

FALKIRK COUNCIL

**Subject: ERECTION OF FEED STORE/HORSE SHELTER (PART
RETROSEPTIVE) AT WESLEYMOUNT, CHURCH ROAD,
CALIFORNIA, FALKIRK, FK1 2BD FOR MR AND MRS LEACH –
P/09/0233/FUL**

Meeting: PLANNING COMMITTEE

Date: 23 September 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie**

Community Council: Shieldhill and California

Case Officer: Gavin Clark (Assistant Planning Officer), Ext: 4704

1. UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

- 1.1 Members will recall that this application was considered at the meeting of the Planning Committee on 26 August 2009 when it was agreed to continue consideration to allow a site visit to be carried out by members. This site visit took place on 16 September 2009.
- 1.2 It was noted that the application is in part retrospective, as the feed store and shelter are now substantially complete. In addition, it was clarified that the site lies adjacent to and not within H.CAL5, allocated for housing purposes in the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 1.3 The applicants, in support of the proposal, stated that they had owned the site and adjacent land for 5 years and over that period had made substantial efforts in tidying up the sites. The feed store and shelter are required for horses in their ownership and the temporary residential accommodation which is the subject of an as yet undetermined planning application (P/09/0326/FUL), was occupied by them to provide security until such time as Site H.CAL5 was developed.
- 1.4 A statement by the objector was read out, expressing concern about threats to wildlife and an existing tree within the site. It was confirmed that Scottish Natural Heritage (SNH) had no objection to the proposal, and a recent discussion with SNH had confirmed that there was no known threat to protected species or habitats. In addition, the existing tree was not protected and was highly unlikely to be made the subject of a Tree Preservation Order. Other issues raised in relation to water supply and damage to a fence are not material planning considerations.

- 1.5 A statement was also read out on behalf of a local Member, Councillor Fry, who expressed his support for the application.

2. RECOMMENDATION

- 2.1 It is recommended that detailed planning permission be granted. It should be noted that as the application is in part retrospective, the condition relating to commencement of development contained in the previous report is not required.

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For Director of Development Services

Date: 18th September 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Carol Anderson, c/o Birchtree Farm, Wesleymount, Church Road, Falkirk, FK1 2BD dated 17 April 2009

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark (Assistant Planning Officer).

FALKIRK COUNCIL

Subject: **ERECTION OF FEED STORE/HORSE SHELTER AT WESLEYMOUNT,
CHURCH ROAD, CALIFORNIA, FALKIRK, FK1 2BD FOR MR AND MRS
LEACH – P/09/0233/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 August 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie**

Community Council: Shieldhill and California

Case Officer: Gavin Clark (Assistant Planning Officer), Ext: 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed application for the erection of a feed store/horse shelter at Wesleymount, Church Road, California.
- 1.2 The site is bounded by Wesleymount Farm to the north, Birchtree Farm to the north-east and fields on all other sides. The site has been allocated for housing in the Falkirk Council Local Plan (Finalised Draft) Deposit Version (H.CAL 5).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 Application ref: P/09/0326/FUL for the siting of a residential caravan (temporary) was registered on 17 July 2009 and is currently pending consideration.
- 3.2 Application ref: P/09/0251/FUL for the siting of a mobile home (retrospective) was granted on 11 June 2009.
- 3.3 Application ref: F/2005/0322 for the erection of 4 dwellinghouses was withdrawn on 12 January 2006.
- 3.4 Application ref: F/2004/1051 for the siting of a static caravan was granted on 6 April 2005.

- 3.5 Application ref: F/2004/0584 for the siting of a temporary mobile home (retrospective) was refused on 12 December 2004.
- 3.6 Application ref: F/2004/0552 for the erection of a dwellinghouse was refused on 2 February 2005.
- 3.7 Application ref: A/2004/0005 for the erection of an agricultural building was granted on 12 October 2004.
- 3.8 Application ref: 05/1141/FUL for the siting of a mobile home (retrospective) was granted temporary consent on 13 November 2006.
- 3.9 Application ref: F/90/0636 for the erection of a dwellinghouse was refused planning permission on 14 September 1990.
- 3.10 Enforcement ref: ENF/2009/0032 for unauthorised development received on 27 March 2009.

4. CONSULTATIONS

- 4.1 Scottish National Heritage has no objections to the proposal.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council has not made representation

6. PUBLIC REPRESENTATION

- 6.1 One letter of representation was received. The following issues were raised:
- not notified that planning application had been submitted.
 - there is a variety of wildlife in the area which could be affected by the proposed development.
 - tree presently on site which has been in place since the 1930s.
 - caravan and septic tank erected without planning consent.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

7a.1 Falkirk Council Structure Plan (2007)

7a.2 There are no specific policies in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

Rural Local Plan

7a.3 Policy RURAL 1 'New Development in the Countryside' states:

"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.4 The proposed feed store/horse shelter by its nature is to support the applicant's recreational hobby of horse riding. The horse is presently kept in the field. The nature of the hobby is considered to require a rural location and therefore the proposal is in accordance with Criterion 5 as contained in Policy Rural 1 above.

