

Agenda Item 6

**CHANGE OF USE OF QUARRY TO
GARDEN GROUND AT HILLVIEW, GLEN
ROAD, TORWOOD, LARBERT, FK5 4SN
FOR MR GILLIES GUTHRIE -
P/19/0187/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE OF QUARRY TO GARDEN GROUND AT HILLVIEW, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN FOR MR GILLIES GUTHRIE - P/19/0187/FUL

Meeting: PLANNING COMMITTEE

Date: 28 August 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use of a quarry (partially unfilled/restored) to garden ground. The garden ground would relate to Hillview, recently granted planning permission (P/18/0606/FUL) as a dwellinghouse by the Council's Planning Review Committee.
- 1.2 The application site is within countryside on the outskirts of Torwood.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is called in by Provost William Buchanan for the following reason:
- To allow the Planning Committee to give consideration and scrutiny in relation to road safety matters, given the planning history of the site and surrounding land.

3. SITE HISTORY

- 3.1 A planning application for the erection of a dwellinghouse, garage and workshop (Ref: 05/0788/OUT) was refused on 17 January 2006.
- 3.2 A planning application for the change of use of derelict land to garden ground and erection of a domestic garage and workshop (Ref: 05/1071/FUL) was granted on 16 March 2006.

- 3.3 A planning application for engineering/regrading works and change of use of former quarry to garden ground (Ref: P/07/0940/FUL) was refused on 10 July 2008.
- 3.4 A planning application for the regrade and landscape disused quarry (Ref: P/09/0771/FUL) was granted on 23 May 2011.
- 3.5 A planning application for the erection of a dwellinghouse, garage, car port and studio (Ref: P/12/0492/PPP) was refused on 17 December 2012.
- 3.6 An application for the erection of 4 holiday lodges and caretaker's residential accommodation (Ref: P/12/0493/PPP) was refused on 7 June 2013.
- 3.7 An enforcement case, breach of planning conditions in relation to P/09/0771/FUL (Ref: ENF/2011/0048) on 20 January 2012.
- 3.8 An enforcement case, breach of planning conditions in relation to P/09/0771/FUL (Ref: ENF/2012/0127) on 1 January 2013.
- 3.9 A planning application for the change of use of former quarry to provide additional garden ground, extension to existing domestic workshop and erection of decking (Ref: P/14/0186/FUL) was granted on 7 November 2014.
- 3.10 A planning application for the extension to workshop (amendment to planning permission P/14/0186/FUL) (Partially Retrospective) (P/16/0002/FUL) was granted on 10 March 2016.
- 3.11 An application to remove condition 2 of planning permission P/09/0771/FUL to make temporary access permanent (Ref: P/17/0462/VRC) was refused on 29 September 2017.
- 3.12 An enforcement case, unauthorised structure (Ref: ENF/2018/0008) on 19 February 2018.
- 3.13 A planning application to remove condition 2 of Planning Permission P/09/0771/FUL to make the temporary access permanent (P/18/0009/VRC) was refused by the Planning Committee on 26 June 2018.
- 3.14 An application for a Certificate of Existing Lawful Use for the use of an outbuilding as a dwellinghouse (P/18/0524/CPE) was refused on 23 October 2018.
- 3.15 A planning application for a change of use of quarry to garden ground and change of use of outbuilding to form dwellinghouse (P/18/0606/FUL) was granted by the Council's Planning Review Committee on 30 April 2019.
- 3.16 A planning application for the deletion of condition 2 of planning permission P/09/0771/FUL to make temporary access permanent (P/19/0292/FUL) is pending decision. This application is on the agenda for August Planning Committee.
- 3.17 An application for a High Hedge Notice (P/19/0404/HHC) was submitted by the applicant and is pending consideration.

4. CONSULTATIONS

- 4.1 The Council's Environmental Protection Unit do not object to the application, subject to a planning condition in relation to ground contamination.
- 4.2 The Council's Roads Development Unit do not object to the application.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council is no longer operative.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, no third parties submitted representations.

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

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

- 7a.2 Policy CG01 'Countryside' states:-

'The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.'

- 7a.3 The application site is located in the countryside as identified in the Falkirk Local Development Plan (LDP). The open and relatively undeveloped nature of the countryside contributes to its character and identity. Policy CG01 advises that the village limit, as defined on the LDP proposals map, represents the limit to the expansion of settlements. The application would relate to a sporadic and incremental expansion of the urban boundary of Torwood, contrary to policy CG01 'Countryside'.
- 7a.4 Accordingly, the application is contrary to the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan 2 (Proposed Plan) and the planning history for the site.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.2 The current Falkirk Local Development Plan is in the process of being replaced by a new plan. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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.

7b.3 The application site is in the countryside as identified in the LDP2. As such the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify the granting of planning permission in this instance.

Planning History

7b.4 The applicant's properties Ochilview and Hillview have evolved in a sporadic manner with on-going encroachment into the countryside over a number of years. This is considered to be to the detriment of visual and residential amenity at the western approach to / entrance of Torwood.

