

## **Request for Administrative Review of Angus council area and Dundee council area boundaries at Liff**

### **Background**

1. At its meeting of 13 December 2020, the Commission considered a request from an architect practice on behalf of its clients requesting an administrative area review of the boundary of Angus council area and Dundee City council area at Liff, near Dundee (LGBCS Paper 2541).
2. The request asked the Commission to consider amending the boundary at 31 Church Road, Liff, the garden of which straddles the boundary between Angus council area and Dundee City council area, with a view to ensuring that the house and full extent of the garden are contained within Angus council area.
3. The Commission agreed that there was no strong evidence provided in the request to suggest that a review of the council area boundary in this location was required in the interests of convenient and effective local government.
4. The Secretary wrote back in response to the request on 17 December 2020, advising of the Commission's decision. That letter set out that a further request could be made in future if there was additional information that might support the case for a review.
5. The Secretariat has received a reply to the letter asking the Commission to reconsider its decision (see Appendix A).

### **Discussion**

6. The architect practice has asked the Commission to reconsider its decision on the basis that it is not possible for its clients to obtain planning permission for domestic development or the use of the property for business purposes due to the property being spread over two council areas which have different and conflicting land use planning policies. The Secretariat are not aware that planning permission has been sought, and it is unclear whether the owners have this in mind.
7. The architect practice states that as the part of the garden that lies within Dundee City council area is subject to the Dundee City Local Development Plan, which designates it as "Open Countryside", it is not possible to obtain permission for "even a domestic scale of development".
8. Dundee City Council's most recent Local Development Plan (2019) does designate the area as "Open Countryside". Policy 31 of the Local Development Plan states that:

"Within the areas designated as Open Countryside on the Proposals Map there will be a presumption against all new development unless:

- 1) the proposed development consists of no more than one additional building in a group of up to seven buildings or by two additional buildings in a larger group; or
  - 2) the proposed development involves the restoration of an existing stone building of architectural merit and that has four walls surviving to wall head height; or
  - 3) the proposed development is supported by an agricultural justification; or
  - 4) the proposed development is consistent with a masterplan, strategy or programme approved by the Council”.
9. The architect practice further argues that the existing arrangement, as well as causing inconvenience to its client, is not conducive to effective and convenient local government, as the:
- “position of the administrative boundary also causes confusion for both Dundee City and Angus Councils due to Council Tax being payable to Angus Council but any business rates from commercial operations in the wider property being payable to Dundee City Council. Furthermore, domestic waste is collected by Angus Council but any waste generated from the wider property would be collected by Dundee City Council.”
10. It is unclear whether there are commercial operations taking place in the wider property at present, and if so, what the nature of any confusion being experienced by the councils is. Likewise, it is unclear whether any waste is currently being collected by Dundee City Council in addition to the domestic waste collected by Angus Council.

## Conclusion

11. The Commission is invited to consider the further information provided by the architect practice, and whether it wishes to revise its decision not to carry out an administrative area review of the boundary between Angus council area and Dundee City council area or if it wishes the Secretariat to request further information from either the architects or the councils.

Dear Ms Drummond-Murray

I refer to your letter dated 17 December 2020 regarding our requested administrative area boundary review between Dundee City Council area and Angus Council area at Church Road, Life, near Dundee.

The settlement plan for Liff detailed below illustrates the location of the site impacted by the administrative boundary between Angus and Dundee City Councils. The plan clearly demonstrates that the majority of the property at 31 Church Road sits within the administrative boundary of

Liff



Dundee while the dwellinghouse is situated within Angus.

**Extract From Angus Local Development Plan Showing Liff Settlement Boundary**

In considering the Local Government Boundary Commission for Scotland's response to our enquiry I would draw your attention to the difficulties experienced in obtaining planning permission for domestic development or the use of the property for business purposes.

Due to the property at 31 Church Road being located within two administrative areas, planning applications are required to be submitted to both Angus and Dundee City Council's. However, given that both Angus and Dundee City Councils have differing land use planning policies that conflict with each other it is not possible to obtain planning permission for even a domestic scale of development due to the garden ground outlined in red being zoned by Dundee City Council as open Countryside. This is demonstrated by the extract from the Dundee City Local Development Plan below.



### **Extract from Dundee City Local Development Plan Showing Site**

The position of the administrative boundary also causes confusion for both Dundee City and Angus Councils due to Council Tax being payable to Angus Council but any business rates from commercial operations in the wider property being payable to Dundee City Council. Furthermore, domestic waste is collected by Angus Council but any waste generated from the wider property would be collected by Dundee City Council.

The examples above not only demonstrate that the existing administrative boundary is an inconvenience to our client but also that it is not conducive to efficient and effective local government. Taking these matters into consideration we would be grateful if the Commission could reconsider its position.

Regards