

FALKIRK COUNCIL

Subject: DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION P/07/0584/OUT WHICH PROVIDES THAT THE TWO SEMI-DETACHED HOLIDAY COTTAGES TO BE ERECTED ON THE SITE (BEING 360 SQ M OR THEREBY AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY) IN TERMS OF THE PERMISSION SHALL BE USED AND OCCUPIED IN ALL TIME COMING FOR NO OTHER PURPOSE THAN AS HOLIDAY COTTAGES UNDER SHORT-TERM HOLIDAY LETTINGS FOR AJD DEVELOPMENTS - P/15/0360/75D

Meeting: PLANNING COMMITTEE

Date: 15 September 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Paul Garner
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the full discharge of a Section 75 planning obligation restricting the occupancy of two semi-detached properties for no other purpose than as holiday cottages under short-term holiday lettings at Home Farm, Drove Loan, Head of Muir.
- 1.2 The applicant has stated that the main reason for seeking this discharge is due to the intended retirement of the applicant. In support of this reasoning the applicant has cited the unsociable working hours associated with running such a business as well as health complications of the applicant which have generated the need to retire from the business.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The original application which placed this legal tie upon the property (P/07/0584/OUT) was determined by Committee. The current scheme of delegation requires applications of this nature which were previously considered by Committee to be returned to the Planning Committee when amendment or discharge of the planning obligation is proposed.

3. SITE HISTORY

- 3.1 The holiday cottages themselves were granted outline planning permission (P/07/0584/OUT) on 15 February 2008 and the subsequent reserved matters application (P/08/9466/REM) was granted permission on 7 August 2008.
- 3.2 The wider Home Farm site has been the subject of numerous applications for a variety of development types in recent years. This has led to the recent development and successful operation of a coffee shop and gift shop at the site as well as recent grant of planning permission in principle for the demolition of existing stables and development of land for residential use (P/14/0140/PPP) to the immediate east of the current application site.

4. COMMUNITY COUNCIL

- 4.1 The Denny and District Community Council has not commented on this application.

5. PUBLIC REPRESENTATION

- 5.1 No letters of representation have been received in relation to this application.

6. DETAILED APPRAISAL

- 6.1 The occupancy restriction was originally placed upon these units in order to ensure that they remain available as holiday let accommodation and did not merely revert to being used as dwellinghouses. At the time application P/07/0584/OUT was assessed, dwellinghouses in this location were deemed to be contrary to the Development Plan due to their countryside location.
- 6.2 The assessment of an application of this nature focuses on any change in circumstances since the original application was granted.
- 6.3 Whilst it is accepted that the applicant is now of retirement age and there is no reason to dispute the medical reasoning behind the decision to retire, these are personal matters and do not necessarily justify a discharge of the current planning obligation in this instance.
- 6.4 Notwithstanding the applicant's wish to retire, the existing holiday let accommodation remains capable of meeting existing demand for tourism accommodation within the Falkirk Council area. However, the site characteristics have significantly changed since this original approval due to the development of the café and shop units. The recent grant of P/14/0140/PPP (development of land for residential use) means that the application site is now surrounded on all sides by the development or consented development.

7. CONCLUSION

- 7.1 It is considered that circumstances have changed to such a degree that in planning terms would now justify discharge of the current planning obligation.

8. **RECOMMENDATION**

8.1 It is recommended that Committee grant the discharge of this planning obligation.

Informative(s):-

- (1) Notwithstanding the discharge of this legal agreement, the approved planning use of these properties remains that of holiday accommodation. A separate change of use planning application is therefore required to be submitted and would be assessed separately, if the intention is to use these units as dwellinghouses.

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Director of Development Services

Date: 2 September 2015

LIST OF BACKGROUND PAPERS

NIL.

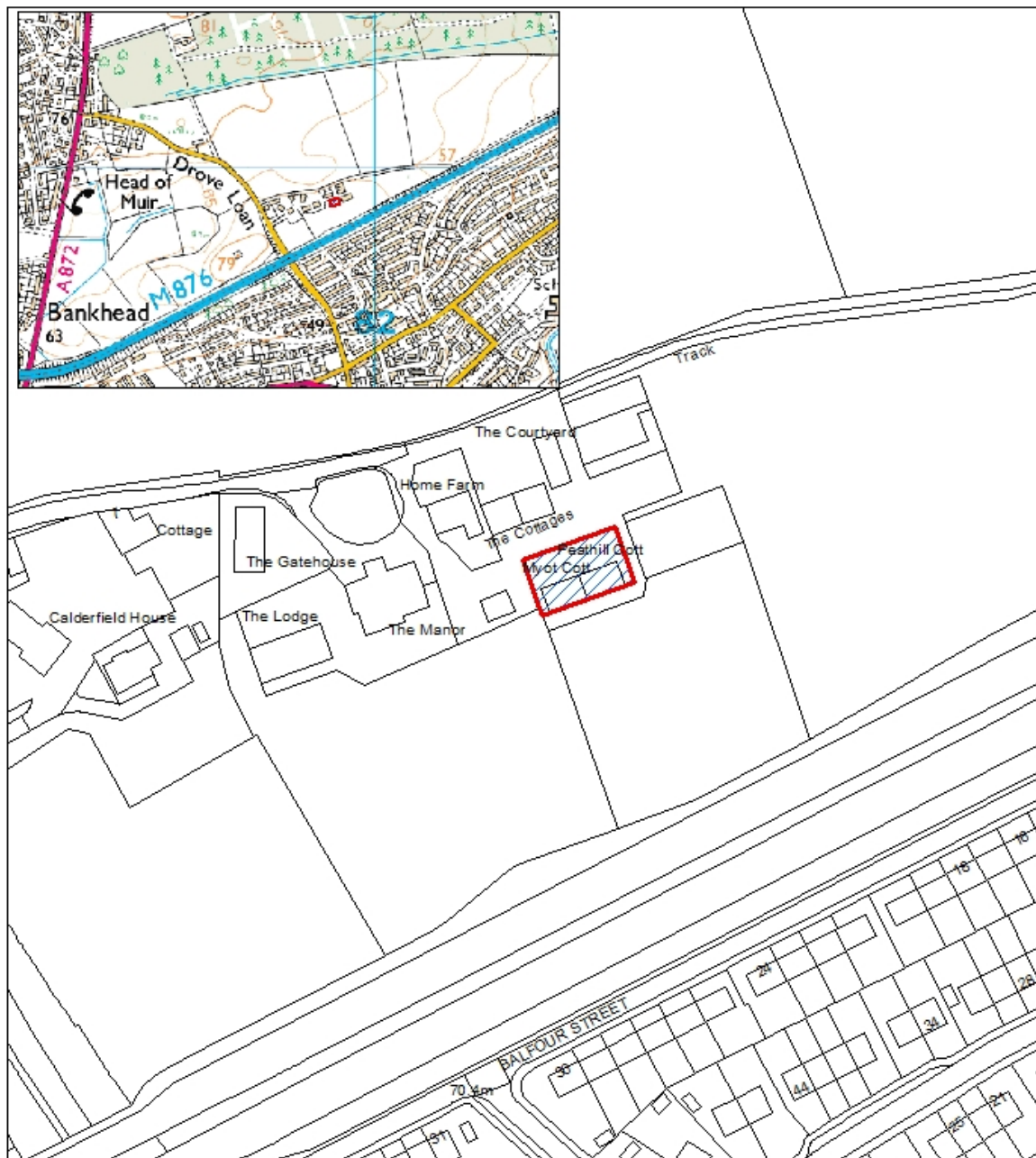
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0360/75D

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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