

FALKIRK COUNCIL

Subject: ERECTION OF OUTBUILDING, SITING OF TEMPORARY RESIDENTIAL CARAVAN AND FORMATION OF ALL WEATHER EQUESTRIAN SCHOOLING AREA (RETROSPECTIVE) AND ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH OF SALTERHILL FARM, SLAMANNAN ROAD, LIMERIGG FOR MR & MRS D POLLOCK - P/11/0131/FUL

Meeting: PLANNING COMMITTEE

Date: 5 December 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: No Community Council

Case Officer: David Paterson (Planning Officer), Ext. 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to 1.1 hectares of land at Salterhill Farm, Slamannan, on the south side of the B8022.
- 1.2 This application proposes the erection of a general purpose building, measuring 372 sq.m in floor area, to facilitate an equestrian carriage hire business and horse riding facilities, and the siting of a temporary mobile home. These elements are retrospective. The application also proposes the erection of a 1½ storey dwellinghouse, measuring 247 sq.m in footprint, to accommodate a site manager.
- 1.3 The equestrian carriage hire business and horse riding facilities are currently operating at the site.
- 1.4 It is noted that there has been a previous grant of planning permission (F/2003/0651) on 26 November 2003 for the erection of a building at the site to operate a similar business and the erection of a dwellinghouse. The building has, however, been erected in a position which differs from the plans approved under the terms of planning permission F/2003/0651. The building which has been erected at the site is also smaller than the building originally approved. There is no dwellinghouse erected at the site. The application site in respect of the current application differs from the site boundary in respect of planning permission F/2003/0651.
- 1.5 It is proposed to take access from the existing access to Salterhill Farm from the B8022.

- 1.6 It is noted that the application site and surrounding land forms part of a previous bing. It is also noted that the site has been regraded and improved in terms of visual amenity after planning permission F/2003/0651 was granted.
- 1.7 The application is supported by a business plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposal does not fully accord with the Development Plan.

3. SITE HISTORY

- 3.1 Planning permission for a similar proposal at the site (F/2003/0098) was refused on 2 June 2003 for the following reasons:-
- (1) The proposal is contrary to Policy ENV.1 of the Falkirk Council Structure Plan which presumes 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.
 - (2) The site lies outwith the urban limit as defined in the adopted Rural Local Plan and no justification has been made that the proposed dwellinghouse is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. As such it is considered that the proposal is contrary to Policy Rural 1 of the adopted Rural Local Plan.
 - (3) It is considered that the proposal would not be in the best interests of highway safety as it would generate additional vehicular and pedestrian traffic onto an unclassified road which is substandard in width, horizontal and vertical alignment, and has no street lighting or footpath provision.
- 3.2 The following applications relate to Salterhill Farm, which lies approximately 250 m south of the application site.
- 3.3 F/89/0563 - change of use of house with occupancy restriction to dwellinghouse was refused on 10 July 1989 for the following reasons:-
- "It is considered that the relaxation of the existing agricultural occupancy restriction on the dwellinghouse would be tantamount to the development of a new dwellinghouse within the countryside and therefore is contrary to the provisions of Policy Rural 1 as contained in the adopted Rural Local Plan and SDD Circular 24/1985".
- 3.4 F/91/0917 - change of use of house with occupancy restriction to dwellinghouse was granted on 8 January 1992.
- 3.5 F/94/0637 - extension to dwellinghouse (detailed) was granted on 30 August 1994.
- 3.6 F/96/0568 - development of land for horse training area (detailed) was granted on 10 October 1996.

- 3.7 F/97/0316 - conversion of office/Store to dwellinghouse was withdrawn on 14 October 1999.
- 3.8 F/98/0391 - siting of temporary home (detailed) was granted on 16 February 2000.
- 3.9 F/98/0453 - conversion of non-residential buildings to residential use was withdrawn on 16 January 2001.
- 3.10 F/2000/0213 - erection of storage shed for plant and machinery was granted on 12 June 2000.
- 3.11 F/2003/0651 - erection of dwellinghouse and agricultural building at land adjacent to Salterhill Farm, Station Road, Slamannan - granted on 26 November 2003.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that conditions be attached in respect of the formation of the access and on-site parking/turning facilities.
- 4.2 The Environmental Protection Unit has advised that contamination can be addressed by condition.
- 4.3 Scottish Water has raised no objections.
- 4.4 The Economic Development Unit considers there is a space in the market place for the equestrian carriage hire business and the horse riding facilities. The impact on the local economy is expected to be low.
- 4.5 The Council's independent consultant has advised that the business plan submitted in support of the application is very comprehensive. The venture has a good chance of success, due to the location and demand. The consultant also advises that the Council may wish to consider awaiting further establishment of the business prior to the consideration of a dwellinghouse.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received. Concerns are:-
- The proposal is contrary to the Development Plan.
 - The development can be seen on the skyline, and is therefore detrimental to visual amenity.
 - The proposal is not sympathetic to the character of the rural setting.
 - The site forms part of a previous mining spoil tip which has been regraded. The re-grading works have blocked a previous access from the B8022 to land to the south.

