

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT  
SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF MR & MRS  
RAE (P/09/0128/FUL)

**Meeting:** REGULATORY COMMITTEE

**Date:** 17 June 2009

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

**Community Council:** Denny and Dunipace

**Case Officer:** Brent Vivian (Senior Planning Officer), ext 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application seeks detailed retrospective planning permission for the change of use of agricultural land to form a floodlit outdoor schooling arena.
- 1.2 The application site is accessed from the B818 in the Carron Valley west of Denny and is part of a rural holding. The existing uses on the holding include a stables and livery operation, a riding school, the outdoor arena (subject of this application) and grazing.
- 1.3 The application site consists of an outdoor riding arena enclosed by timber fencing. The arena lies to the north of a yard containing the stables building, at a lower level. The submitted hours of operation are 10 am to 8 pm. The proposed floodlighting consists of a single portable unit located at the south-west corner of the arena. The arena is used for riding lessons. In addition, show jumping events are intended.

**2. REASON FOR CONSIDERATION BY COMMITTEE**

- 2.1 The application has been called in by Councillor Blackwood.

**3. SITE HISTORY**

- 3.1 Planning application ref: P/08/0804/FUL for the change of use of land/buildings to a stables, livery and riding school, siting of temporary staff office and toilet accommodation (retrospective) and erection of temporary manager's living accommodation is also being considered by the Planning Committee at its 17 June 2009 meeting.

- 3.2 Planning application ref: P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing/repair of vehicles and plant (retrospective) has been withdrawn.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that the portable floodlighting is required to be positioned and controlled to minimise light pollution and avoid nuisance glare to road users.
- 4.2 The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause noise nuisance. Notwithstanding this, if complaints are received regarding noise, the Environmental Protection Unit would investigate and take any action necessary under the Environmental Protection Act. It is advised that the floodlighting is required to be angled in such a manner so as not to cause light intrusion to neighbouring dwellinghouses.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Denny and District Community Council has objected to the application. The main concerns raised in its objection are included in Section 6 as part of the summary of the public representations received.

#### **6. PUBLIC REPRESENTATION**

- 6.1 Seven letters of objection to the application have been received. The main concerns raised in these objections and the objection from the Denny and District Community Council can be summarised as follows:

- Planning rules have been totally disregarded as the outdoor riding arena is already constructed.
- Detrimental impact on the amenities and character of the area.
- Loss of agricultural land.
- Proximity to Carron River and SSSI.
- Noise and increased traffic and activity associated with the riding school.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Disruption when the outdoor arena is in use at night.
- Light pollution from floodlighting.
- The generator (for floodlighting) would create noise disturbance.
- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.

- 6.2 Four letters supporting the application have been received. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with desire of local authorities in the area to promote Carron Valley for walking, cycling and horse riding.
- The equestrian business is clean, well run and of high quality.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

### 7a The Development Plan

#### ***Approved Falkirk Council Structure Plan***

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- “(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance the development - an outdoor riding area – is linked to a stables, livery and riding school operation which, by virtue of its nature and character, requires a countryside location. The application is therefore considered to accord with this policy.

#### ***Adopted Rural Local Plan***

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*

2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

- 7a.4 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criterion 5. This criterion provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the area through the provision of outdoor recreation facilities.
- 7a.5 The policy states that the scale, siting and design of development shall be strictly controlled. The siting of the outdoor riding area is considered to be acceptable. Its visual impact is mitigated by its position below the level of the adjacent yard. The appearance of the arena is tidy and in keeping with the character of the rural area. The enclosure of the arena by open timber fencing is sympathetic to the rural area and characteristic of the nature of the development.
- 7a.6 For the reasons detailed above, the application is considered to accord with this policy.
- 7a.7 Policy RURAL 13 'Areas of Great Landscape Value' states:

*"That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas."*

- 7a.8 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area, and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main amenity impacts are considered to relate to the potential for light pollution emanating from the floodlighting for the arena and traffic generation and increase in activity arising from the use of the outdoor arena for equestrian related activities, including the riding school and show jumping events. The issue of light pollution could be addressed by condition to control the light spill and luminance of the floodlighting and to prohibit its use outwith the submitted hours of operation (10 am to 8 pm). The potential for an increase in traffic generation and activity is noted, however it is considered that the scale of the development (a 1600m<sup>2</sup> outdoor arena) would limit use of this facility and associated impacts to an acceptable level. A restriction on hours of operation would also control these impacts. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.
- 7a.9 Accordingly the application is considered to accord with the Development Plan.

