

**FALKIRK COUNCIL**

**Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE EAST OF CARRIGBEG, FALKIRK, FOR MR ROY - P/10/0021/PPP**  
**Meeting: PLANNING COMMITTEE**  
**Date: 16 June 2010**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

**Case Officer:** Julie Seidel (Planning Officer) ext, 4880

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 19 May 2010 (copy of previous report appended), when it was agreed to continue the application to undertake a site visit. This visit took place on 31 May 2010.
2. Members viewed the site from the proposed access point off a narrow rural road to the south-west of the proposed dwellinghouse. Members also viewed the site of the proposed dwellinghouse, which is centred on the footprint of an existing ruin known at Muirhead.
3. In support of the application, the applicant acknowledged the countryside location and planning policy context, and that he had no justification to demonstrate the need for a dwellinghouse in this location other than that he and his family lived locally and that an opportunity had arisen with the landowner to purchase the application site. He also cited other similar examples of new housing development in the countryside in the locality.
4. The applicant also confirmed that he had no plans to develop further any additional residential development other than one dwellinghouse for his family on the site of Muirhead ruin. He also confirmed his intention to re-use as much of the existing stone in the proposed construction of the new dwellinghouse. Following a question from members, the restoration to one dwellinghouse only on the site could be conditioned and therefore remove the need for an appropriate legal agreement. A condition in terms of tree protection to ensure a number of the existing trees are retained with appropriate new planting could also be appropriately conditioned.
5. Members also took the opportunity to view alternate access locations from the B825. However, it should be noted that any such new access and associated access road would be likely to require a new planning application as it would be outwith the current application site boundary.

6. No matters were raised which would amend the original recommendation to refuse planning permission.

**7. RECOMMENDATION**

**8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):**

- 1. The application does not accord with Policy ENV. 1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Rural Local Plan and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.**
- 2. The proposal would result in vehicular access onto a single lane rural road at a position with poor forward visibility, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road safety.**

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**For Director of Development Services**

**Date:** 8 June 2010

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

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**Meeting:** PLANNING COMMITTEE  
**Date:** 19 May 2010  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

**Case Officer:** Julie Seidel (Planning Officer) ext, 4880

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

- 1.1 This application relates to planning permission for the erection of one dwellinghouse in principle at land to the east of Carrigbeg, Falkirk. The application site lies to the west of the B825 within a countryside location.
- 1.2 A ruined cottage, Muirhead, is visible on the site. The footprint of the ruin and partial walls and stone are evident. The application site sits amidst extensive countryside and is partially screened from the B825 by trees. There are no formal or informal paths or roads to the application site.
- 1.3 The applicant has submitted an indicative plan showing vehicular access being taken from a rural road to the west of the application site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Gordon Hughes.

**3. SITE HISTORY**

- 3.1 None relevant to this application.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit advise that the proposed access to the site is located at a position with poor forward visibility along Blackston Road (North), a single lane rural road of restricted alignment, that lacks footway and lighting provision and has restricted visibility at a number of locations. The Unit do not encourage any further development at this section of rural road, which could lead to additional vehicular and pedestrian traffic, to the possible detriment of road safety.
- 4.2 Scottish Water has no objections, but do not guarantee a connection to Scottish Water's infrastructure.
- 4.3 The Environmental Protection Unit advise of an informative relating to contamination.

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

- 5.1 The Avonbridge and Standburn Community Council have not commented on this application.

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

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

#### **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

##### **7a The Development Plan**

##### ***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 Policy ENV.1 seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not an appropriate form of agricultural diversification. The application therefore does not accord with policy ENV.1.

### **Rural Local Plan**

- 7a.3 The application site lies outwith any urban or village limit, within the countryside under the adopted Rural Local Plan.

*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. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 4. 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.*
- 5. 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 Policy RURAL 1 seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development, appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are 1 and 2. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouse is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to exception 2, the proposed dwellinghouse would not occupy a clear gap in an existing development pattern and would contribute to further sporadic development at this countryside location. The proposed development is therefore not considered to represent appropriate infill development at this location. The application is contrary to policy RURAL 1.

7a.5 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

The material planning considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), National Planning Policies and Guidance, the consultation responses and information submitted in support of the proposal.

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

7b.1 The application site lies outwith any urban or village limit, within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.2 Policy EQ19 - 'Countryside' states:

“(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- *it can be demonstrated that they require a countryside location;*
- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 Policy EQ19 'Countryside' of the above Local Plan sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3 'Housing Development in the Countryside.

