

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF BED AND BREAKFAST AND GUESTHOUSE  
(CLASS 7) AT TIPPETCRAIG, BONNYBRIDGE FK4 2EU FOR  
MR STEVEN CAIRNS - P/11/0482/PPP**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **1 February 2012**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Bonnybridge and Larbert  
Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow**

**Community Council:** **Bonnybridge**

**Case Officer:** **Alan Scott (Assistant Planning Officer), Ext. 4909**

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 5 December 2011 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 19 December 2011.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant's representative spoke in support of the application, emphasising the applicant's intention to operate a Class 7 bed and breakfast business.
4. Objectors made comments reiterating points raised in their submissions, particularly in relation to the loss of good agricultural land, lack of justification for the proposed development and that the application is contrary to the Development Plan.
5. Representatives of the Bonnybridge Community Council also spoke in opposition to the proposal, reiterating the points which were raised in their submission and questioning whether there has been any evidence from Visit Scotland recommending a facility in this particular location.
6. In response to the various points raised, the applicant's representative confirmed that no such evidence from Visit Scotland had been provided by the applicant to demonstrate that there was a specific requirement for such a facility in this location.

7. Members of the Committee, as well as local Members, were given the opportunity to raise any questions or comments regarding the proposal. The potential for alternative unauthorised use of the site was raised as was the proximity of the proposal to the nearby property at Leyswood. The issue of neighbour notification was also discussed with clarification sought on the current procedures.
8. No matters were raised which would amend the original recommendation to refuse planning permission in principle.

## **9. RECOMMENDATION**

- 9.1 It is therefore recommended that Planning Permission in Principle be refused for the following reasons:-**

**Reason(s):**

1. The proposed development is not essential to the pursuance of agriculture, horticulture or forestry. A countryside location is not essential for the proposed development. The proposed development is not essential for the management of a business for which a countryside location is essential, or to provide funding for such a business. The proposed development does not constitute an appropriate form of agricultural diversification. The proposed development does not therefore accord with Policies ENV1 (Countryside and Protected Areas) or ECON7 (Tourism) of the Falkirk Council Structure Plan or Policies EQ19 (Countryside) or SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan.
2. The proposed development is contrary to Policy EP16 (Leisure and Tourism Development in the Countryside) of the Falkirk Council Local Plan as it is not proposed to utilise an existing building and there is no specific opportunity for such a development within the Local Plan.

**Informative(s):**

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

**Pp**

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**Director of Development Services**

**Date:** 24 January 2012

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan

2. Falkirk Council Local Plan
3. Letter of objection from Alasdair Macleod, 19 Dunure Street, Bonnybridge, FK4 1EF received on 7 September.
4. Letter of objection from Mrs Jean Black, 38 Town Park, Carrickfergus, BT38 8FG received on 13 September.
5. Letter of objection from Mrs Alison Massie, 10 Tarbolton Crescent, Airdrie, ML6 8 HN. received 13 September 2011
6. Letter of objection from Mrs May Fraser, Leyswood, Bonnybridge, FK4 2EU received 26 September 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF BED AND BREAKFAST AND GUESTHOUSE  
(CLASS 7) AT TIPPETCRAIG, BONNYBRIDGE, FK4 2EU FOR  
MR STEVEN CAIRNS - P/11/0482/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 5 December 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward – Bonnybridge and Larbert  
Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

**Case Officer:** Alan Scott (Assistant Planning Officer), Ext. 4880

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

- 1.1 Planning permission in principle is sought for the erection of a dwellinghouse to be used for the purposes of a bed and breakfast with accommodation for the proprietor of the business. As this is an application for planning permission in principle, an indicative site layout has been submitted illustrating the site access and position of the proposed building within the application site.
- 1.2 A Business Plan and additional information has been submitted in support of the application. It is envisaged that development of a 5 bedroom property will provide 3 rooms for bed and breakfast purposes with the remainder to be used by the proprietor.
- 1.3 The application site is situated in a rural location to the east of Leyswood, a detached dwellinghouse, located to the south of Bonnybridge.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor Billy Buchanan.

**3. SITE HISTORY**

- 3.1 No site history.

#### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objections. However, it should be noted that any planning permission granted by the local authority does not guarantee a connection to Scottish Water infrastructure.
- 4.2 The Roads Development Unit have suggested that, should the application be approved, conditions relating to access and flood risk assessment should be applied.
- 4.3 The Environmental Protection Unit has raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.
- 4.4 Scottish Natural Heritage (SNH) state that the proposal lies close to the Slamannan Plateau Special Protection Area (SPA) classified for its wintering bean geese. In SNH's view, it is unlikely that the proposal will have a significant effect on any qualifying interest either directly or indirectly. An appropriate assessment is therefore not required.