#### **7b Material Considerations**

- 7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

#### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 The application site lies within the Countryside and on an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.3 The relevant policies under this plan include Policies EQ19 (Countryside) and EP 16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policy ENV1 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.4 Policy EQ23 - 'Areas Of Great Landscape Value' states:

*"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."*

- 7b.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given the small scale and location of the outdoor arena, the submission of landscape and visual assessments was not considered to be necessary.

## ***Consultation Responses***

7b.6 The consultation responses have been summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any approval of the application.

## ***Representations Received***

7b.7 The public representations and the representation of the Denny and District Community Council have been summarised in Section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:

- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The loss of agricultural land is not significant.
- The development is outwith the Carron Glen SSSI.
- It is recognised that use of the outdoor riding arena generates increased activity at this location. However, the scale of the activity is considered to be acceptable and in keeping with the character of a countryside location. Conditions to control hours of operation and floodlighting would prevent late night and early morning activity and disturbance.
- Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis.
- A recommended condition for application ref: P/08/0804/FUL controls the use of a P.A. system.
- The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause any noise nuisance.
- It is recognised that the B816 is narrow in places, with restricted visibility. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable and in keeping with a countryside location.
- The reasons in support of the development are noted and require to be balanced against the impacts and justification for the various aspects of the development at this countryside location.

## **7c Conclusion**

7c.1 This application, for the change of use of agricultural land to form a flood lit schooling area, is considered to accord with the Development Plan for the reasons detailed in this report. The application is therefore recommended for approval subject to appropriate conditions. The application is linked to planning application ref: P/08/0804FUL for equestrian related uses which is also recommended for approval and also to be considered at the Planning Committee meeting on 17 June. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance.

## **8. RECOMMENDATION**

**8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-**

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours**
- (2) Within one month of the date of this decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by this Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by this Planning Authority.**

**Reason(s):**

- (1) To safeguard the amenity of the area.**
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.**

**Informative:**

- (1) For the avoidance of doubt, the plans for which this decision refers bears our reference 01, 02, 03 and 04.**

.....  
**Director of Development Services**

**Date: 10<sup>th</sup> June 2009**

### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection received on 27 February 2009 by McLean & Stewart 51/53 High Street Dunblane Perthshire
5. Letter of objection received on 11 March 2009 by Mr & Mrs Kirkwood Forresthill Denny FK6 5JF .
6. Letter of objection received on 21 April 2009 by Mr & Mrs A Kirkwood Forresthill Denny FK6 5JF.
7. Letter of support received on 5 April 2009 by Chrissie Paterson Bridgend Farm Falkirk FK2 8RT.
8. Letter of support received on 6 May 2009 by Mr & Mrs McLeary 27 Cultrig Drive

Whitburn West Lothian EH47 8HN .

9. Letter of objection received on 2 April 2009 by Mr G Stephenson Riverside Farm Cottage Denny FK6 5JF.
10. Letter of objection received on 11 March 2009 by Denny & District Community Council  
FAO: Roy Robertson, Secretary 76 Glasgow Road Denny FK6 5DN
11. Letter of objection received on 02 April 2009 by Mrs L Stephenson Riverside Farm Cottage Denny FK6 5JF
12. Letter of objection received on 07 April 2009 by Dr J T McGettigan Topp Park The Topps Farm Denny FK6 5JF
13. Letter of support received on 22 April 2009 by Tim Green, Carron Bridge Hotel, [t-g@btconnect.com](mailto:t-g@btconnect.com)
14. Letter of support received on 8 May 2009 by Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