- The application is retrospective. The erection of the building at the site is unauthorised.
- Enforcement action should be taken to ensure the removal of the existing building and cessation of the use of the site as an equestrian carriage hire business and horse riding facility.
- There is no evidence to support the statement that up to ten part-time jobs would be created.
- The supporting statement is incorrect in terms of the number of liveries in the area of the application site.
- There is not a satisfactory access to the horse exercise area.
- There is not sufficient demand to support the business use.
- The business plan is not credible.

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 The consultation responses from the Economic Development Unit and the Council's appointed independent consultant detailed in section 4 of this report are noted.

7a.3 It is considered that the equestrian related business use is acceptable at the location. It could be argued that the coach hire element of the business could operate at a non-rural location. However, the coach hire in this case is directly related to the equestrian use and it is appropriate that it should operate at the equestrian site.

- 7a.4 It is noted that the proposal includes the erection of a dwellinghouse. The consultation responses referred to in section 7a.2 advise that there is room for the business use in the market place and the impact on the local economy would be minimal. The business plan is considered to be comprehensive, and would suggest that the business would be successful due to the location and demand. However, it is noted that whilst the business is becoming established, the Council's appointed consultant suggests that the Council may wish to consider awaiting further establishment of the business prior to the consideration of a permanent dwelling.
- 7a.5 It has not been fully established that the proposed dwellinghouse is essential to the operation of the business which is becoming established. The proposal is not therefore considered to fully accord with Policy ENV.1.
- 7a.6 Structure Plan Schedule ENV.3 identifies the network of international, national and local protected nature conservation sites in the Falkirk area. The proposal is not considered to have a detrimental impact on these designations.

Falkirk Council Local Plan

- 7a.7 Policy EP5 'Business and Industrial Development in the Countryside' states:

"New business and industrial development (Classes 4, 5 and 6) in the countryside will only be permitted in the following circumstances:

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) Proposals involving the reuse of existing industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment; or*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30)."

- 7a.8 It is noted that the carriage hire element of the business is a Class 6 use "storage and distribution" and could potentially be operated at a non-rural location. It is, however, considered that in this case the carriage hire element is directly related to the equestrian uses at the site. It is appropriate that the carriage hire be operated at the site of the equestrian uses.
- 7a.9 The proposal accords with Policy EP5.

7a.10 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.11 Sections 7a.1-7a.5 of this report are relevant.

7a.12 The proposal does not fully accord with Policy SC3 because it has not been fully established that the proposed dwellinghouse is essential to the operation of the business which is becoming established.

7a.13 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."*

7a.14 Sections 7a.7-7a.12 of this report are relevant. It is considered that the proposal accords with Policy EP5 and does not fully accord with Policy SC3.

7a.15 The proposal does not therefore fully accord with Policy EQ19.

7a.16 Accordingly, the proposal does not fully accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations are Scottish Planning Policy, consultation responses, the letter of objection and the planning history.

Scottish Planning Policy (SPP)

7b.2 The SPP states that the planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. Development Plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification.

7b.3 Development Plans should support more opportunities for small scale housing development in rural areas, including new build or conversion housing which is linked to rural business. New housing should fit into the rural landscape.

7b.4 The proposed development would provide a business in the rural community in respect of which it is advised would fit into the market place and which should be successful due to the location and demand. The proposed dwellinghouse would support the operation of the business and would fit into the landscape as it is of similar design and scale to other buildings and dwellings at Salterhill Farm. The design of the existing building associated with the operation of the business reflects agriculture buildings throughout the Falkirk area.

7b.5 The Development Plan is in accordance with SPP. For the reasons already mentioned in paragraph 7a.12 the proposal does not fully accord with the Development Plan.

Consultation Responses

- 7b.6 The response from the Roads Development Unit is noted. The applicants have advised that although outwith their ownership and the application site, they have authorisation from the landowner to improve the access from the B8022 and the visibility at this junction. Their agent has confirmed that they agree to a suspensive planning condition requiring these improvements.
- 7b.7 It is considered that sufficient parking and vehicle turning space within the site can be provided within the site boundary and this can be addressed by planning condition.

