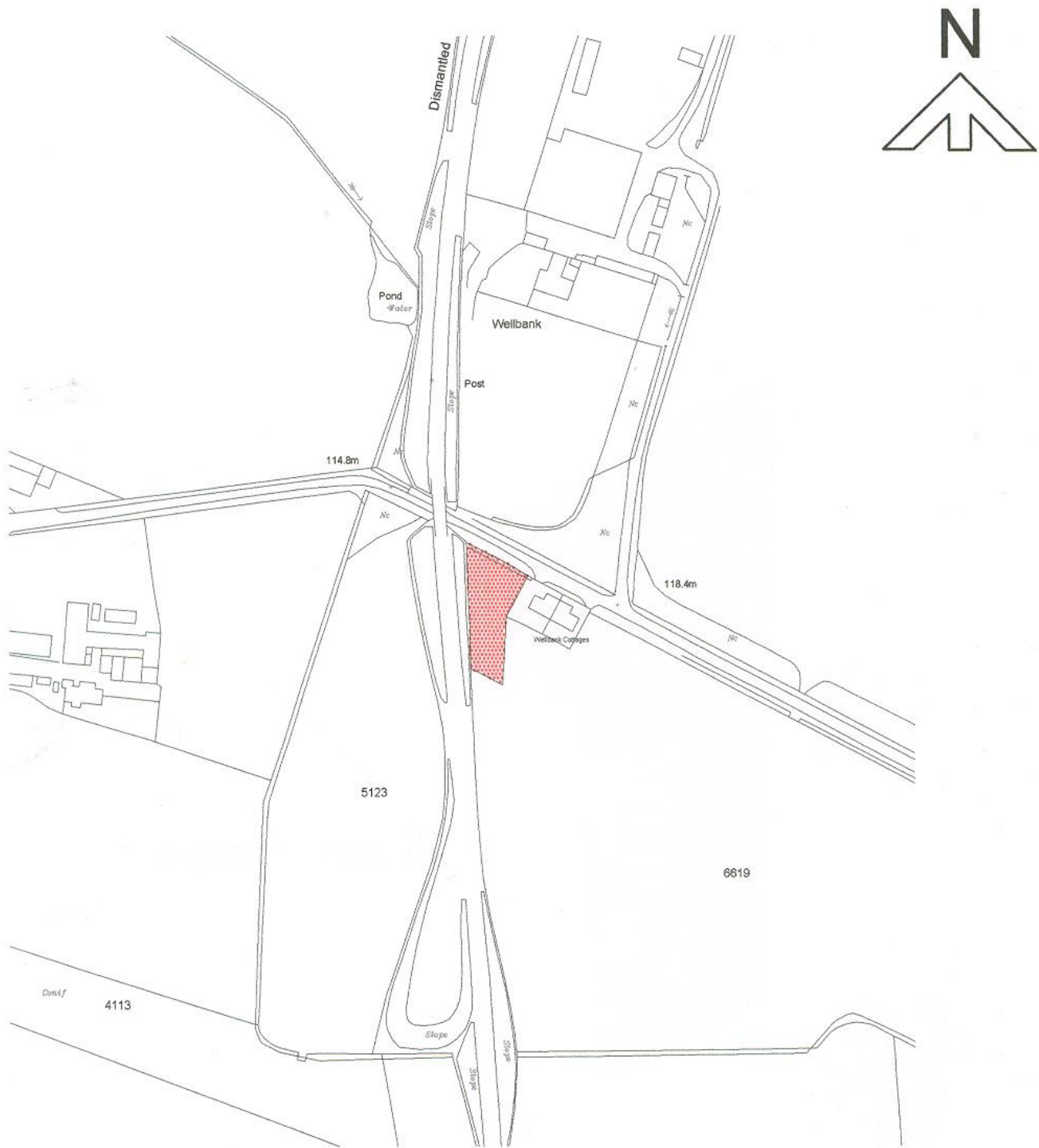
Services. Drainage will be to septic tank to be situated on site. At present there is a septic tank in the northeast corner of the site near to the boundary fence and which jointly serves the two cottages. The sale is subject to the appropriate servitudes in favour of the owners of the two cottages. Mains water connection from the mains supply in Wellbank Village (approx half a mile to the east) requires to be brought on site. The seller has detailed information on application.

Electricity supply will be by means of underground cable from the pylon in the field to the southeast and the seller has full details, available on application.

Location. Wellbank Village is situated approximately 7 miles northeast of Dundee City Centre. From Dundee to Wellbank go through the Village of Wellbank and at the north end turn left at the War Memorial and travel west for approx 800 metres. There are two semi-detached stone cottages on the left and between those and the dismantled railway line lies the site marked by a For Sale pole. The site is accessible subject to persons taking reasonable precautions and is quite level and conducive towards attractive and inviting development of a house and garden with parking. Interested parties need not make appointments to view and should not disturb **the neighbouring owners who are not associated with this property sale.**

Offers subject to usual Scottish conditions are invited in writing but offers containing conditions as to site surveys, detailed planning, finance etc will not be considered.