Accordingly the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the objection received in so far as it relates to material planning considerations.

Falkirk Council Local Plan (Finalised Draft) Deposit Version

7b.2 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.”*

7b.3 It is considered that the siting of the feed store/ horse shelter require a countryside location, would be unobtrusive, and integrate into the surrounding landform.

Points Raised Through Comment

7b.4 The applicant has certified that all appropriate neighbours were notified of the application.

7b.5 Scottish Natural Heritage (SNH) was consulted on this application. They raised no concerns in relation to wildlife and offered no objections to the proposal. There is no indication of protected species in the surrounding areas, and any impact would be minimal from the erection of a feed store/ horse shelter.

7b.6 The tree within the site is not protected by a tree preservation order (TPO).

7b.7 A planning application has been submitted for the caravan and septic tank. (ref: P/09/0326/FUL) and is pending consideration.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development, and is in accordance with the Development Plan. There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following condition:

- (1) The development to which this permission relates must be begun within three years from the date of this permission.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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Director of Development Services

Date: 18 August 2009

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1. Falkirk Council Structure Plan
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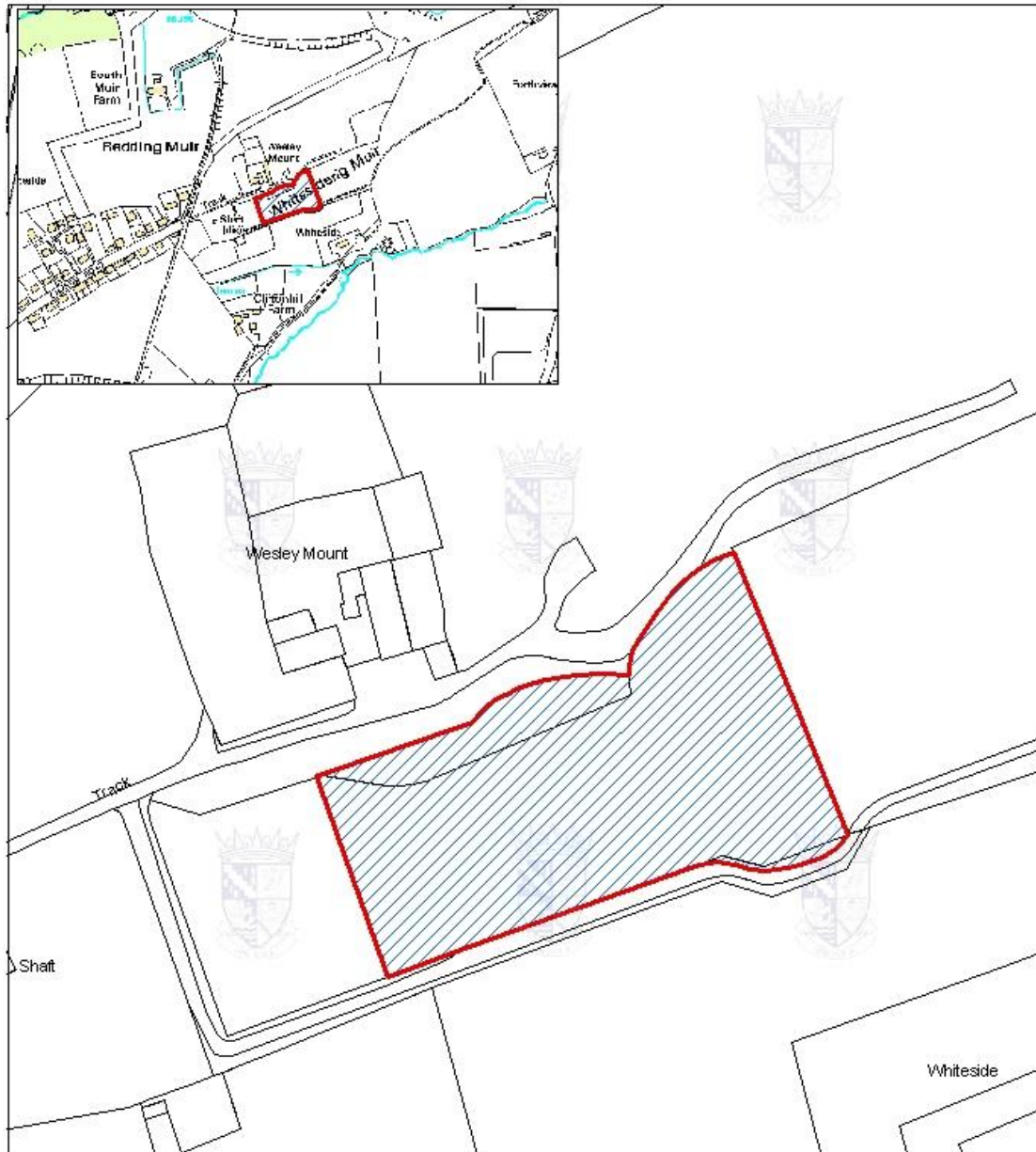
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark (Assistant Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0233/FUL

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



Falkirk Council

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