

FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR & MRS S RAE – P/08/0804/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at a meeting of the Planning Committee on 17 June (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This site visit took place on 5 August 2009.
2. At the site meeting the Development Manager summarised the proposal, the agent for the applicant spoke in support of the application and Members of the Planning Committee and Local Members were heard. Members spoke to a range of matters and in particular requested additional information in respect of vehicular access and impact on an archaeological site (a Pictish settlement) in the area.
3. Following the site meeting, the applicant now proposes to form a new vehicular access to the site, due to visibility constraints at the existing vehicular access. The planning application has subsequently been amended to include this new proposal and all neighbours and parties making representations to the application have been notified of this proposed change.
4. As a consequence of re-notification, seven additional representations have been received consisting of one letter of representation, five letters of objection and one letter of support.

The concerns raised in the representations can be summarised as follows:

- The existing vehicular access should be closed off at the applicant's property boundary.
 - Deficient drawings e.g. the existing access opposite the proposed new vehicular access it not shown.
 - Danger in relation to herding of livestock due to proximity of the proposed new vehicular access to the existing access on the opposite side of the road.
 - Removal of the temporary buildings and car park spaces would give space for a new vehicular access well away from the existing access on the opposite side of the road.
 - Disputes over the use of the existing vehicular access should be resolved first.
 - Earthworks would be required for the proposed new vehicular access which would damage or make unstable a dry stone boundary wall.
 - Several large mature trees on an adjoining property would be affected.
 - Increased noise levels and disturbance for an adjoining property due to the vehicular access being moved to the west.
 - There is Scottish Water pipework within the nearby vicinity which may be affected by the proposed access works.
5. The proposed access would be located approximately 50m to the west of the existing site access. The existing access would be closed off. The Roads unit have confirmed that this is acceptable subject to conditions being attached which cover the issues of forward visibility, construction of the new access to Roads Authority guidelines and closure of the existing access. These matters are covered by condition. The position of the new proposed access and its relationship with other existing accesses has been assessed and considered acceptable. The applicant has also now indicated the location of overflow parking provision. This matter can be addressed by an appropriate condition. In respect of the potential conflict that the proposed access may have in relation to the existing water pipes, an informative advising the applicant to contact Scottish Water has been included.
6. The Council's Archaeologist has advised that the Pictish settlement in question is a series of terraces on the north side of the River Carron thought to be of Bronze Age. The Archaeologist has advised that the terraces are some distance to the north of the application site and the proposed development would not be considered to affect the setting of the ancient monument.

7. The applicant has also confirmed that their business Micro Plant Hire Ltd does not operate from the premises, and has not done so since May 2009. There is a vehicle at present owned by Micro Plant Hire which has been used by the applicant's 3 businesses which are Micro Plant Hire, S & G Rae Agricultural & Forestry Contractors and West Riverside Farm. The applicant is in the process of the transferring the vehicle to the agricultural business. A recent application has also been made for a Goods Operators Licence to the Traffic Commissioners Office to reflect this. This planning application makes no reference to the use of the site for plant hire operations.
8. The impact, if any, upon existing trees as a result of the proposed development can be covered by an appropriate planning condition.

9. RECOMMENDATION

9.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The manager's living accommodation and the site office and toilet accommodation shall be granted for a limited period until 31 December 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan.**
- (2) Within 3 months of the date of this permission, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :**
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
 - (ii) The location of new trees, shrubs, hedges and grassed areas;**
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;**
 - (iv) A programme for completion and subsequent maintenance.**
- (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.**
- (4) Within 3 months of the date of this permission, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.**
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.**

- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Prior to the operation hereby approved being brought into use, the new vehicular access shall be formed from the B818 and shall be a minimum of 6m wide, with 10.5m radii on either side to form a bellmouth access, constructed at right angles to the public carriageway and at a gradient no greater than 1:10 all to the satisfaction of the Planning Authority; the existing access to the site shall be closed to all vehicles simultaneously to the new access being brought into use.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this permission, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this permission, a 2.4 metre by 125 metre visibility splay shall be provided of either side of the new vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this permission. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) The overflow car-park indicated on approved plan 10 shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.
- (15) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of any trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the development.
- (5-7) To safeguard the amenity of the area.
- (8-11) To safeguard the users of the public highway.
- (12-13) To ensure that adequate car-parking is provided.
- (14) To safeguard the users of the public highway and to ensure that adequate car-parking is provided.
- (15) To safeguard existing trees on the site.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01A, 02A, 03A, 04, 05, 06, 07, 08, 09, 10 and 11.
- (2) The applicant is directed to contact SEPA's Borders Environmental Protection and Improvement Team (tel: 01896 754797) to confirm acceptable surface water drainage and sewage effluent disposal arrangements.
- (3) Construction of the vehicular access will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.
- (4) All public utilities will require to be contacted to establish whether any apparatus lies in the vicinity of the proposed access location to agree any service relocation, protection, way leave arrangements required, at the applicant's expense, prior to work commencing on the new access arrangements.

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For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.
14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.
23. Letter of Objection from Hellen Stephenson, Riverside Farm, Denny, FK6 5JF on 3 November 2009.
24. Letter of Support from Mrs Elaine Milne, 20 Windsor Drive, Denny, FK6 6NL on 9 November 2009.
25. Letter of Comment from Mr Gavin Kirkwood, 16 James Croft Drive, Flakirk, FK1 5UB on 11 November 2009.
26. Letter of Objection from Jennifer Steel, The Topps Farm, Denny, FK6 5JF on 12 November 2009.
27. Letter of Objection from Mr & Mrs Kirkwood, Forresthill Farm, Carronbridge, FK6 5JF on 13 November 2009.

28. Letter of Objection from Miss Anne Mitchell, Backdales, Denny, FK6 5JF on 14 November 2009.
29. Letter of Objection from Bridget Riddell, 10 Tarduff Place, Stoneywood, FK6 5HT on 16 November 2009.

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

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Meeting: PLANNING COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission to change the use of former agricultural land and buildings to a stables, livery and riding school, and the siting of two portacabins for use as an office and a toilet. The application also includes a proposal for a chalet style dwellinghouse for the purposes of manager's accommodation.
- 1.2 The application site lies on the B818 in the Carron Valley west of Denny and consists of part of a rural holding. The existing uses on the holding include the stables, livery and riding school the subject of this application, an outdoor riding arena, horse grazing and the operation of a plant hire and vehicle repair and servicing business.
- 1.3 The application site comprises former agricultural buildings and an associated yard. Two portacabins have been erected at the entrance of the yard. The existing dwellinghouse lies adjacent to the former agricultural buildings but is now in separate ownership.

- 1.4 The submitted hours of operation of the stables, livery and riding school are 10am to 8pm. The applicant has indicated that staffing levels vary with the season, however, as an indication numbers are 3 free lance riding instructors, 2 part-time weekend workers and the applicant (Mrs Rae) and two full-time employees, who work between the livery/equestrian business and, the agricultural operation. A Business Plan has been submitted with the application, which indicates a current capacity to cater for 15 stabled horses and 15 grazing horses and the undertaking of showcase show jumping events utilising the outdoor riding arena. It also indicates future plans for tourist lodges and outdoor activities including fishing trips, hill walking, mountain biking and archery.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 Planning application ref. P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing / repair of vehicles and plant (retrospective) has been withdrawn.
- 3.2 Planning application ref. P/09/0128/FUL for the change of use of agricultural land to form a floodlit schooling area (retrospective) is also being considered by the Planning Committee at its 17 June 2009 meeting.
- 3.3 Planning application ref. P/09/0115/FUL for the erection of fencing (retrospective) on the adjoining property to the east is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has stipulated improvements at the existing vehicular access and the provision of adequate parking and separate areas on the site to cater for all existing and proposed uses. This includes sufficient parking for show jumping events in order to avoid road safety issues associated with vehicles parking on the verge of the B818.
- 4.2 The Environmental Protection Unit has requested the undertaking of a contaminated land assessment.
- 4.3 Scottish Water has no objection to the application.
- 4.4 SEPA has no objection to the application. It advises that all run-off from yards, manure heaps and stable washing must be contained and disposed of in a manner to ensure that the water environment is not polluted. It advises that arrangements for sewage effluent disposal will need to meet SEPA's requirements.
- 4.5 The Council's Rural Business Consultant recognises the merits of having someone resident on the site for security reasons and someone living relatively close by to ensure the welfare of the horses. However, he questions whether the target income set out in the Business Plan can be achieved in the initial years.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has submitted two letters objecting to the application. The main concerns raised in these letters are included in section 6 as part of the summary of the public representations received.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of objection to the application were initially received. The neighbours were re-notified of the application following amendments to regularise the application site boundaries and relocate the proposed manager's accommodation. A further six letters of objection were received following re-notification.
- 6.2 The main concerns raised in these objections and the objections from the Denny and District Community Council can be summarised as follows:

