

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES,  
ASSOCIATED ACCESS ROAD AND LANDSCAPING WORKS AT  
LAND TO THE NORTH WEST OF DENOVAN COTTAGE,  
DENNY FOR MRS BRENDA MACCONNELL - P/11/0621/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 5 December 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock  
Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

**Community Council:** Denny and District

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

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

- 1.1 The application seeks planning permission in principle for the development of land for residential purposes, an associated access road and landscaping works. An indicative layout plan has been submitted which indicates three detached dwellinghouses served by a single, shared access and each dwellinghouse served by an individual sewage treatment plant.
- 1.2 The application site adjoins Denovan Road and mainly comprises grassland. At the east end of the site, to the east of an existing access, is a hard surface area occupied by a storage container, workshop, garden shed and a portacabin. To the west and east of the application site are existing dwellinghouses. The southern portion of the site descends to a burn and beyond this is open countryside. The bank of the burn, within the application site, contains mature trees.
- 1.3 A supporting statement has been submitted with the application. In summary it states that:
- The application site is used by the applicant as an extension of her garden (Denovan Cottage) for training her two dogs for working trials;

- The applicant was granted planning permission in 2000 to build a guest house on the application site but she has changed her original plans due to: her changing circumstances which would not support the construction and operation of a guest house establishment; a change in the surrounding settlement pattern since 2000 so that it is not as defined by isolated farmhouses and dwellings and instead there is evidence of small groupings of buildings emerging; a change in Scottish Planning Policy which has introduced a less limiting approach to rural housing development; and recent advancements in construction technology which provide the scope to explore a high performing, sustainable housing project, ideally suited to a countryside location;
- The application site forms part of a group of buildings interspersed with green open space around and between buildings. These buildings consist of a church that has been converted into two dwellings, Denovan Orchard to the immediate west of the site and Denovan Cottage to the immediate east of the site. In addition, a dwellinghouse, stables and equestrian arena were recently granted planning permission on land to the immediate east of Denovan Cottage. The application site itself is well contained by two existing dwellinghouses and the banking to the burn on the southern part of the site, and the proposed dwellinghouses would constitute frontage development between existing dwellinghouses;
- The application of “small gap” sites to consideration of infill development opportunities is highly subjective in the absence of clear Falkirk Council policy that defines the dimensions/size of appropriate gap sites. The applicant proposes that judgment of the gap in a rural setting should be based on the location of the gap, the location and grouping of existing houses and buildings relative to it, and the physical containment of the site relative to adjoining land uses;
- The building line of the proposed dwellinghouses as detailed on the indicative layout plan respects the location of the existing dwellinghouses and the proposed plot sizes are sympathetic to the density of surrounding housing. It is proposed that the site could accommodate 1.5 storey housing with a house shape consisting of rectangular linked blocks. Adequate garden ground and privacy would be afforded for the proposed dwellinghouses and the proposal would not result in the loss of trees or walls. The hedge on the northern boundary would be removed to accommodate visibility sightlines and new planting would be added. An existing bellmouth access would provide access to the new plots. The applicant therefore considers that the proposed development complies with Policy SC8 of the adopted Falkirk Council Local Plan;
- The applicant considers that the proposed development complies with Policy SC3 of the adopted Falkirk Council Local Plan. This policy provides for “appropriate infill opportunities within the envelope of an existing group of residential buildings where the development would not result in ribbon, backland or sporadic development and the proposal satisfies Policy SC8; and
- The proposed development would give rise to a number of benefits. It would bring a redundant grassland back into use, increase support/usage of local businesses and services, add to the housing land supply within the district and provide housing choice, support local construction companies and supplies during the build project, and offer the potential for sustainable development consisting of a low carbon housing project and the potential for self sufficiency in energy production.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called-in by Councillors Blackwood, McNally and Waddell.