7b.4 Policy SC3 - 'Housing Development in the Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - The restored or converted building is of comparable scale and character to the original building*
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.5 Policy SC3 continues the general presumption of the Development Plan against new housing development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouse is essential for the pursuance of an activity for which a countryside location is essential. With regard to exception 3, the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. With regard to exception 2, the proposal does not involve the restoration or conversion of the ruined cottage as Muirhead is not in a reasonable state of repair and does not stand substantially intact. The application does not therefore accord with policy SC3.

## ***National Planning Policies and Guidance***

- 7b.6 Scottish Planning Policy (a statement of the Scottish Government's policy on nationally important land use planning matters) promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

## ***Reponses to Consultation***

- 7b.7 The Roads and Development Unit have expressed concern in relation to road safety as a result of poor forward visibility along Blackston Road (North) and an increase in vehicular and pedestrian traffic on the road as a result of the proposal.

## ***Information Submitted in Support of the Proposal***

- 7b.8 The applicant has submitted a supporting statement with his application raising the following issues:

- Muirhead is over 100 years old and was last lived in during the 1950s but has since fallen into disrepair. There is a local historical value in retaining a dwelling on this site;
- The applicant wishes to reinstate the building into a family home by building on and extending the footprint to form a 1 and ½ storey dwellinghouse. The proposal would be in keeping with the original structure and surrounding properties. The existing stone would be reused on the external façade of some of the elevations;
- Whilst the proposal may be contradictory to rural policy, as it would constitute new development in the countryside, the development would reinstate an existing building;
- Muirhead provides a focal point on the top of the hill and can be seen for many miles. To rebuild a property on the site would be an improvement to the area;
- The applicant does not have a viable countryside business to justify the proposal;
- There are a number of similar projects within the locality of the application site, applications P/09/0147/OUT and P/09/0225/OUT are of particular note; and
- The applicant has referred to policy EQ8, EQ15 and EQ29 as supporting the development. The applicant also refers to PAN72 and SPP15.

- 7b.9 Falkirk Council's historic aerial photography from the 1940-50s shows Muirhead without a roof and falling into ruin, the Council do not therefore concede that the property was lived in as recently as the 1950s. Building a new house on the site is not considered of any historical value. The comments made in relation to the design and materials of any detailed proposal are noted, however this would be addressed at any detailed application stage. The proposal does not relate to the reinstatement or conversion of an existing building and would result in a new house in the countryside without justification.



- 7b.10 Planning applications P/09/0147/OUT and P/09/0225/OUT relate to planning permission in principle, for the erection of two separate dwellinghouses at Drumboider Moss, a short distance from the application site. In this instance the applications were granted to secure the rehabilitation of contaminated land associated with a former vehicle dismantling yard and to accommodate a gap site. As such the applications were assessed as being in accordance with the Development Plan and planning permission issued. It should be noted that every application is considered on its own merits. In this instance, however, the examples given by the applicant are not comparable with the current proposal and as such are not considered a material planning consideration.
- 7b.11 The applicant has referred to several policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version). Policy EQ8 'Vacant, Derelict and Contaminated Land', gives encouragement to proposals which would result in the recycling of derelict land. The site is not derelict and as such policy EQ8 is not relevant to the assessment of the application. Policy EQ15 'Reuse of Buildings' states the Council's general approach for the retention and reuse of buildings which are of architectural merit and make a contribution to the landscape. The ruin is not considered a building and is of no architectural merit in its current form, policy EQ15 is not relevant. Policy EQ29 'Outdoor Access' seeks to safeguard, improve and extend the network of countryside access routes. There are no formal or informal roads or footpaths to the application site. The ruin effectively sits in an area of extensive countryside and is partially screened from the B825 by trees. The granting of planning permission would not create a new route, other than to the dwellinghouse, and as such policy EQ29 is not relevant to the assessment of the proposal.
- 7b.12 PAN 72 'Housing Development in the Countryside' sets out key design principles for achieving good quality rural housing which respects Scottish landscapes and building traditions. PAN 72 supports the sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services. Muirhead is not structurally sound or largely intact, there is currently no safe access or services available; as such the proposal fails to accord with PAN 72. Scottish Planning Policy SPP15 is superseded by Scottish Planning Policy 'a statement of the Scottish Government's policy on nationally important land use planning matters', addressed in section 7b.6 of this report.