Proposed Manager's Accommodation

- The proposed manager's accommodation is not necessary as a 24 hour daily presence is not required for this small operation.
- The proposed manager's accommodation is very large.
- The applicant would have been aware that there was no dwellinghouse attached to the purchase.
- Granting the proposed manager's accommodation would set a precedent for further log style cabins.
- The site of the proposed manager's accommodation would obstruct views of the River Carron.

Impact on Amenity

- Detrimental impact on the amenities and character of the area.
- Noise, dust, dirt, light, fumes and vibration nuisance.
- Noise and increased traffic and activity associated with the stables, livery and riding school.
- Early morning and late night activity associated with the livery.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Future plans for tourist cabins, bikes and archery would increase disturbance.

- It is believed that there is an indoor riding arena on the site giving rise to potential noise nuisance.
- The portacabins close to the roadside are unsightly.

Traffic/Road Safety

- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.
- Increased use of B818 for horse riding on a road unsuitable for this due to its narrow width, poor visibility and existing traffic.

Other Planning Considerations

- Disparities between the drawings in defining the application site boundaries.
- Planning rules have been totally disregarded as the stables and livery are already operating.
- Three businesses as well as a farming business are operating from the property.
- The development is not in keeping with the plans for the area, which is held to have tourism potential.
- Prohibit any food/retail outlet associated with the livery.
- Concern for the flora, fauna and wildlife of the area.
- The development is within the Carron Glen SSSI.
- Concerns regarding site hydrology and ground water drainage.

Non-Material Planning Considerations/Considerations not Relevant to the Application

- The property title restricts the use of the land, sheds, yard and access to agricultural and forestry uses only.
- There is adequate existing provision for stabling and livery in the Denny area.
- There are existing facilities for disabled riders in the area.
- Substantial aggregate has been removed from beside the River Carron.
- There is evidence of industrial dumping on the site.
- An area of the property is used for motorcross and quad biking, which is noisy and occurs late at night.

- The available land may be insufficient for the wellbeing of 30 horses.
- The riding school and show case horse events could increase risk of animal diseases to the area.

6.3 Six letters of support have been received to the application. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- The facilities are well managed and of high quality.
- Care and welfare of horses of very high order.
- A livery client's Clydesdale horse has flourished at this facility.
- Neat and tidy yard.
- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with the desire of local authorities of the area to promote Carron valley for walking, cycling and horse riding.
- A local bed and breakfast/self catering establishment have guests who use the facilities for riding treks.
- Applicant has helped develop bridleways in the area.
- Amenity for local community and visitors wishing to horse ride.
- Provides employment.