## **3. SITE HISTORY**

- 3.1 Planning application ref: F/98/0493 for the erection of a dwellinghouse was refused in October 1998.
- 3.2 Planning application ref: F/99/0603 (outline) for the erection of a guesthouse was granted in January 2000. A subsequent application for reserved matters (ref : F/2000/0539) was approved in January 2001. The development commenced in September 2002, when the approved 6 metre wide bellmouth entrance was formed. The planning permission is therefore still live.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that Denovan Road is a typical rural 'C' class road of restricted width and alignment which lacks footway and lighting provision. They advise that there are several locations on Denovan Road, both east and west of the proposed site, where the minimum required forward visibility is unavailable due to either carriageway alignment and/or roadside vegetation. As a result, they have concerns associated with increasing the volume of traffic on a rural road of this nature. In addition they advise that the proposed development may result in pedestrian traffic being generated. As there is no existing footway or lighting provision, the introduction of pedestrian movements along the public road is not in the best interests of road safety. In the event of permission being granted, they request conditions in relation to the design and construction of the vehicular access and the provision of adequate visibility and on-site parking. Finally, they request the submission of a Flood Risk Assessment due to the proximity of the site to a watercourse
- 4.2 Scottish Water have no objection to the application. They advise that the Carron Valley Water Treatment Works currently has capacity to serve the proposed development and there are no public sewers in the vicinity of the site.
- 4.3 The Environmental Protection Unit have requested the undertaking of a contaminated land assessment due to the presence of chemical manufacturing, a sewage works, quarrying, gas manufacturing and other potential sources of contaminated land within 250 metres of the site.
- 4.4 SEPA have objected to the application unless the applicant is able to demonstrate that a sustainable foul drainage strategy is achievable for the site. They advise that the southern part of the site slopes quite steeply towards the stream which is too small to accept septic tank effluent from any additional dwellinghouse. They advise that the watercourse is under pressure from existing foul drainage discharges. On the basis of the information submitted, they are unable to determine whether the proposed private drainage facilities could potentially be authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). They have no objection on flood risk grounds, as the site is outwith the indicative flood envelope and they hold no information to indicate that the site is at risk of flooding.

## **5. COMMUNITY COUNCIL**

- 5.1 The Denny and District Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 Two representations to the application have been received. One of these representations is an objection. The concerns raised in the representations can be summarised as follows:-
- The approved guesthouse has never been constructed. This approval followed an application for a dwellinghouse being refused by the Council;
  - There would be a significant increase in traffic. The dangers of an increase in traffic on Denovan Road were raised in respect of the recently approved house to the east of Denovan Cottage;
  - The lifestyle of the inhabitants would be completely dependent on vehicular use. This is reaching an impossible concentration of habitation on a double bend;
  - The countryside amenity of this area has now been completely lost by the poor planning democratic structure that currently exists;
  - No objection to the proposal provided that a condition of any grant of permission prevents windows on the upper floor of Plot 1 which overlooks Denovan Orchard.

## **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**

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

- 7a.1 The proposed development does not have any strategic implications, therefore the policies of the Structure Plan are not relevant.

## **Adopted Falkirk Council Local Plan**

### **7a.2 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."*

**7a.3** This policy provides for housing development in the countryside in certain circumstances. The applicant contends that the application complies with Part (3) of the policy relating to infill opportunities, for the reasons summarised in paragraph 1.3 of this report. The first aspect of Part (3) of that policy provides for appropriate infill opportunities within the envelope of an existing group of buildings where the development would not result in ribbon, backland or sporadic development. In this instance, the application site is predominantly a grass area and there are existing dwellinghouses adjoining to the east and west of the site and there is banking, trees and a watercourse along the southern portion of the site. The applicant contends that the site represents an appropriate infill opportunity within a 'looser' grouping of buildings. It is accepted that Denovan Cottage and the dwellinghouse recently granted by planning permission P/10/0646/PPP, and their associated buildings, would form a small group of buildings. However, the application site has a wide frontage and the group of buildings referred to by the applicant (comprising a church converted to two dwellinghouses, Denovan Orchard, Denovan Cottage and the site of the dwellinghouse recently granted planning permission) extend over a relatively wide area and are not considered to constitute one coherent group of residential buildings in total. The application site is therefore not considered to properly fall within the 'envelope' of an existing group of buildings.

