



## **Agenda Item 4**

**ERECTION OF OUTBUILDING AND  
HARDSTANDING AT GARVALD  
HOUSE, FANKERTON, DENNY, FK6  
5HJ FOR MR & MRS M MASTERSON -  
P/20/0453/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF OUTBUILDING AND HARDSTANDING AT GARVALD HOUSE, FANKERTON, DENNY, FK6 5HJ FOR MR & MRS M MASTERSON - P/20/0453/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 20 January 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Nigel Harris

**Community Council:** Denny and District

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

[View this Application on Public Access](#)

**UPDATE REPORT**

1. Members will recall that the Planning Committee considered this application on 21 April 2021 (copy of the report appended), when it was agreed to continue consideration of the application to allow further information to be provided by officers on badger activity and badger report(s) relative to the proposed development, allow the applicant an opportunity to consider the objections received, and allow the committee to carry out a site visit to the site together to view the physical characteristics of the site noting that such a site visit would require to be conducted in line with coronavirus guidance and physical distancing requirements.
2. Following the Committee's continuation of the application on 21 April 2021, a Committee site visit was arranged for 4 May 2021 but unfortunately a quorum of Committee members was not met, and a further site visit was arranged and took place on 31 May 2021.
3. Members will also recall that the Planning Committee agreed to further continue the application on 16 June 2021 with no further consideration of the application pending an investigation into a complaint received regarding the handling of the planning application including the objectivity and judgement of the case officer in his assessment of the application. The investigation is in the process of being concluded by the Acting Head of Planning.

4. At the Committee site visit on 31 May 2021, the Committee viewed the site of the proposed development and surrounding land. This included viewing the site from the driveway and balcony of a neighbouring residential property.
5. Members will recall that a deputation was made at the Committee meeting on 21 April 2021 which raised concerns at the potential impact of the proposed development on badgers. The deputation advised that a badger worker with Scottish Badgers who is also a Falkirk Council countryside ranger visited the site on the afternoon of 20 April 2021. The deputation contained the following summary of her comments made to the neighbour at her site visit:-

*'The field is a prime foraging site for badgers and other animals. There are well established and recently worn badger paths from all of the setts to the field. There are a large number of path entrances to the field. The area of the development site has countless snuffle holes and is literally covered in them. It is obviously a well-used feeding area for badgers that is constantly used. There are many larger holes in the site where badgers have recently dug deeper due to the dry spell making the worms and insects go further underground. Fiona is familiar with area, and that the badgers here are limited in where they can forage by the deep gorges of the River Carron and the Garvald Burn being on three sides of the area.'*

6. The countryside ranger who visited the site has confirmed that her visit was in her capacity as a badger worker with Scottish Badgers and that the above comments attributed to her are accurate. She did not visit the site at the request of the Council's Development Management Unit in relation to the planning application.
7. The badger survey report accompanying the application concluded that badgers are not a constraint to the proposed development. In view of the deputation, and any perceived conflict of interest from the countryside ranger having visited the site in her capacity as a badger worker with Scottish Badgers, the Council's other countryside ranger was requested to review the badger report. As part of her review she visited the site on 18 May 2021. She concluded that the proposed development would not have any effect on badgers as it affects only a small part of the field and would not restrict access to any foraging sites. She therefore concurs with the conclusion of the badger survey report.
8. The deputations to the 21 April 2021 Committee included comments from Dr Mary Deborah Marsden, a senior consultant with the Society of Equine Behaviour Consultants, on the suitability of the proposed building for the keeping of horses. Her conclusion was that the building is unsuitable for this purpose, particularly in respect of insufficient ventilation and considerable fire risk and contravenes the Scottish Government Code of Practice for the Welfare of Equidae in a variety of ways.