# LAND AT WELLBANK COTTAGES, WELLBANK, I



Location Plan Scale 1:2500

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A B Roger & Young - FAO Robert Fraser  
9 MacGregor Street  
Brechin  
Angus  
DD9 6AB

Our ref: P\PPA\120\224

28 March 2008

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING APPEAL: GARDEN GROUND AT WELLBANK COTTAGES,  
WELLBANK, ANGUS, DD5 3PN**

I enclose for your information a copy of the decision letter on this appeal.

The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within six weeks from the date of the decision conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

Yours faithfully



**EMMA BUTLER**

Enc

## Appeal Decision Notice

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Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/120/224.
- Site address: Site west of Wellbank Cottages, Wellbank, Broughty Ferry, DD5 3PN.
- Appeal by Carol Whyte Property Management against the decision by Angus Council.
- Planning application 07/00576/OUT dated 13 April 2007 refused by notice dated 25 June 2007.
- The development proposed: The erection of a dwelling house (in outline).
- Date of site visit by Reporter: 6 March 2008.

Date of appeal decision: 28 March 2008.

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### Decision

I allow the appeal and grant outline planning permission subject to the conditions listed at the end of this notice.

### Reasoning

1. The key issues are (1) whether the development would be consistent with the development plan and (2) if not whether material considerations justify a development plan departure. The most relevant development plan policies are housing policy 6 in the Dundee and Angus Structure Plan (2002), and policies H7 and ENV 6 in the Angus Local Plan (2000). The first two policies presume against new houses at this location unless it falls into an exceptionally allowable category from those listed under each policy and the third requires development to accord with the other policies of the local plan. The material considerations are (i) the balance of the policy background which has been drawn to my attention and (ii) whether some special site-feature warrants special latitude.

2. The development plan position is straightforward since the site does not precisely match the definition of an infill site under part (b) of local plan policy H7. It comes close – but falls short. This is because there is a house to the east, a public road along the frontage (to the north) and a former railway line to the west. This former railway line is a most robust site boundary – but it is discontinuous and at this point it carries no right of public passage. Therefore it does not in my view fit the definition of a "road" in section 151 of the Roads (Scotland) Act 1984. In addition this third house would represent ribbon development, self-evidently. There also remains conflict with structure plan policy H5 since there is



no existing structure, merely a greenfield site. It follows that the release of the site for a house would be at odds with the development plan as it stands.

3. The first material consideration is not particularly powerful - partly because the emerging local plan escapes mention on the refusal notice. Housing policy 5 in this document appears to offer no more scope for a new house in this rural location. It provides a layer of minor additional difficulty over and above that identified in the previous paragraph.

4. The second material consideration strongly justifies the success of the appeal. Although the adjacent former railway line is not a 'road' it is significant that it forms a major visual barrier on the west side of the site, rising 3-4m above site level. This offers almost complete containment – except of course for the shortest of all boundaries (barely 10m in length to the south west) which is open to the field. Pragmatism must override the arguably harsh findings in paragraph 2 above. Although the new house would represent ribbon development, the high degree of enclosure provided by the railway embankment means that the council's natural fears about the risk of repetition should not be realised. My brevity should not be allowed to disguise the absolutely decisive weight which I attach to the practical situation on the ground. The outcome should make consistent decision making no more difficult for the council in this locality.

5. In summary, having carefully considered each of the council's reasons for refusal, I conclude (a) that the proposal is strictly at odds with the development plan and (b) that the second material consideration strongly justifies conditional approval.



PHILIP G HUTCHINSON  
Reporter

Conditions: -

1. Before any development commences written approval shall be obtained from the planning authority for the details of the siting and external appearance of all buildings, the means of access thereto, and the landscaping of the site, including the means of enclosure, hereinafter called the "reserved matters".

2. Plans and particulars of all reserved matters shall be submitted for the consideration of the planning authority within 3 years hereof, within 6 months of the date on which an earlier application for approval of reserved matters is refused, or within 6 months from the date on which an appeal against refusal is dismissed, whichever is the latest. That is, provided that only one such application shall be made after the 3 year period referred to has expired. No work shall commence prior to written approval of all reserved matters.

3. The development shall commence within 5 years hereof or within two years from the date of approval by the planning authority of the last of the reserved matters to be approved.

REASONS (1-3): In accordance with section 59 of the Act read with Article 2(1) of the Town and Country Planning (General Development Procedure)(Scotland) Order 1992 as amended.

4. The details required in discharge of condition (1) above shall indicate on-site parking provision for at least two cars plus turning space to avoid the need for any car to enter or leave the site in reverse gear.

REASON: In the interests of road safety.