- 7a.4 It is accepted that the proposed development would not result in backland development given that the indicative layout plan indicates the buildings fronting the road. However, the indicative layout plan indicates three dwellinghouses being added to those already existing along this part of Denovan Road. This is considered to represent ribbon development.
- 7a.5 The second aspect of Part 3 of the policy requires Policy SC8 of the adopted Falkirk Council Local Plan to be satisfied. However, this need not be considered as the first aspect of Part 3 of the policy is not considered to be met. In any case, Policy SC8 applies to additional dwellinghouses within the curtilage of an existing dwellinghouse or on small gap sites. The application site is not considered to lie within the curtilage of the existing dwellinghouse (Denovan Cottage) nor is it considered to constitute a 'small gap' site. The capacity of the application site to accommodate three plots of a similar size to the property at Denovan Cottage, thereby significantly increasing the number of dwellinghouses at this location, reinforces the view that the site is not a 'small gap' site in the local context.
- 7a.6 In conclusion, the application is considered to be contrary to Policy SC3 of the adopted Falkirk Council Local Plan.
- 7a.7 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations in respect of the application are National Planning Policy and Guidance, Falkirk Council's Supplementary Planning Guidance, the planning history for the area, the consultation responses, the representations received and the potential benefits of the proposed development.

### ***National Planning Policy and Guidance***

- 7b.2 It is acknowledged that Scottish Planning Policy (SPP) 2010 gives more support for development in rural areas than previous National Planning Policy. However, the policy support is for sustainable development and its provisions are directed at Development Plans to set the policy context locally. SPP emphasises that the change in emphasis does not aim to suburbanise the countryside and that in more accessible or densely populated rural areas, most housing should continue to be adjacent to, or in, settlements. In this case, the application site is accessible and in a densely populated area but is not within or next to the settlement boundaries.
- 7b.3 SPP expects the future Development Plan to set out a strategy which '*supports more opportunities for small scale housing development in rural areas including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conservation housing which is linked to rural businesses or would support the formation of new businesses by provided funding*'. The first stage of the forthcoming Falkirk Council Local Development Plan (LDP), its Main Issues Report, indicates circumstances where more flexibility in rural housing policy would bring benefits. However, little, if any, weight can be afforded to the Main Issues Report, which was published on 18 November 2011 for consultation. In the meantime, it is considered that SPP should not act as a substitute development management framework.

## ***Falkirk Council Supplementary Planning Guidance***

- 7b.4 The Council's Design Guide for Buildings in the Rural Area and its Supplementary Planning Guidance for Housing Layout and Design would be relevant to informing the detailed design and layout should planning permission in principle be granted. However, the guidance does not inform the considerations under Policy SC3 of the adopted Falkirk Council Local Plan such as what might constitute the 'envelope of an existing group of buildings' or a 'small gap site'.

## ***Planning History***

- 7b.5 The planning history for the site is summarised in section 3 of this report. Refusal of the current application would be consistent with the refusal for residential development in 1998 (ref: F/98/0493). The grant of permission in 2000 for a guesthouse was justified as development for tourism related purposes appropriate to a rural setting. The principle of residential development at the site has therefore not been established.
- 7b.6 Within the locality, planning permission was recently granted for a dwellinghouse on land to the east of Denovan Cottage (ref: P/10/0646/PPP) and it is accepted that this dwellinghouse (if constructed) and Denovan Cottage, and their associated buildings, would constitute a small group of buildings. This dwellinghouse was justified as essential for the management of a business requiring a rural location. In addition, planning permission was granted in 2002 for the conversion of Denovan Church to form two dwellinghouses (ref: F/2001/0798). This was in accordance with countryside policies which provide for the conversion of existing buildings to residential use subject to criteria being satisfied. Further to the west, an application to subdivide the garden ground of Denovan Gardens and erect a dwellinghouse was refused in 2009 (ref: P/08/0987/OUT). The reasons for refusal included that an essential need for a countryside location had not been demonstrated and the proposed dwellinghouse did not represent an appropriate infill opportunity.
- 7b.7 Within the wider area, there is Denovan Mains which consists of a tight knit group of buildings, including a listed farmhouse and steading, an outbuilding converted to a dwellinghouse and a new dwellinghouse. Planning permission was granted in 2002 for the conversion of farm buildings to form four dwellinghouses and for the erection of three dwellinghouses (ref: F/2001/0578). The new dwellinghouses were justified as enabling development to cross fund the restoration and conversion of the listed steading. Near the junction of Denovan Road and Stirling Street there is a well established tight knit group of houses.
- 7b.8 The applicant contends that there is evidence of small groupings of housing emerging in the vicinity of the application site in the past 10 years. The planning history as detailed above indicates that only one dwellinghouse has been erected in the area in recent times (at Denovan Mains), whilst there are permissions granted to erect an additional dwellinghouse at Denovan Mains and a dwellinghouse east of Denovan Cottage. Other dwellinghouses have been established but these have involved the conversion of existing buildings at Denovan Mains and Denovan Church.