7. DETAILED APPRAISAL

7a The Development Plan

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,

Approved Falkirk Council Structure Plan

7a.1 Policy 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.2 The development has a tourism aspect through, for example, the offering of riding treks and therefore Policy ECON 7 is of relevance. In this instance, it is considered that the development requires a countryside location, the location is convenient to a sizeable population catchment and it would contribute to the range of attractions in the area and support target markets. Whilst some concern has been raised at the adequacy of the local roads infrastructure to accommodate the development, on balance, and taking into account the relatively small scale of the existing facilities, its nature and its need for a countryside location, the development is considered to be environmentally sustainable. The development is also considered to be potentially economically sustainable for the reasons detailed in this report. The application is therefore considered to represent sustainable tourism and accord with this policy.

7a.3 Policy 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.4 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance it is considered that the development, by virtue of its nature and character, and requirement for grazing land, requires a countryside location. The application is therefore considered to accord with this policy.

Adopted Rural Local Plan

7a.5 The application site lies within the countryside and an Area of Great Landscape Value under the adopted Rural Local Plan.

7a.6 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.7 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are considered to be criterion 1 and 5.

7a.8 Criterion 5 provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the image of the area by contributing to the range of attractions and supporting tourism.

7a.9 Criterion 1 provides for housing absolutely essential to the pursuance of an economic activity appropriate to a rural location. For the reasons previously stated, the development is considered to be appropriate to a rural location. With regard to the proposed manager’s accommodation, the ‘essentiality’ test requires consideration of the operational need for the proposed accommodation, whether there is an existing dwellinghouse that could meet that need or there is the opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant.

- 7a.10 The operational need for the accommodation requires consideration of whether the person needs to be resident on the site rather than somewhere else and whether the business provides full time employment. In this instance it is recognised that there are advantages in having a staff member resident on site to provide care and supervision for the horses should any emergency arise after hours. The need for security is also an important supporting factor. Animal welfare and security needs are currently being met by Mr Rae living in a camper van in the yard whilst the rest of the family resides some distance away, at their current residence in High Bonnybridge. The current arrangements and the distance away of the existing residence are not considered to be ideal. With regard to employment, the applicant has submitted that the equestrian related uses involve 3 free-lance riding instructors, 2 part-time weekend workers and Mrs Rae and 2 full-time employees who work between the livery/equestrian business and the agricultural operation. Whilst a calculation of the existing number of labour units in accordance with recognised industry standards has not been provided, in light of the employment that would appear to be supported, it is considered that the application could not be properly opposed on these grounds.
- 7a.11 There would not appear to be an existing dwellinghouse which could serve as manager's accommodation, nor do any of the existing farm buildings lend themselves to conversion to a dwellinghouse. Whilst the original dwellinghouse is now in separate ownership and has therefore been alienated from the farm buildings, it is accepted that there is an operational need for conveniently located residential accommodation for the new livery and equestrian related uses.
- 7a.12 Cash flow statements have been submitted for the first two years of operation. If these statements are accepted, the business will be profitable and provide full-time employment for the occupant. However, the Council's Rural Business Consultant has queried whether the amount allowed for wages is sufficient, thereby questioning whether the target income could be achieved in the initial years. It is considered appropriate to require a trial period for the proposed manager's accommodation to enable review of the income generated and consideration of the justification for continued residential accommodation on the site.
- 7a.13 The policy also states that the scale, siting and design of development shall be strictly controlled. The impact of the large yard on the amenity and landscape of the area is of some concern, however provision of landscape screening would assist to address this. The visual impact of the portacabins sited at the entrance is also of concern. Whilst boundary planting could assist to mitigate this impact, it would take time to mature and would be constrained by the need to retain visibility for the vehicular access. For these reasons, it is considered that these buildings should only be permitted for a temporary period. The stables and livery utilise former large scale agricultural buildings and therefore there is no new visual impact in relation to these uses.
- 7a.14 On balance, and subject to measures to mitigate visual impact, the application is considered to be acceptable under this policy. However, compliance with this policy will be subject to consideration following a trial period for the proposed manager's accommodation.