9. In response to these comments, the applicant highlighted that the internal layout is not fixed and they were liaising with a natural horsemanship industry expert before finalising the layout. The applicant also contends that an American barn type structure is the most popular method today of keeping horses and galvanised sheet roofing with anti-condensation strips is the industry standard for this type of building. In terms of ventilation, the applicant has advised that the door will be left open when the horses are inside. Together with the size and height of the building, the applicant contends that the British Horse Society and Scottish Government recommendations for ventilation are met. In terms of fire risk, the applicant contends that the Scottish Government Code of Practice for the Welfare of Equidae is silent on the matter of storing hay indoors, while the British Horse Society only references damp hay as a fire risk (due to the risk of spontaneous combustion).
10. The above comments on this matter including the qualifications and experience of Dr Mary Deborah Marsden are noted. However, the matter of the suitability of the proposed building for the keeping of horses is not a material planning consideration and does not preclude the Planning Committee from approving the application. If, following any grant of planning permission, there was a requirement to change the design, internal layout or external finishes of the building to comply with industry and any other relevant legislation and standards, the applicant would need to seek the opinion of the Planning Authority as to whether such changes could be considered a non-material variation to the planning permission or whether a new planning application would be required.
11. In advance of the 16 June 2021 Committee meeting, further representations to the application were received. In the main these further representations re-iterated and expanded on the concerns raised in the original representations which were summarised and responded to in the 21 April 2021 report to Committee. As highlighted in that report, a number of matters raised in the representations are not material planning considerations. These included potential impacts on existing private drainage infrastructure, legal rights of access and animal welfare considerations.
12. The further representations also included the following points:-
  - The field which the application site forms part of slopes predominantly from west to east;
  - Professional opinions from experts provided by objectors have been largely excluded from the report;
  - SEPA guidance and regulations state that effluent from stables should not be allowed to enter existing drains;
  - The planned rainwater soakaway and the necessary stable drainage system would introduce more water into a large boggy depression to the east of the field and risk affecting the Garvald Burn watercourse. SEPA regulations prohibit such contamination;
  - There are concerns with the site of a muck heap and the associated problems of run-off, smell, flies and fire risk;
  - Water collects on the access road during heavy rain and flows from the lowest part of the access road, which is adjacent to the proposed site, into the field;
  - The neighbours were not informed of the application being amended;

- It is unclear how an application can reach the point of being recommended, and yet only then does the Council need to ask the applicant for dimensions and seek information and assurances about its intended use;
- The Roads consultation does not mention any requirements in relation to visibility splays or gradients at the access entry;
- There are concerns about the shed being used as accommodation in the future. The applicants have plans to develop a range of commercial activities at Garvald House, the woodland and the river;
- The size, shape and material of the proposed building are not normally associated with stables for keeping two horses for pleasure;
- Dr Marsden has advised that American type barns are primarily used in large commercial establishments, where partitions making many stables are built inside a larger building;
- Dr Marsden has also advised that anti-condensation stripe will not dry the moisture inherent in hay, prevent hay from overheating where there is a lack of sufficient air circulation, or prevent increased temperature and humidity from animal breath, urine and faeces, and water provision;
- The report to Committee does not include any information about biodiversity other than badgers;
- There is a contradiction between the conclusions reached by the Council's two countryside rangers in relation to badgers.

13. These further representations are noted and the following comments are made in response to points that have been raised:-

- The professional reports accompanying the application were considered in the assessment of the application along with submissions by the applicant. The report dated 21 April 2021 sets out the planning assessment and recognised the relatively small-scale of the proposed building and discrete location within the wider landscape setting;
- The applicant would be required to comply with SEPA standing advice and guidance in relation to such matters as the water environment;
- The muck heap referred to would similarly need to comply with relevant SEPA standing advice and guidance, along with any relevant environmental health legislation. This matter is separate to the planning process;
- The Flood Prevention Team have advised that the proposed change in ground levels would alter the surface water flow regime, but it is not considered that this would be detrimental to any surrounding properties. While the proposal is not sufficiently large to require a formal Sustainable Urban Drainage System (SUDS), due to the nature of the ground levels proposed, it would be beneficial for cut-off areas to be placed at the bottom of the new banking to the north of the shed to manage water ponding in this area. In addition, any water collecting on the access road should be directed towards the field to the west, away from the proposed building;
- The neighbours were not re-notified as the proposed amendments were not considered to materially change such matters as the siting, scale and design of the proposed development. The neighbours have had ample opportunity to make representations on the application, including the amendments. This includes deputations at the Committee meetings;