## **7c Conclusion**

- 7c.1 The proposed development, for the erection of a dwellinghouse, is considered to be contrary to the Development Plan and the emerging District wide Local Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application.
- 7c.2 In this instance it is considered that the weight of material considerations, as detailed in this report, fail to support the application. Accordingly, the application is recommended for refusal.

8. **RECOMMENDATION**

8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

1. The application does not accord with Policy ENV. 1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Rural Local Plan and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
2. The proposal would result in vehicular access onto a single lane rural road at a position with poor forward visibility, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road safety.



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For Director of Development Services

Date: 11 May 2010

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy.

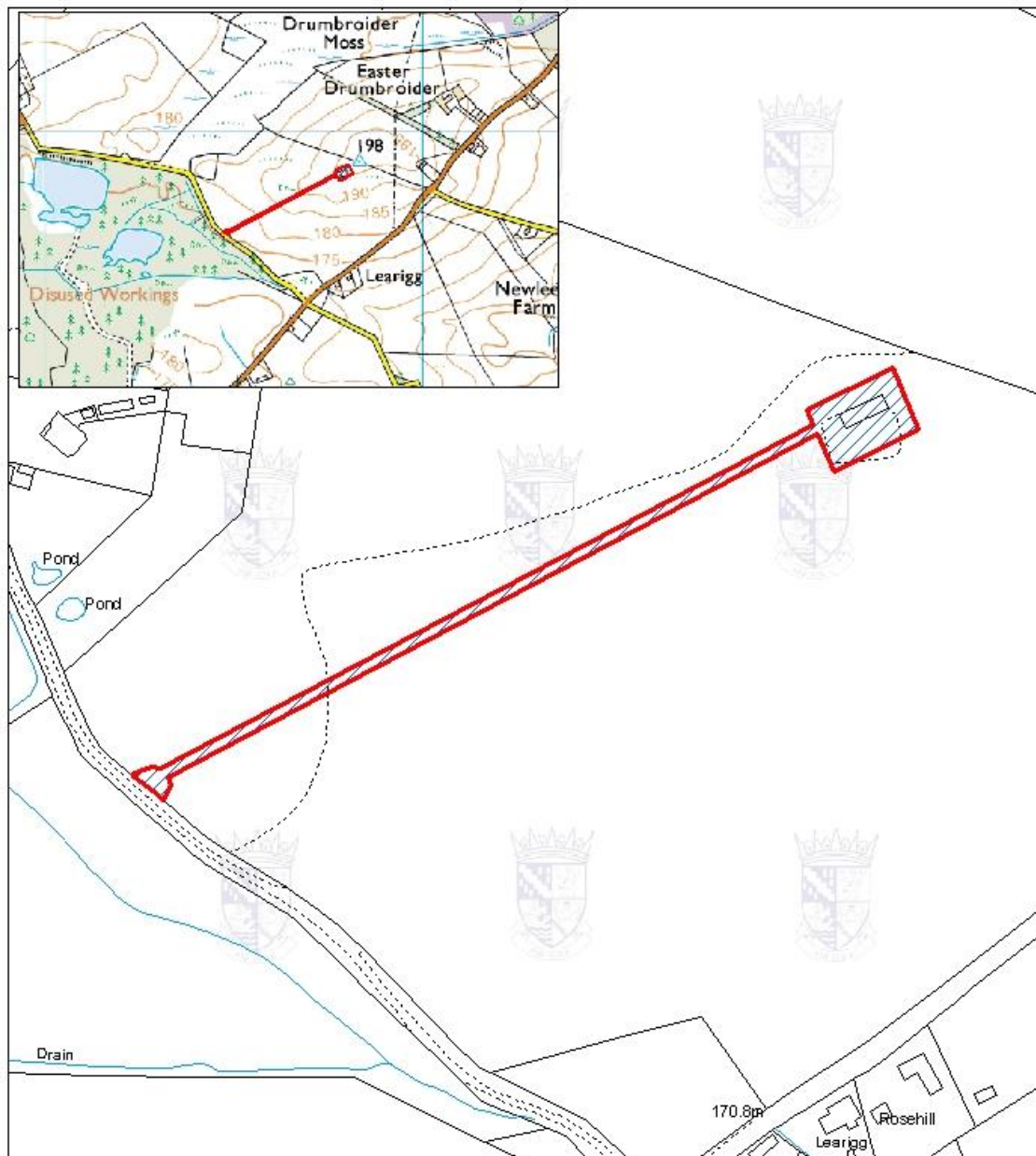
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/10/0021/PPP**

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



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