7a.15 Policy RURAL 7 ‘Changes of Use of Buildings in the Countryside’ states:

“That within the countryside, the change of use of farm and other buildings for tourism/recreation and employment creating activities may be considered favourably provided that in the opinion of the District Council :-

- 1. It can be justified that the building is no longer required for the purpose for which it was built.*
- 2. The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial conversion.*
- 3. The location and access are suitable and appropriate services are readily available.*
- 4. The works involved are acceptable in terms of size and scale and the proposed design is compatible with the District Council’s “Design Guide for Buildings in the Rural Areas”.*
- 5. The alternative use does not have a detrimental impact on the amenity of the surrounding countryside.”*

7a.16 The development can be seen to involve the change of use of a former farm building to cater for tourism/outdoor recreation related uses, and to create employment. With regard to the 5 criteria of the policy, it is considered that, on balance, the change of use accords with these. In particular, it is recognised that the building is no longer required for agricultural purposes, the building stands intact and is in a reasonable state of repair, and the change of use would not involve any change to the size, scale or design of the existing building. The existing vehicular access would require upgrade in accordance with the requirements of the Council's Roads Service. Whilst some concerns have been raised at potential impacts on amenity, the nature and scale of the development is considered to be acceptable to the location and conditions could be imposed to address particular concerns. This could include a restriction on the hours of operation.

7a.17 Policy RURAL 13 ‘Areas of Great Landscape Value’ states:

“That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas.”

7a.18 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main impacts are considered to relate to visual and landscape amenity and traffic generation and increase in activity. The visual and landscape impacts of the yard and use of this yard could be mitigated to some extent by landscape planting and screening. This should include remediation of the slope at the northern edge of the yard. Due to the detrimental visual impact of the portacabins a temporary permission is considered to be appropriate for these structures. Concerns at an increase in traffic generation and activity to the area are noted, however the scale of the development (comprising facilities for 15 stabled horses and 15 grazing horses, and an outdoor riding arena) is considered to be acceptable and the type of traffic typical to a rural area. The hours of operation of the facility could be restricted by condition. Whilst the intention for show jumping events would increase traffic generation and activity at particular times, the scale of these events would be limited by the size of the facility and use of a single riding arena, and their occurrence would be intermittent. As an additional safeguard, a condition would be imposed to restrict the yearly number of show jumping events. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.

7a.19 Accordingly, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the countryside and an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this Plan include Policies EQ19 (Countryside), SC3 (Housing Development in the Countryside) and EP16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policies ENV.1 and ECON.7 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19, SC3 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.4 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

- 7b.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given that the application primarily involves the change of use of an existing agricultural building and associated development within an existing yard, the submission of landscape and visual assessments was not considered to be necessary.

Consultation Responses

- 7b.6 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions. The Roads Development Unit has accepted that the 9 car-parking spaces indicated on the submitted plans are sufficient having regard to staff numbers and including an allocation for visitors. Whilst the required visibility splay at the vehicular entrance cannot be achieved to the east due to the existence of a fence, this fence is subject to application ref: P/09/0115/FUL which is currently pending consideration as detailed in paragraph 3.3 of this report. The comments of the Council's Rural Business Consultant are noted and the concerns regarding income generation could be reviewed following a trial period to test the viability and sustainability of the development to justify a continued residential accommodation on the site.

Public Representations

- 7b.7 The public representations and representations of the Denny and District Community Council are summarised in section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:
- The requirement for conveniently located residential accommodation for welfare, supervision and security reasons in relation to the equestrian business has been accepted in this report. The intention would be to review the justification for continuing residential accommodation on the site following a trial period.
 - Obstruction of views is not a material consideration. However, the proposed manager's accommodation has been re-sited to within the existing yard, which should help address this concern.
 - The provision of landscape planting and screening would help address visual and landscape impacts as detailed in this report. This could be secured by condition.
 - It is recognised that the development generates traffic and activity at this location. However, the scale of the development is considered to be acceptable and in keeping with the character of a countryside location. A restriction on hours of operation would minimise late night and early morning activity.
 - Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis. A condition could be imposed to require the details of the use of a P.A. system at such events.
 - It is noted that there are future developments proposed at this location, however they do not form part of this application. Any future planning application for further development would be considered on its merits.