- As advised in the report dated 21 April 2021, an amended supporting statement was submitted which addressed concerns raised in the objections. This included clarification that the proposed turning area is not intended or designed to accommodate HGV manoeuvres;
- The consultations were carried out when the application was validated in accordance with standard practice. Further consultations are carried out during the application process as and when required;
- The Roads Development Unit have confirmed that the proposed 1 in 10 gradient for the new access is acceptable and that the available visibility is satisfactory having regard to the nature of the proposal, the likely low level of existing vehicles movements on the shared access, and the likely low vehicle speeds on this access;
- The consideration for the Committee is solely for the application as presented in the planning application, being for an outbuilding for use for horse stabling, storage of equine related equipment and feed, and storage of equipment for maintaining the holding, and hardstanding;
- The application site consists of a relatively small part of a field which includes two small trees. No biodiversity interest other than badgers has been identified in respect of the application;
- There does not appear to be a contradiction in the comments of the Council's countryside rangers. The ranger acting in her capacity as a badge worker for Scottish Badgers advised that the field is a prime foraging site for badgers. The other countryside ranger visited the site at the request of the Council's Development Management Unit to consider the planning application and concluded that the proposal would not have any effect on badgers as it affects only a small part of the field and would not restrict access to any foraging sites.
- The proposed development is not considered to give rise to any material privacy impacts;
- As advised in the report dated 14 April 2021, legal rights of access are not a material planning consideration. Allegations of harassment/ bullying/ anti-social behaviour by the applicant are also not material planning considerations.

14. It is not considered that any new matters have been raised that would alter the previous recommendation to grant planning permission. The previous recommendation is therefore reiterated as detailed below. An informative is added to reflect the advice of the Flood Prevention Team detailed in this report.

## 15. RECOMMENDATION

15.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-

1. **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

2. The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
3. The development shall not commence until the precise details of a scheme of soft and hard landscaping have been submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate): -
  - (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
  - (ii) The location of all new trees, shrubs, hedges and grassed areas;
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/ density;
  - (iv) The location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
  - (v) The location, colour and specification of all proposed hard landscape areas and surface finishes;
  - (vi) A programme for completion and maintenance of the approved scheme of landscaping.

Thereafter the development shall be carried out in accordance with the approved scheme of landscaping. No existing vegetation shall be removed prior to the scheme being approved.

4. The development shall not commence until the precise details of any intended external lighting have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
5. The development shall be carried out in accordance with the best practice measures outlined in the badger survey prepared by Baker Ecology, dated February 2021.
6. A further badger survey shall be carried out and submitted for the written approval of this Planning Authority if the proposed development does not commence within 12 months of the date of the last approved survey.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
- 5-6. To safeguard the interests of a protected species.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

2. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. In the event of unexpected contaminated land being encountered following commencement of the development, the applicant is advised to ensure that all work on the affected part of the site ceases, the Planning Authority is notified immediately, a contaminated land assessment and any necessary remediation works are carried out, and the development is only recommenced with the prior written approval of the Planning Authority.

5. The Council's Flood Prevention Team have advised that it would be beneficial for cut-off areas to be placed at the bottom of the new banking to the north of the shed to manage water ponding in this area. In addition, any water collecting on the access road should be directed towards the field to the west, away from the proposed building.

.....  
pp Director of Place Services

Date: 12 January 2022



## **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Falkirk Council Supplementary Guidance SG05 'Biodiversity and Development'.
4. Falkirk Council Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'
5. Objection received from Susan Bond on 13 November 2020.
6. Objection received from Ironside Farrar Ltd, FAO Albert Muckley, 111 McDonald Road, Edinburgh, EH7 4NW, on 17 November 2020.

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

**FALKIRK COUNCIL**

**Subject:** ERECTION OF OUTBUILDING AND HARDSTANDING AT GARVALD HOUSE, FANKERTON, DENNY, FK6 5HJ FOR MR & MRS M MASTERSON - P/20/0453/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 16 June 2021

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Nigel Harris

**Community Council:** Denny and District

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

[View this Application on Public Access](#)

**UPDATE REPORT**

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2. A Committee site visit was arranged for 4 May 2021 but unfortunately a quorum of Committee members present was not met, and a further site visit was arranged and took place on 31 May 2021.
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10. It is not considered that any new matters have been raised that would alter the previous recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:-