### ***Consultation Responses***

- 7b.9 The consultation responses are detailed in section 4 of this report. The objection by SEPA unless the applicant is able to demonstrate that a sustainable foul drainage strategy is achievable is noted. The request by the Roads Development Unit for a flood risk assessment could be the subject of a condition of any grant of permission. The request by the Environmental Protection Unit for a contaminated land assessment could also be the subject of a condition of any grant of permission.
- 7b.10 The concerns by the Roads Development Unit in relation to increasing vehicular traffic on a rural road (Denovan Road) that has restricted visibility (due to carriageway alignment or roadside vegetation) are noted. However, the proposal is likely to generate movements by predominantly small vehicles (cars) and the anticipated increase in daily traffic movements on Denovan Road is likely to represent a small amount relative to existing traffic volume. In addition, it should be borne in mind that restricted visibility can in itself act as a deterrent to speed. Overall it is considered that the concerns raised by the Roads Development Unit would not justify refusal of the application.

### ***Representations Received***

- 7b.11 The public representations are summarised in section 6 of this report. In response to the concerns raised in these representations, the following comments are considered to be relevant:-
- The planning history for the site has been summarised in this report;
  - Concerns regarding the restricted width and alignment of Denovan Road and increasing vehicular traffic on Denovan Road have been raised by the Roads Development Unit;
  - It is accepted that residents within the countryside are more likely to be solely dependent on vehicular use. The applicant contends that the use of cars by the new inhabitants may be offset / traded by energy savings arising from the use of renewable energy sources incorporated into the design of the new dwellinghouses; and
  - Potential overlooking and privacy impacts would be considered at full planning stage if planning permission in principle is granted.

### ***Potential Benefits***

- 7b.12 The application contends that the proposed development would give rise to a number of benefits. These are summarised in paragraph 1.3 of this report. The benefits put forward by the applicant include increased support / usage of local businesses and services, support to local construction businesses during the construction phase and the potential for a sustainable housing development in terms of its design and potential for self sufficiency in energy production. However, these would also be potential benefits of a housing development within the settlement limits and are not specifically linked to rural regeneration.



- 7b.13 Other benefits put forward by the applicant are that the proposal would bring a redundant grassland area back into use and provide for housing choice in the area. However, the existing use of the site as 'redundant grassland' does not give rise to any disamenity to justify a new use. The contribution that the proposal would make to housing choice is acknowledged but this is not considered to outweigh the conflicts identified with the Development Plan.

## **7c Conclusion**

- 7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report. The application is therefore recommended for refusal. There are not considered to be any material considerations to justify setting aside the terms of the Development Plan.
- 7c.2 Should the Committee decide to support the application, it is recommended that the Committee indicate that is minded to grant the application subject to SEPA withdrawing their objection if the applicant is able to demonstrate that a satisfactory foul drainage scheme can be achieved, and thereafter delegate to the Director of Development Services to grant the application subject to appropriate planning conditions..
- 7c.3 It would be within the gift of the Committee to impose a planning condition restricting the number of dwellinghouses as part of any grant of planning permission in principle.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee refuse planning permission in principle for the following reason:
- 1) The application is considered to be contrary to Policy SC3 (Housing Development in the Countryside) of the adopted Falkirk Council Local Plan, as it has not been demonstrated that any of the circumstances set out in the policy to support housing development in the countryside are satisfied. In particular, it has not been demonstrated that the proposed development represents an appropriate infill opportunity within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and that the proposed development satisfies Policy SC8 of the adopted Falkirk Council Local Plan. The proposed development is therefore considered to represent unjustified development in the countryside.