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

- 5.1 Bonnybridge Community Council object to the proposal, their main concern being that it is contrary to the Local Plan. They state that it fails on three sections, Policies SC3 (Housing Development in the Countryside), EQ19 (Countryside) and EQ20 (Green Belt). The Community Council also state that the business case submitted on behalf of the applicant makes a number of assumptions regarding access, occupancy levels and support from Visit Scotland.

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

- 6.1 During the course of the application, four letters of objection were received by the Council. The salient issues are summarised below:
  - Opposition to good agricultural land being ruined;
  - Mine shafts throughout the area;
  - Objections to any buildings being put on "green belt" agricultural land;
  - The proposal would be out of place and be a blight on the land;
  - Loss of amenity and privacy;
  - Inadequate roads access; and
  - Inadequate sewerage treatment facilities available.

## 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 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 Econ.7 Tourism states:

*The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:*

- 1. the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- 2. development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- 3. tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential.*

7a.3 While the above Structure Plan policies refer to encouragement for development which supports and expand the main target markets, in terms of both Policy ENV1 and Policy ECON7, it has not been demonstrated that a countryside location is essential for the proposed development.

7a.4 The proposal does not accord with the above policies contained within the Falkirk Council Structure Plan.

## **Falkirk Council Local Plan**

### **7a.5 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.5 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 all of the following:*
  - *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; and*
  - *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 all of the following criteria are met:*
  - *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; and*
  - *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 residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.*

7a.6 Policy EP16 – Leisure and Tourism Development in the Countryside states:

*Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:*

- 1. Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs/restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- 2. Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- 3. Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- 4. Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in the SPP.*

*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) and built heritage (EQ12-EQ18), and of the adequacy of access and car parking arrangements.*

7a.7 Policy EQ19 notes that land outwith settlement boundaries is designated as countryside and will be subject to detailed policies for specific uses indicated in Table 3.3 of the Local Plan. This table includes Policy SC3 and Policy EP16. Policy SC3 sets out the circumstances in which housing in the countryside will be permitted, and reflects and expands on Structure Plan Policy ENV1.

7a.8 Policy EP16 notes that leisure and tourism in the countryside will only be permitted where the need for a countryside location is demonstrated and where a number of other requirements are satisfied. These include in sub paragraph (1), proposals including B&B's which it notes will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan.

7a.9 As the proposal for a new build development and not the use of any existing building it does not meet the requirements of Policy EP16 and it fails to be considered against Policy SC3 as new housing development in the countryside. No operational requirement for a countryside location has been demonstrated and it therefore fails to satisfy Policy SC3.

**7b Material Considerations**

7b.1 The material considerations to be assessed are the consultation responses, the public representations and supporting information.

***Consultation Responses***

7b.2 Scottish Water and Scottish Natural Heritage have no objection in principle to the proposal.



- 7b.3 The Roads Development Unit have expressed concern that, should the application be approved, it may present increasing road safety concerns in terms of setting a precedent for further development in the area. The Unit have also stated that a Flood Risk Assessment would be required, should the application be granted.
- 7b.4 The Environmental Protection Unit have suggested conditions/informatives relating to contaminated land and noise during construction be attached should the application be granted.

### ***Assessment of Public Representations***

- 7b.5 The concerns raised have been summarised in section 6 of this report. In response to the concerns, the following comments are considered relevant:-
- The proposal is located within an area designated as Countryside in the Development Plan, the retention of which is to be encouraged.
  - The existence of mine shafts within the area is entirely possible and it would be the responsibility of the developer to ensure that ground conditions were suitable for this type of proposal in this particular location should the Committee be minded to grant permission.
  - The proposal has been assessed against the Structure Plan and Falkirk Council Local Plan and is considered contrary to the relevant policies contained within.
  - The application site is in a remote location and is far enough removed from any nearby properties as to not have a significant negative impact on amenity or privacy.
  - The Roads Development Unit have stated that the proposal would not have a significant effect on the existing rural road network but have stated that road safety concerns would increase should the proposal be seen as setting a precedent for further development in the area.
  - Scottish Water have been consulted on the proposal and have stated that Carron Valley Water Treatment Works currently has capacity to service the proposal. They have also stated that there may be a need for the applicant to carry out works to the local network to ensure there is no loss of service to existing customers. There are no public sewers in the vicinity of the proposed development.

### ***Supporting Information***

- 7b.6 While a Business Plan has been submitted in support of the application detailing the background to the proposal as well as objectives of the business and potential marketing procedures, no justification for a countryside location has been provided by the applicants.

## **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan as it has not been demonstrated that a countryside location is essential for the proposed development.