7b.5 The applicant originally lived in the neighbouring property Woodside, which is in the village limit of Torwood. There have been a number of planning applications for extensions of garden ground and outbuildings which were subsequently converted into dwellinghouses. This includes Ochilview which was originally the garage for Woodside and Hillview which was an outbuilding for Ochilview (recently granted planning permission by the Council's Planning Review Committee).

7b.6 There is no justification for further incremental encroachment into the countryside.

Consideration of the Site in relation to Coal Mining Legacy

7b.7 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.

7b.8 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

7b.9 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

7c.1 The application is assessed as being contrary to the Falkirk Local Development Plan. There are no material planning considerations to warrant approval of the application.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning committee refuse planning permission for the following reason(s):-

- 1. The development would result in sporadic, ribbon development and an incremental encroachment into the countryside to the detriment of the amenity of the countryside and the integrity of the Torwood village limit, contrary to policy CG01 'Countryside' of the Falkirk Local Development 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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pp Director of Development Services

Date: 15 August 2019

LIST OF BACKGROUND PAPERS

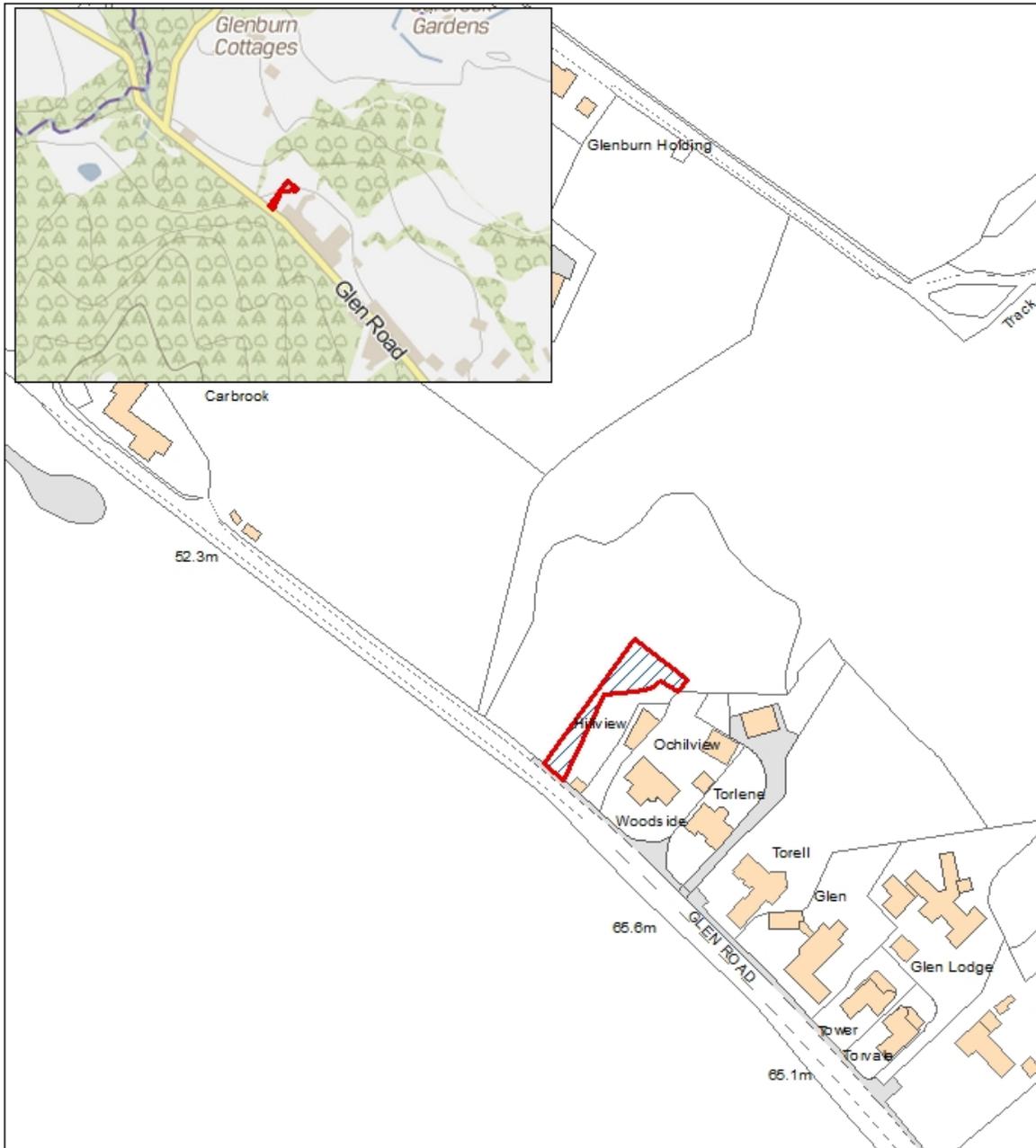
- 1. The Falkirk Local Development Plan.**
- 2. Falkirk Local Development Plan 2 (Proposed Plan).**

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/19/0187/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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