## **11. RECOMMENDATION**

### **11.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

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**Thereafter the development shall be carried out in accordance with the approved scheme of landscaping. No existing vegetation shall be removed prior to the scheme being approved.**

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**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
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**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.
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<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

**Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.**

4. **In the event of unexpected contaminated land being encountered following commencement of the development, the applicant is advised to ensure that all work on the affected part of the site ceases, the Planning Authority is notified immediately, a contaminated land assessment and any necessary remediation works are carried out, and the development is only recommenced with the prior written approval of the Planning Authority.**

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

**Date: 4 June 2021**

#### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Falkirk Council Supplementary Guidance SG05 'Biodiversity and Development'.
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**Subject:** ERECTION OF OUTBUILDING AND HARDSTANDING AT GARVALD HOUSE, FANKERTON, DENNY, FK6 5HJ FOR MR & MRS M MASTERSON - P/20/0453/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 April 2021

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Nigel Harris

**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 full planning permission to erect an outbuilding and form a hardstanding area. The size of the proposed building is 140m<sup>2</sup>, its height 4.6 metres, and its external finishes green profiled metal sheeting and grey painted blockwork. Cut into the slope and fill is proposed to create a platform for a turning area and a lower platform for the building.
- 1.2 The application site consists of a portion of an open field within a countryside setting, to the west of Denny. There is a small cluster of three dwellinghouses and outbuildings in the vicinity. A private access serving the dwellinghouses runs along the north-west edge of the site. The site slopes down in a southerly direction.
- 1.3 The application is accompanied by a supporting statement and a badger survey. The supporting statement indicates:-
- The building would be used for the stabling of horses, the storage of associated foodstuffs and equine related equipment, and the storage of equipment for maintaining the landholding;
  - A turning area is proposed for use by delivery vehicles visiting the site; and
  - A horse box and a farm trailer would be stored outwith the shed, on the hardstanding.

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

- 2.1 The application has been called in by Councillor Blackwood to allow members of the committee the opportunity to consider the countryside policies in the development plan, amenity, access, drainage, and ecology.

## **3. SITE HISTORY**

- 3.1 Planning application P/20/0283/FUL for the erection of an outbuilding and hardstanding was withdrawn on 6 October 2020.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have advised that the site is accessed by a single width private access off the B818, which serves four dwellinghouses. There are no formal passing places along this access. The submitted supporting statement advises that the outbuilding will be used for the stabling of horses, associated equipment, and equipment to maintain the existing field. There is no indication that the proposal seeks permission to operate a commercial equestrian facility. If this is the case, then no increase in traffic is anticipated. A single parking space is required to serve the proposed development. Existing parking arrangements at Garvald House will not be affected by the proposal. The proposed impermeable area falls below the threshold detailed in the Council's surface water drainage guidance. The site is not indicated as being at risk of flooding.
- 4.2 The Council's Environmental Protection Unit have advised that noise need not be a determining factor in considering the application. A contaminated land assessment would be required in the event of unexpected contaminated land being encountered following commencement of the development.

## **5. COMMUNITY COUNCIL**

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

## **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, 2 letters of objection were received. The concerns raised are summarised as follows: -
- Contrary to Policy HC07 'Established Residential Areas' of LDP2 and SG01 'Development in the Countryside' by virtue of detrimental impact on visual amenity/ direct outlook and established residential amenity because of its scale, form, location, and anticipated periodic activity (including noise and lighting);
  - Contrary to Policy PE18 'Landscape' of LDP2 as its location, form, scale and materials would have an adverse impact on the character of this Local Landscape Area;



