

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Erection of Dwellinghouse
LOCATION : Kingsbarn Equestrian Centre, Falkirk, FK1 3AT,
APPLICANT : Kingsbarn Equestrian Centre
APPN. NO. : P/15/0449/FUL
REGISTRATION DATE : 28 July 2015

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application relates to the erection of a single storey dwellinghouse to be resided in by staff directly linked to managing the Blue Ridge Equestrian Centre (formerly the Kingsbarns Equestrian Centre) to the west of Shieldhill, Falkirk.

The application site is level and accessed an existing vehicular access from Darnrigg Road, Shieldhill. The site is level and lies outwith the settlement of Shieldhill but within a group of buildings that comprise the Kingsbarns Equestrian Centre.

2. SITE HISTORY

Planning permission in principle for the erection of five dwellinghouses to the north of Kingsbarns equestrian centre (reference P/12/0314/PPP) refused 26 August 2015.

Planning permission for the extension of equestrian centre (reference P/08/0577/FUL) granted 31 July 2008.

Planning permission for the erection of equestrian centre (reference F/2001/0603) granted in 2002 and amended (reference 06/0458/FUL) granted 23 October 2006.

3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit	Has commented that the existing site access has poor visibility to the east, the dwellinghouse is proposed in a rural location and should only be granted if essential to support accepted countryside uses and that roads related conditions of the original equestrian centre planning permission have not been complied with.
Scottish Water	No response to consultation.
Environmental Protection Unit	No objections subject to construction noise and contaminated land informatives.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

During consideration of the application, no letters of objection or representation were received.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

CG01 - Countryside

CG03 - Housing in the Countryside

5A. MATERIAL CONSIDERATIONS

Consideration of the site in relation to coal mining legacy

Responses to Consultation

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

Local Plan Policies

The application site lies within the countryside, outwith the urban limits, under the Falkirk Local Development Plan (LDP). Housing development in the countryside is only permitted in certain circumstances such as where it is required to support the needs of a business which has an essential need for a countryside location, or where the proposal is considered to represent an appropriate infill development opportunity. In this instance no case has been made by the applicant that the development proposal satisfies any of these circumstances. The proposal does not meet all of the criteria for infill housing development set out in the Council's Supplementary Guidance for Development in the Countryside. The application is considered to be contrary to Policies CG01 and GG03 of the Falkirk Local Development Plan.

Responses to Consultation

The Roads Development Unit has advised of substandard visibility eastwards at the existing access to the site from Darnrigg Road. Whilst the access position has adequately served the existing equestrian centre use intensification of this access is not favoured unless the proposed dwellinghouse is essential for an accepted countryside use. The Roads Development Unit has advised of a lack of compliance with planning conditions imposed on previous planning permission for the development of the Kingsbarns equestrian centre. These conditions require junction visibility improvements to the east of the site access and the provision of a public footpath along the site frontage. The lack of compliance with these conditions is subject to investigation.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.

Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into

one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

In this instance, given the policy presumption against the development and road safety concerns it was not considered that a coal mining assessment was required. If however permission were to be granted then the undertaking of a coal mining risk assessment would be necessary.

7. CONCLUSION

The application is considered to be contrary to the Development Plan for the reasons detailed in this report. It has not been demonstrated that there are any material planning considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following;

Reason(s):

1. The application is considered to be contrary to Policies CG01 (Countryside) and CG03 (Housing in the Countryside) of the Falkirk Local Development Plan, and to Falkirk Council's Supplementary Guidance SG01 for Development in the Countryside. In particular, it has not been demonstrated that there is an essential need for the development proposal at this countryside location and the proposal is not considered to represent appropriate infill development. The proposed therefore represents unjustifiable and inappropriate development in the countryside.
2. The development proposed would introduce additional traffic onto an unlit de-restricted rural road. Visibility to the east of the site access is restricted and conditions of previous planning permission for the existing use requiring junction visibility and pedestrian access improvements have not been implemented. The development proposed is therefore not considered to be in the best interests of road safety.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 & 03.


Director of Development Services

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15/9/15.
Date