Letter of Objection

- 7b.8 Section 7a of this report is noted. The proposal does not fully accord with the Development Plan.
- 7b.9 Whilst the proposed development would be visible from land outwith the application site, it is not considered that the impact on the visual amenity of the area would be significant. The existing outbuilding at the site is similar in scale and design to other dwellings at Salterhill Farm and would not be located in an isolated position from the outbuilding. Furthermore, the existing outbuilding is smaller than the building granted planning permission under the terms of planning permission F/2003/0651.
- 7b.10 It is noted that the site forms part of a previous mining spoil deposit area. It is considered that since the approval of planning permission F/2003/0651, there has been regrading and planting of the site which is considered to have improved the visual amenity of the site.
- 7b.11 It is noted that the application is retrospective in terms of the outbuilding, the equestrian exercise and that the existing development is not authorised by planning permission. It is not appropriate to take enforcement action at this stage, pending the current consideration of the planning application. If the Planning Committee is minded to refuse planning permission, it would be an option to approve enforcement action at that stage, to ensure the removal of the existing development from the land.
- 7b.12 The total number of jobs that may be created is not an essential consideration. Consultation responses suggest that there is a space in the market for the business and that the business should continue to become established. It is noted that the proposal accords with the principles of Scottish Planning Policy in terms of rural development.
- 7b.13 The comment in terms of the number of existing equestrian facilities in the area is noted. The consultation responses from the Economic Development Unit and the Council's appointed independent consultant are also noted. It is considered that the business should continue to become established.
- 7b.14 It is considered that access to the site and equestrian exercise areas is satisfactory.

Planning History

- 7b.15 Planning permission F/2003/0651, detailed in section 3.11 of this report, is noted. It is noted that the planning permission related to a similar development, albeit that the proposed outbuilding approved under the terms of the permission was larger than the existing building on site. It was considered at the time that the proposal did not accord with the Development Plan on grounds that the application site is located in the countryside and that the proposal to erect a dwellinghouse did not accord with countryside related policies. The former Regulatory Committee took the view that there were circumstances whereby the proposed development and business could be supported and that it was appropriate to give greater weight to material considerations.
- 7b.16 Planning permission was granted on 26 November 2003.
- 7b.17 It is accepted that the applicants have taken steps in good faith to implement planning permission F/2003/0651. For reasons of ground stability, the outbuilding has been erected in a different position. The amended position of the outbuilding is, however, outwith the original application site, albeit in the same part of the Salterhill Farm area. The impact of this change, however, is that the outbuilding as erected is not approved by the terms of planning permission F/2003/0651. The current application has been submitted to regularise the situation. No dwellinghouse has been erected at the site and planning permission F/2003/0651 has now lapsed.

7c Conclusion

- 7c.1 The proposal does not fully accord with the Development Plan and the principles of Scottish Planning Policy in terms of rural development.
- 7c.2 The planning history in respect of the proposed development is considered to be a material consideration. The proposal is similar to the proposal granted permission under the terms of planning permission F/2003/0651, albeit that the application site boundary differs in part. It is also accepted that the applicant acted in good faith, for reasons of ground stability, in erecting the outbuilding at a different location.
- 7c.3 It is also noted that the Council's Economic Development Unit, and the Council's appointed independent consultant, have advised that there is a place in the market for equestrian carriage hire business and horse riding facilities, and the business should be successful due to the location of the application site and demand.
- 7c.4 It is noted that it is advised that the Council may wish to consider allowing the business to become further established before considering a permanent dwellinghouse at the site. For this reason, the proposal does not fully accord with the Development Plan.
- 7c.5 It is considered appropriate to give weight to the planning history of the site, the advice received that there is significant demand for the business to allow it to continue to establish and that the applicant has carried out site works, improving the visual amenity of the area. Also, the Council has previously accepted the business case for a dwellinghouse and granted planning permission (ref F/2003/0651), which has now lapsed, for a dwellinghouse.
- 7c.6 On balance, it is considered there is justification to support the proposed development and set aside the terms of the Development Plan in this case.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2)**
 - (i) Unless otherwise agreed in writing, no development shall commence on the erection of the dwellinghouse until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.**
 - (iii) Prior to the commencement of the erection of the dwellinghouse, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. The dwellinghouse shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.**
- (3) Notwithstanding any details previously submitted, no work shall commence in terms of the erection of the dwellinghouse until such time as details of the height, location and construction of all fences, walls and other means of enclosure has been submitted to, and approved in writing by, the planning authority. The development shall be implemented in accordance with the approved details.**
- (4) Notwithstanding any details previously submitted, no work shall commence in terms of the erection of the dwellinghouse until such time as details of external materials in respect of the dwellinghouse have been submitted to, and approved in writing by, the planning authority.**
- (5) The temporary living accommodation shall cease to be occupied and shall be removed from the site once the dwellinghouse is occupied.**
- (6) Before construction of the dwellinghouse commences, visibility splays of 2.4 m x 120 m shall be formed at the junction of the farm access road with the B8022 and the full width of the access road shall be surfaced with a bituminous surface, a minimum of 10 m from the channel of the B8022, in accordance with drawing 10/023/PL2-03B.**

- (7) Before the dwellinghouse is occupied, 3 parking spaces measuring 6 m x 3 m each and a suitably sized turning area shall be formed, all in accordance with details to be submitted to and approved in writing by this planning authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity.
- (3-4) To safeguard the visual amenity.
- (5) To ensure that the planning authority retains control over the development and avoid the creation of an additional dwelling.
- (6) In the interests of road safety, to ensure the provision of adequate visibility and a satisfactory standard of access.
- (7) To ensure adequate provision of off-street parking and manoeuvring space within the site.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this consent refer(s) bear our reference number(s) 01B, 02, 03 and 04.

