

**PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING**

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**PROPOSAL** : Siting of Residential Caravan (Retrospective)  
**LOCATION** : Homestead Farm, Binniehill Road, Slamannan, Falkirk, FK1 3BE,  
**APPLICANT** : Mr S Bruce  
**APPN. NO.** : P/15/0289/FUL  
**REGISTRATION DATE** : 21 May 2015

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

This is a retrospective planning application for the siting of a static caravan with associated decking on land off Binniehill Road, Slamannan. The caravan is located at the end of a private track, set amongst existing trees and adjacent to a horse training arena and stables.

**2. SITE HISTORY**

A/2004/0001 - Erection of agricultural building - Permitted Development - 07.04.2004.

F/2004/0310 - Erection of dwellinghouse (detailed) - approved 24.11.2004.

P/10/0636/FUL - Siting of Temporary Caravan, Formation of Floodlit Horse Training Arena, Extension to Existing Shed, Erection of Storage Shed and Erection of Entrance Feature Wall (Retrospective) - Granted (part) 12.12.2011.

**3. CONSULTATIONS**

No consultations were carried out on this proposal.

Where the local Community Council requested consultation, their comments appear above.

**4. PUBLIC REPRESENTATION**

In the course of the application, 5 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

There have been 8 objections from 5 neighbouring residents, who comment that:-

- a) The reason for the caravan is that it is required for the house build. One of the planning conditions is that the occupier be solely or mainly employed in agriculture. The applicant is not employed in agriculture nor is there livestock on the premises
- b) There is no drawing of the 10 car parking spaces
- c) the applicant states that there are no trees on or adjacent to the site, but there trees on the applicant's photographs
- d) there are unresolved breaches of planning control already on the site
- e) the site is within an AGLV and the caravan and earth works are an eyesore and detrimental to the environmental amenity of the area
- f) the site, with 10 car parking spaces and HGV's already on the site, will create unacceptable traffic generation through Binniehill
- g) a similar application has already been refused
- h) the trees have bats and ravens
- i) the planning permission for the house has expired
- j) the 12-18 month occupancy period is excessive
- k) what are the 10 car parking spaces for\_

**5. THE DEVELOPMENT PLAN**

The proposed development was assessed against the undernoted Development Plan(s):

**Falkirk Council Structure Plan.**

There are no relevant policies within the Falkirk Council Structure Plan.

**Falkirk Council Local Plan.**

EQ19 - Countryside

EQ26 - Trees, Woodland and Hedgerows

EQ23 - Areas of Great Landscape Value

**Falkirk Council Local Development Plan - Proposed Plan**

**5A. MATERIAL CONSIDERATIONS**

The following matters were considered to be material in the consideration of the application:

Responses to Consultation

Information Submitted in Support of the Proposal

Assessment of Public Representations

Falkirk Local Development Plan (Proposed Plan)

**6. PLANNING ASSESSMENT**

**The Development Plan**

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

**Local Plan Policies**

The application is for the siting of a caravan for a temporary period, not to re-visit the merits of the dwellinghouse granted by planning permission F/2004/0310. As such, the introduction of a temporary residential caravan to accompany development in rural locations is not unusual and can normally be accepted on a temporary basis, providing access, siting and design can be addressed. In such cases, these material considerations can outweigh Development Plan policies. With specific reference to Policy EQ19 - Countryside - development proposals in the countryside out with the established criteria (table 3.3) will only be permitted where it can be demonstrated that they require a countryside location. In this instance, the erection of the dwellinghouse has not been demonstrated as being secured, as there remains a number of suspensive planning conditions which require to be met prior to any further works on site. Therefore, with the development of the dwellinghouse not being established, there is no obvious reason for the caravan. It should be noted that one of the outstanding conditions is with regard to badgers and the survey, evaluation and potential mitigation works may impose time scales which may hamper the further development of the dwellinghouse, all out with the period requested for the temporary caravan.

**Responses to Consultation**

No consultations sent or requested.

**Information Submitted in Support of the Proposal**

The applicant has sought to support the presence of the caravan through a) there previously was a caravan sited in the location and b) the provision will accompany the construction of a dwellinghouse, over a 12-18 month period.

### **Assessment of Public Representations**

- a) The development of the dwellinghouse associated with P/2004/0310 has not been ensured. While it has been confirmed by Falkirk Council that development of the site has been initiated, there remains a number of planning conditions which have not been purified, including the need for a Badger Survey. Clearly these conditions will be required to be addressed prior to any further works on site. Therefore, the placement of a caravan on site to monitor building works could be considered to be premature
- b) the building of the dwellinghouse is not restricted to persons employed in agriculture, it is the occupancy of the dwellinghouse
- c) The applicant's agricultural status has not been established, nor is there evidence of any livestock on the site
- d) the previously unauthorised presence of a caravan does not establish the precedent for similar proposals
- e) there are trees on the site, but the presence of bats has not been established. No trees have been felled as a consequence of the development.
- f) there is room on the site for extensive parking provision, but is considered that this provision would not be utilised long-term, beyond potential parking for construction contractors
- g) the existing breaches of planning control are currently being addressed and are not considered to prejudice the current application.

### **Falkirk Local Development Plan (Proposed Plan)**

The Proposed Falkirk Local Development Plan is expected to be adopted in 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

Falkirk Local Development Plan Policy CG01 - Countryside - also sets criteria for appropriate new development in the countryside, following the theme established in the Falkirk Local Plan.

## **7. CONCLUSION**

It is considered that the siting of a caravan on the site is contrary to established Development Plan policies on new development in the countryside, where there are no material planning considerations to outweigh those established policies. The premise that the caravan is to be used in conjunction with the construction of a dwellinghouse is premature, given that there remain outstanding planning conditions associated with that dwellinghouse, which could prejudice its construction. The assumption that because there was previously an unauthorised caravan present on the site does not provide precedent that the exercise should be repeated. It is also recommended that, without the benefit of planning permission, Falkirk Council may exercise the ability to enter into formal Enforcement proceedings to seek removal of the caravan and decking if voluntary removal cannot be achieved.

## **8. RECOMMENDATION**

Refuse Planning Permission and Enforce

Refusal is recommended for the following

Reason(s):

1. The proposal is considered to be contrary to Local Plan Policy EQ19 - Countryside - in that it has not been demonstrated that the presence of the caravan, albeit for a temporary period, is required in connection with any appropriate rural business or activity and its presence is considered to adversely impact on the character of the countryside.

The recommendation is based on the following reason(s):-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02. \*\*\*\*



Director of Development Services

22/6/15.

Date

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