- There is no evidence of an indoor riding arena on the site.
- It is agreed that the portacabins at the roadside are unsightly. It is considered that they should only be allowed on a temporary basis.
- It is recognised that the B818 is narrow in places with visibility restrictions. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable taking into account the need for a countryside location for the use.
- The disparities in the application site boundaries have been regularised and the neighbours were subsequently re-notified.
- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The development has a tourism aspect to it and would therefore support the tourism potential of the area.
- No specific concerns regarding the flora, fauna and wildlife of the area have been raised. The application site is outwith the Carron Glen SSSI.
- No specific issues in relation to hydrology and ground water drainage have been raised. The Water Environment (Controlled Activities) (Scotland) Regulations administered by SEPA would require to be complied with. SEPA has not objected to the application.
- A number of concerns raised in objections are not material planning considerations or relevant to the application. These include the need for the development, the risk of animal disease, concerns in relation to aggregate removal and use of the property for motorcross and quad biking. Property title restrictions are a private legal matter.
- Notwithstanding this, the applicant has advised that the use of quad bikes is solely by members of the applicant's family for recreation purposes or in connection with stock control and land management.
- In addition, the applicant has advised that a borrow pit exists on the property which was first opened prior to their purchase of the property. The applicant has extracted material from this existing pit to make improvements to their land and to facilitate access. This does not require planning permission.
- The reasons in support of the development are noted and require to be balanced against the impacts and the justification for the various aspects of the development at this countryside location.

7c Conclusion

- 7c.1 The application as described in this report is considered to accord with the Development Plan for the reasons detailed in this report. In particular, the need for a countryside location for the equestrian use and conveniently located residential accommodation for animal welfare and security reasons are accepted. Whilst there is local opposition to the development, letters in support have also been received, and some of the material planning concerns raised in relation to amenity and landscape could be addressed to some extent by conditions. Concerns in relation to an increase in traffic generation and activity are noted, however the development is considered to be acceptable having regard to its nature, scale and need for a countryside location. These concerns are not considered to outweigh the acceptability of the development under the Development Plan.
- 7c.2 Accordingly, the application is recommended for approval subject to the imposition of appropriate conditions. These conditions include a trial period for the proposed manager's accommodation to enable a review of the sustainability and viability of the business to justify continued residential accommodation on the site. In addition, the conditions provide for a temporary period for the existing portacabins, due to their detriment to the amenity and character of the area.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-
- (1) The manager's living accommodation and the site office and toilet accommodation shall be granted for a limited period until 30 June 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan.
 - (2) Within 3 months of the date of this decision, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) A programme for completion and subsequent maintenance.
 - (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.

- (4) Within 3 months of the date of this decision, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.
- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Within 3 months of the date of this decision, the existing vehicular access shall be upgraded so that it has a minimum width of 6 metres, with a 10.5 metre radii on either side to form a bellmouth access, an alignment at right angles to the public road and a gradient no greater than 1:10.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this decision, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this decision, a 2.4 metre by 210 metre visibility splay shall be provided of either side of the existing vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this decision. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) Within 3 months of the date of this decision, details of the provision of an overflow car-parking area shall be submitted to and approved in writing by this Planning Authority. Thereafter the overflow car-park shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the development.
- (5-7) To safeguard the amenity of the area.
- (8-11) To safeguard the users of the public highway.
- (12-13) To ensure that adequate car-parking is provided.
- (14) To safeguard the users of the public highway and to ensure that adequate car-parking is provided.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01A, 02A, 03A, 04, 05, 06, 07, 08 and 09.
- (2) The applicant is directed to contact SEPA's Borders Environmental Protection and Improvement Team (tel: 01896 754797) to confirm acceptable surface water drainage and sewage effluent disposal arrangements.
- (3) Construction of the vehicular access will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.