**Pp**

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

**Date:** 24 November 2011

### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan
2. Adopted Falkirk Council Local Plan
3. Scottish Planning Policy (2010)
4. Letter of Representation received from Mr William Gordon Mitchell, Denovan Orchard, Denny, FK6 6BJ on 21 October 2011.
5. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 13 October 2011

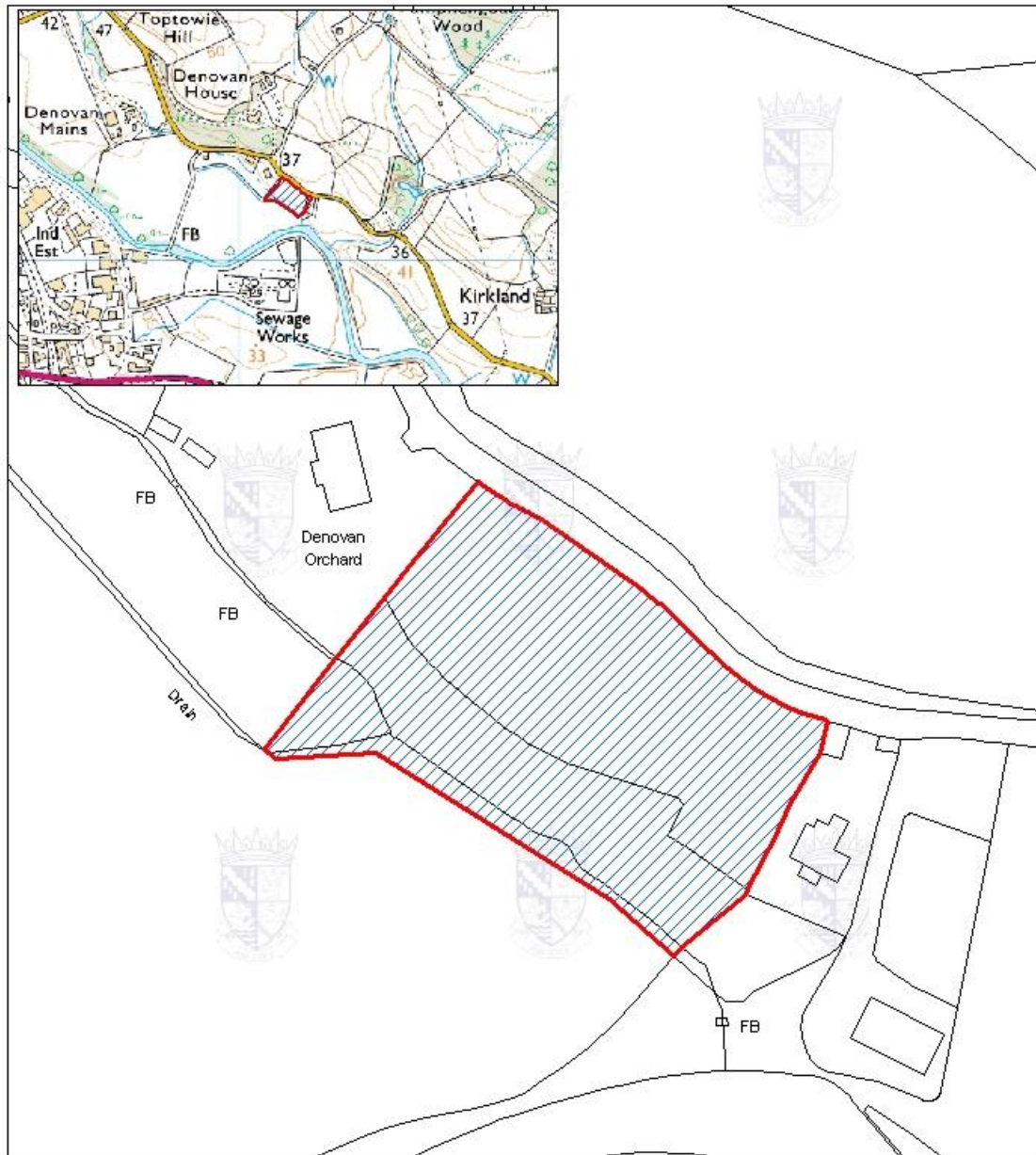
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0621/PPP**

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2011. All rights reserved.  
Ordnance Survey Licence number 100023384