**8. RECOMMENDATION**

**8.1** It is therefore recommended Committee refuse planning permission in principle for the following reasons:-

**Reason(s):**

1. The proposed development is not essential to the pursuance of agriculture, horticulture or forestry. A countryside location is not essential for the proposed development. The proposed development is not essential for the management of a business for which a countryside location is essential, or to provide funding for such a business. The proposed development does not constitute an appropriate form of agricultural diversification. The proposed development does not therefore accord with Policies ENV1 (Countryside and Protected Areas) or ECON7 (Tourism) of the Falkirk Council Structure Plan or Policies EQ19 (Countryside) or SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan.
2. The proposed development is contrary to Policy EP16 (Leisure and Tourism Development in the Countryside) of the Falkirk Council Local Plan as it is not proposed to utilise an existing building and there is no specific opportunity for such a development within the Local Plan.

**Informative(s):**

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

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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. Letter of objection from Alasdair Macleod, 19 Dunure Street, Bonnybridge, FK4 1EF received on 7 September.
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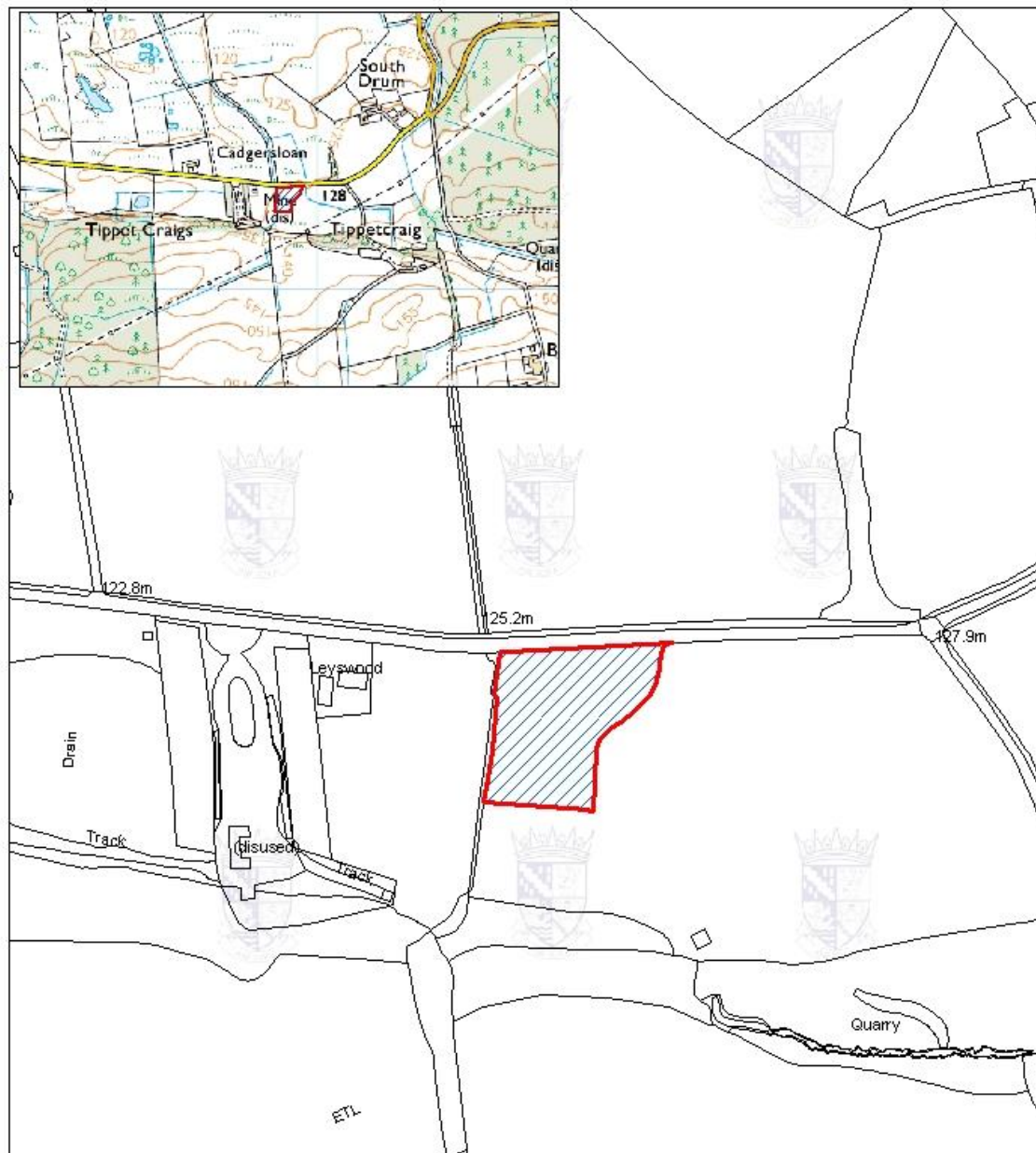
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Alan Scott, Assistant Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0482/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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