- A landscape and visual review accompanying one of the objections concludes that there would be a significant adverse effect on the outlook of two properties, and a combination of the proposed utilitarian design, close proximity and orientation in a small scale landscape and rural residential context increases the adversity and significance of the effect;
- Contrary to Policy PE14 'Countryside' of LDP2 as the development includes wholly domestic uses which do not justify a countryside location and the design of the building does not appear to be fit for the purposes of keeping horses;
- Contrary to SG05 'Biodiversity and Development' on the basis of lack of information and potential for impacts on ecological interests. In particular, no badger survey has been carried out, despite the known presence of badgers and their extensive use of the field in question;
- The proposed development would have a detrimental impact on existing field drains and septic tank arrangements;
- It is understood that the proposed turning area is to provide a new turning facility for large vehicles accessing the residential properties and is being brought forward without neighbour consultation or consideration for existing legal rights for neighbours;
- The new turning arrangements would require vehicles to reverse more than 45 metres to the residential properties, giving rise to safety and liability concerns;
- Reference is made to HGV's getting stuck in winter in support of the proposed turning area. This has only happened twice in 17 years;
- The planting of hedges and screen planting would take years to establish;
- There are health risks associated with keeping horses in a septic tank soakaway area;
- The house has a sizeable garden which could accommodate all of the applicant's parking needs; and.
- The Council may wish to consider whether permitted development rights are appropriate to the Garvald House property, as well as the use of Article 4 directions, given the landscape character of the area, the woodland setting and proximity to a SSSI.

## **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**

[The Falkirk Local Development Plan \(LDP2\)](#) was adopted on 7 August 2020.

The proposed development was assessed against the following policy or policies:-

- 7a.1 The application site lies outwith the urban limits, within the countryside, as identified in LDP2. It also lies within a local landscape area.

### Policy PE14- Countryside

- 7a.2 The proposed development is to accommodate uses that relate to the rural use of the land. The need for a countryside location, linked to access to grazing land, is therefore demonstrated. The scale, siting and design of the proposal are not considered to give rise to any significant adverse impacts on the rural environment. The design of the proposed building is utilitarian, in keeping with a typical modern farm building.

### Policy PE18 - Landscape

- 7a.3 The site lies within the Denny Hills Local Landscape Area. The proposed development is not considered to have any significant landscape or visual effects. The site is at a relatively discrete location in the wider setting.

### Policy PE19 – Biodiversity and Geodiversity

- 7a.4 The site of the proposed development is within a grass field. Two trees would be removed to facilitate the development which would be compensated for by new planting. The main biodiversity interest is the presence of badgers in the area. A badger survey accompanies the application and found no evidence of badger resting places or badger foraging within the application site, although there was evidence of foraging within 100 metres of the site. Standard recommendations are made for methodology and best practices to follow during site preparation and construction.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed in determining this application are Falkirk Council non-statutory supplementary planning guidance, the consultation responses and the public representations.

### **Non-Statutory Supplementary Planning Guidance**

- 7b.2 The following Falkirk Council supplementary guidance is considered to be relevant to the application:-

SG01 'Development in the Countryside'

SG05 'Biodiversity and Development'

SG09 'Landscape Character Assessment and Landscape Designations'

- 7b.3 SG09 sets out guidance for the Denny Hills Local Landscape Area. This guidance recognises that the Carron Valley is highly sensitive to change due to its elevated location and strong rural character with a low level of settlement.

7b.4 The proposal is considered to be acceptable within the terms of the supplementary guidance SG01, SG05 and SG09. It includes a modest scale outbuilding, its intended location is close to an existing building cluster, the site is not prominent within the wider setting, a platform is to be cut into the slope to help 'nestle' the building into the topography, and mitigating screen planting is proposed. There would be minimal, if any, visual effects from public roads, walking routes and areas of public recreation. The main biodiversity interest is a protected species (badger) as detailed and addressed in this report.

## **Consultation Responses**

7b.5 The consultation responses are summarised in Section 4 of this report. No determining issues have been identified in these responses.

## **Assessment of Public Representations**

7b.6 The public representations are summarised in Section 6 of this report. The following comments are made in response to those representations:-

- It is not accepted that Policy HC07 of LDP2 is relevant to the application. The location of the site is in the countryside and not an established residential area. The small cluster of dwellinghouses at this countryside location does not constitute a residential area;
- The intended uses are rural in nature and therefore characteristic of the amenity and impacts that can be anticipated at a countryside location;
- The details of any intended external lighting could be the subject of a planning condition;
- The proposed scale, form and materials of the proposed building are in keeping with a typical modern farm building and significantly smaller in size than many agricultural buildings which can fall under permitted development rights and do not require planning permission;
- It is acknowledged that the principal elevation of a neighbouring property is oriented in the general direction of the proposed building. However, the size and distance from the house of the proposed building would safeguard the wider outlook from the house and avoid any significant or overbearing impact on this property;
- Landscape impact having regard to the landscape character of the area have been considered in this report;
- The application has been amended to remove domestic related elements of the proposal;
- A badger survey accompanies the application and concludes that badgers are not a constraint to the development;