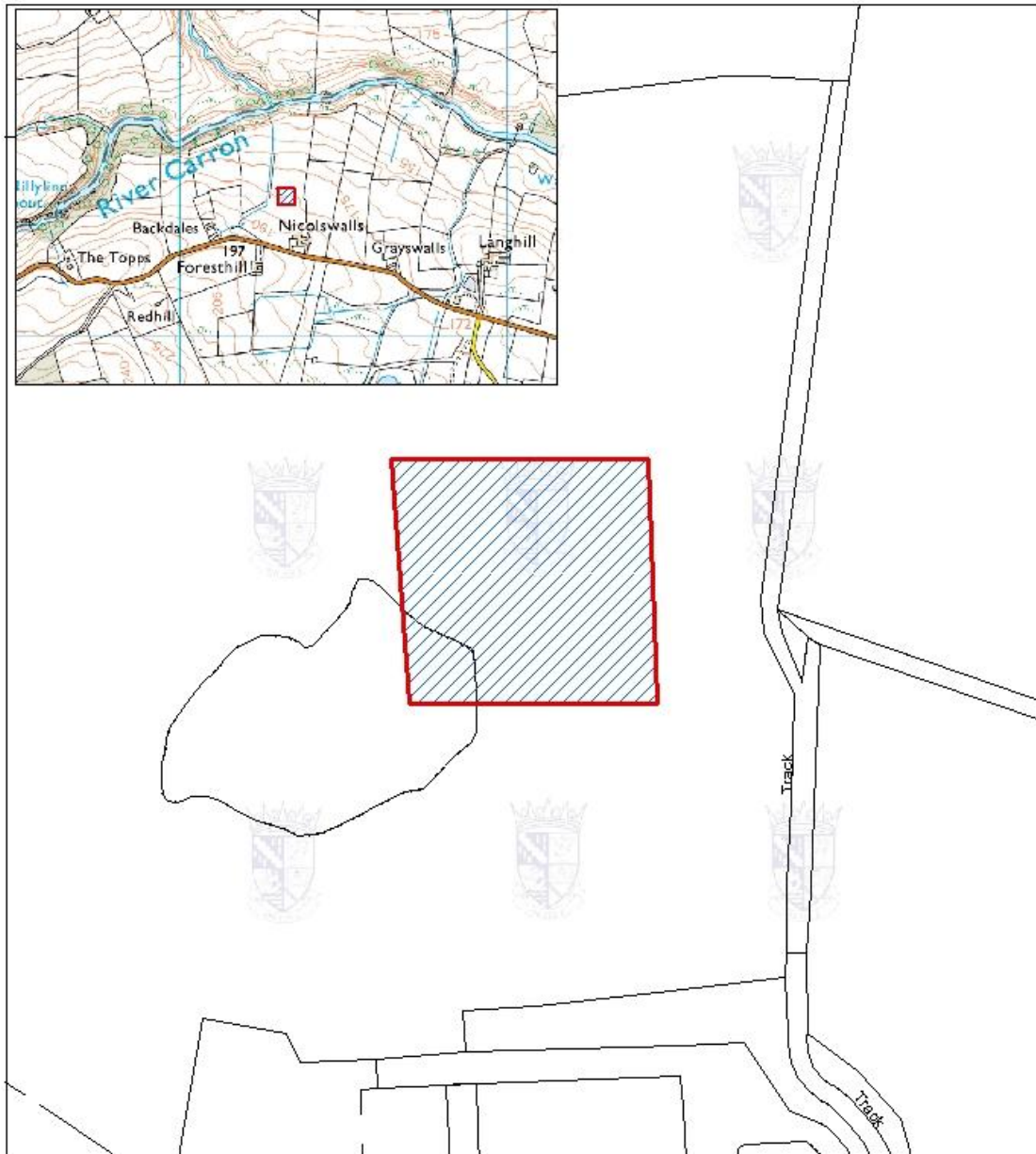


## Planning Committee

## Planning Application Location Plan

**P/09/0128/FUL**

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



**Feldrick Counselor**

Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMSO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright Falkirk Council 100023384 (2009)