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Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.
14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.

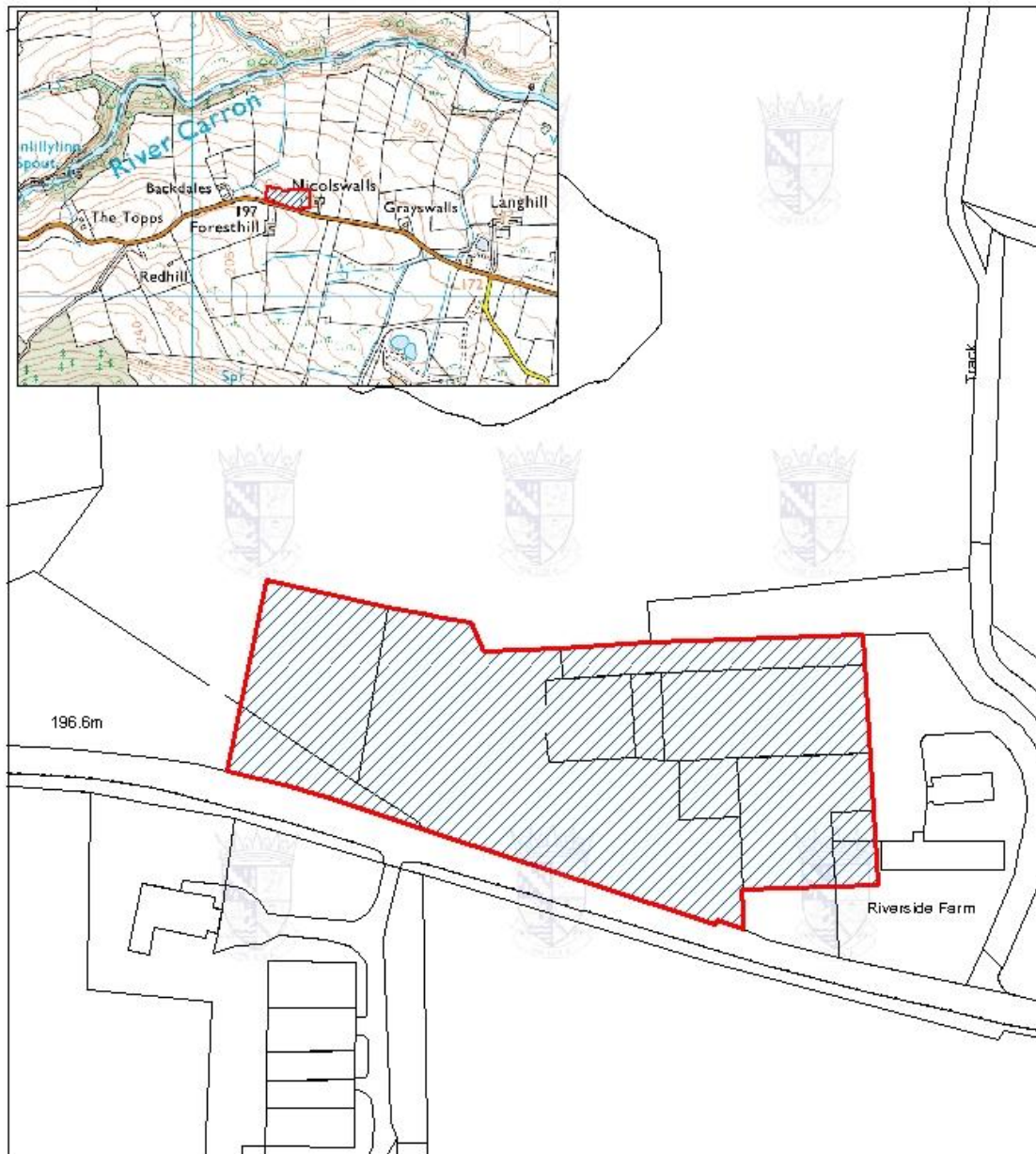
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0804/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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