- A number of matters have been raised that are not material to determining this planning application. They include potential impacts on existing drainage infrastructure, legal rights of access, health risks to horses, and consideration of removal of permitted development rights in respect of the applicant's dwellinghouse (Garvald House);
- Granting this planning application would not affect or prejudice any existing legal rights concerning access;
- The applicant has clarified that the proposed turning area is not intended or designed to accommodate HGV manoeuvres and it is anticipated that the only regular deliveries to the site would be hay deliveries;
- The applicant has advised that any drainage discovered during the course of the works would be carefully re-routed, thus ensuring its continued integrity;
- The applicant has also advised that according to specialist advice they have received there is no reason why a suitable landscape mitigation scheme could not be prepared, this being irrespective of the presence or otherwise of any drainage infrastructure in the vicinity of the site;
- The applicant has advised that she has kept horses for many years and is therefore experienced in their needs, and the internal fit out of the building would be designed and specified to ensure that the requirements for the stabling of horses are met; and
- An amended supporting statement has been submitted which addresses concerns raised in the objections.

## **7c Conclusion**

- 7c.1 The application is considered to accord with LDP2, for the reasons detailed in this report. It is therefore recommended for approval subject to appropriate conditions. There are not considered to be any material planning considerations to justify refusal of the application.

## **8. HUMAN RIGHTS AND EQUALITY ASSESSMENT**

- 8.1 Officers have considered the Human Rights Act 1998 in reaching a recommendation to Grant Planning Permission. The proposed development is not considered to impact adversely on any protected characteristic groups as identified within the Equality Act 2010.

## **9. RECOMMENDATION**

- 9.1 **It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**
- 3. The development shall not commence until the precise details of a scheme of soft and hard landscaping have been submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate): -**
  - (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;**
  - (ii) The location of all new trees, shrubs, hedges and grassed areas;**
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/ density;**
  - (iv) The location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;**
  - (v) The location, colour and specification of all proposed hard landscape areas and surface finishes;**
  - (vi) A programme for completion and maintenance of the approved scheme of landscaping.**

**Thereafter the development shall be carried out in accordance with the approved scheme of landscaping. No existing vegetation shall be removed prior to the scheme being approved.**
- 4. The development shall not commence until the precise details of any intended external lighting have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**
- 5. The development shall be carried out in accordance with the best practice measures outlined in the badger survey prepared by Baker Ecology, dated February 2021.**
- 6. A further badger survey shall be carried out and submitted for the written approval of this Planning Authority if the proposed development does not commence within 12 months of the date of the last approved survey.**

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.**
- 2-4. To safeguard the visual amenity of the area.**

5-6. To safeguard the interests of a protected species.

**Informatives(s):-**

2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

2. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. In the event of unexpected contaminated land being encountered following commencement of the development, the applicant is advised to ensure that all work on the affected part of the site ceases, the Planning Authority is notified immediately, a contaminated land assessment and any necessary remediation works are carried out, and the development is only recommenced with the prior written approval of the Planning Authority.

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

**Date: 9 April 2021**

## **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Falkirk Council Supplementary Guidance SG05 'Biodiversity and Development'.
4. Falkirk Council Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'
5. Objection received from Susan Bond on 13 November 2020.
6. Objection received from Ironside Farrar Ltd, FAO Albert Muckley, 111 McDonald Road, Edinburgh, EH7 4NW, on 17 November 2020.

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

## **Policy Schedule**

### **PE14 Countryside**

1. 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. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);
2. Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:
  - It can be demonstrated that they require a countryside location;
  - They constitute infill development; or
  - They utilise appropriate existing buildings.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.

### **PE18 Landscape**

1. The Council will seek to protect and enhance landscape character and enhance landscape quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations';
2. Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated ; and
3. Development proposals which are likely to have significant landscape and visual effects must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.