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Director of Development Services

Date: 25 November 2011

LIST OF BACKGROUND PAPERS

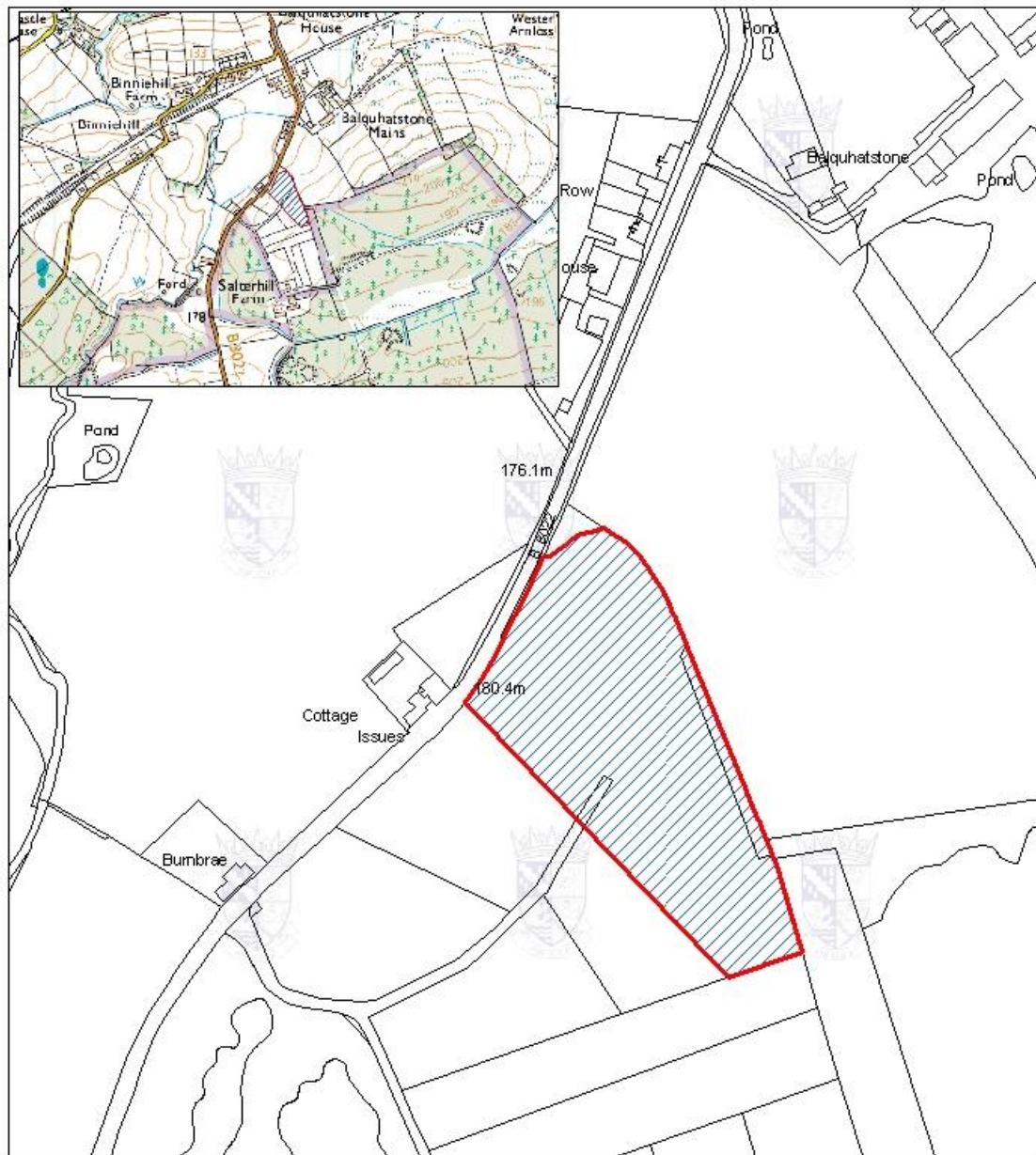
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. Letter of Objection received from Mrs Sheila Hall, Balcastle House, Slamannan, Falkirk, FK1 3BB on 21 April 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan **P/11/0131/FUL**

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



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