### **PE19 Biodiversity and Geodiversity**

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:



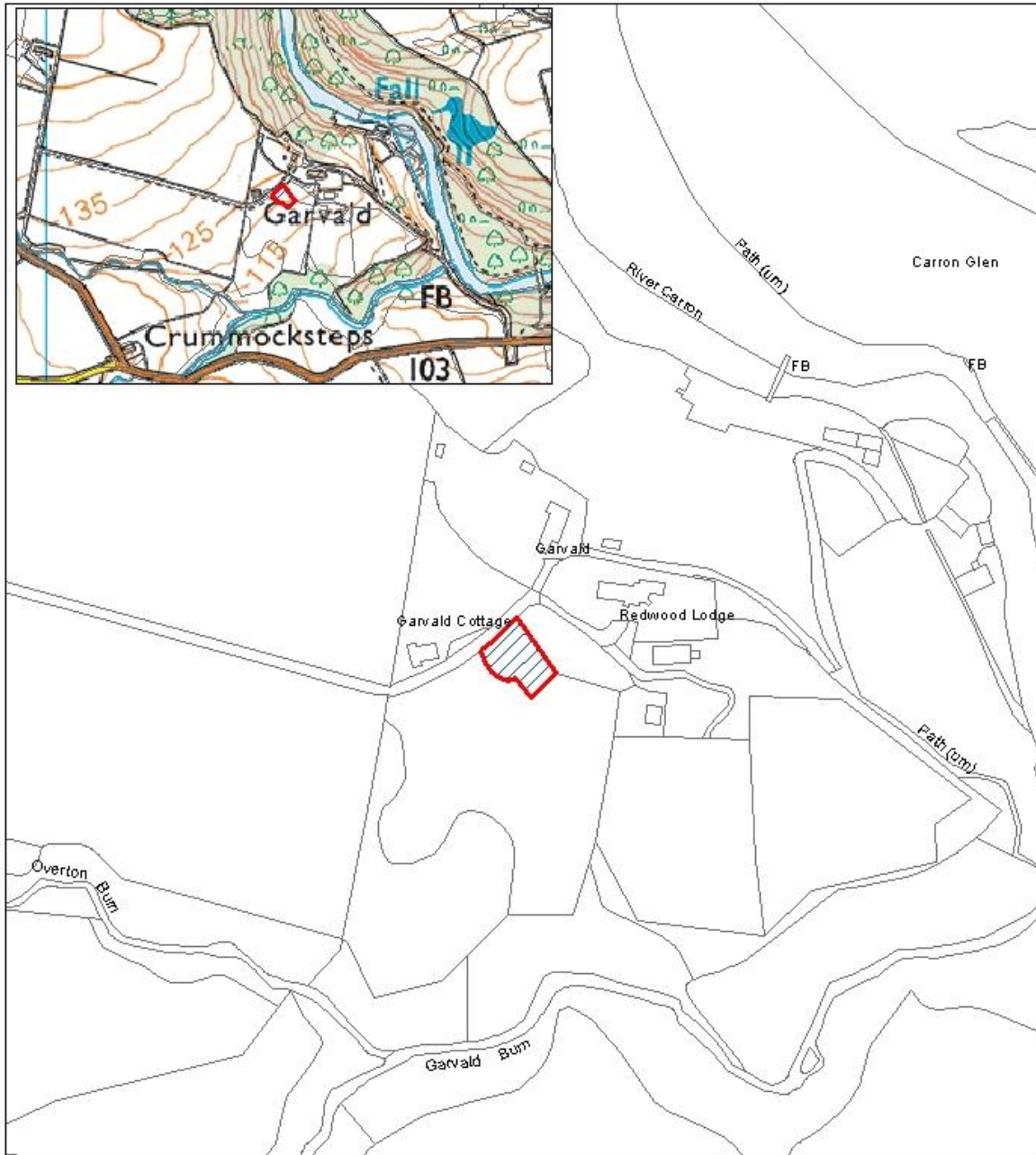
1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. Where the site has been designated for a European priority habitat or species, consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or for other reasons subject to the opinion of the European Commission (via Scottish Ministers);
2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance;
3. Development likely to have an adverse effect on European protected species; a species listed in Schedules 5, 5A, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted;
4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified on the Proposals Map and in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, local habitat or local species population will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance;
5. Where development is to be approved which could adversely affect any site, habitat or species of significant local nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and
6. All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.

# Planning Committee

## Planning Application Location Plan

# P/20/0453/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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