

**FALKIRK COUNCIL**

**Subject: DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE (RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE, FK4 2EU, FOR MR AND MRS G BURNS –P/09/0879/FUL**

**Meeting: PLANNING COMMITTEE**

**Date: 24 February 2010**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** None.

**Case Officer:** Kirsty Hope (Assistant Planning Officer) Ext 4705

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

- 1.1 The application site is located at Tippetcraig Farm, Bonnybridge. The site is accessed by a single track road which leads to a two storey house within a courtyard that is bounded by traditional single storey outbuildings.
- 1.2 This detailed, retrospective, application mainly concerns the demolition of parts of the original building. The design of the house as reconstructed is identical to the detailed planning application P/09/0133/FUL that was granted planning permission, which included two rear extensions to the property and a front extension. The material from the demolition of the existing house has been re-used.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposal has resulted from a breach of the terms of planning permission P/09/0133/FUL, which now constitutes a departure to the Development Plan, which is being recommended for approval.

### **3. SITE HISTORY**

- 3.1 P/09/0133/FUL – Detailed Planning Permission relates to the erection of three extensions (two to the rear and one on the front), to the previous house. Owing to unforeseen circumstances, the western gable wall collapsed during the renovation works and the north and south adjoining walls were severely damaged. The applicant took down the remainder of these walls and re-built them within the exact same location and with the same materials to retain stability. The only wall that remained unaffected was the eastern gable of the original house.

### **4. CONSULTATIONS**

- 4.1 The Roads Unit was consulted on the application and has no objection to the proposal.
- 4.2 The Environmental Protection Unit was consulted and has requested that an informative be attached, if consented, in relation to land contamination.
- 4.3 Scottish Natural Heritage was consulted and has requested a condition to be attached in relation to construction periods.

### **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council did not comment on the proposal.

### **6. PUBLIC REPRESENTATION**

- 6.1 No letters of representation were received.

### **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**

##### ***Falkirk Council Structure Plan***

- 7a.1 There are no specific policies in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

## **The Rural Local Plan**

### **7a.2 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.3** The property was occupied prior to its demolition and, although the proposed development cannot be seen to directly fall into the categories permitted above, the property would not be creating or contributing to ribbon, backland or sporadic development. This proposal is a replacement to the previous house as it occupies the identical footprint as consented within the planning application P/09/0133/FUL. The proposed house has been designed to be in keeping with its original surroundings and has taken into account the design guidelines for building in a rural location. The application is therefore considered to be a replacement for the previous house and not an additional house. The applicant intimated that the outer leaf walls collapsed during renovation works and that the material from the previous dwelling that collapsed has been re-used to build the replacement house. The development, as constructed, is a new building, albeit a 'like for like' replacement house. Accordingly, the proposal is contrary to the criteria set out in Policy RURAL 1 as it has not been demonstrated that the house is

essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.

Accordingly, the proposal does not accord 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), the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note and the supporting information submitted by the applicant.

### ***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 As already stated in paragraph 7a.3, this is an unusual situation and it constitutes a 'like for like' replacement house which replicates consented plans P/09/0133/FUL. The key difference is that the house now on site is in essence a 'new build' replacement dwelling rather than a redevelopment scheme as originally consented. The house is therefore considered to be an appropriate replacement and has been carefully designed to take into account its rural setting. The materials proposed are considered to be of a high quality and, under the circumstances, it is considered that it is appropriate development.

- 7b.4 Policy SC3 - 'Housing Development In The Countryside' states:

*“Housing development in the countryside will only be permitted in the following circumstances:*

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - *The operational need for the additional house in association with the business*
  - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - *The restored or converted building is of comparable scale and character to the original building*
  - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.5 The proposal constitutes a replacement house on the same site and therefore is not considered to be an additional house. The design and scale of the development is in accordance with the plans that have been consented previously to alter and extend the original house. Owing to the collapse of the original house there were no reasonable opportunities to convert the original house and therefore it is considered that the re-use of the building material is complementary to the locality. It does not constitute ribbon, back land or sporadic development. It is acknowledged that the proposal is a new house and, accordingly, is contrary to the terms of the emerging Local Plan for similar reasons to those outlined in paragraph 7a.3.

### ***The Falkirk Council Housing Layout and Design Supplementary Guidance Note***

7b.6 Although there are no specific character properties in this particular location, the proposed design has endeavoured to follow the original scale and building lines. The materials used are also of a high quality and are in keeping with the traditional rural setting.

### ***Supporting Information***

7b.7 The application includes a supporting letter from the applicant that explained the circumstances for the proposal. It is considered that the replacement house is in keeping with the surrounding area and has been rebuilt to comply with previous planning consent P/09/0133/FUL.

**7c Conclusion**

- 7c.1 It is regrettable that the redevelopment resulted in the significant collapse of the previous house. The proposal is contrary to the terms of the Development Plan and the emerging Local Plan that restrict new housing development in the countryside. However, the proposed house replaces a previous dwelling and, as constructed, is acceptable in terms of design and location. It has replicated the previous planning consent to extend the previous house. It is therefore considered appropriate to recommend this amended scheme as acceptable.

**8. RECOMMENDATION**

- 8.1 It is recommended that detailed planning permission be granted.**

**Informative:-**

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01 – 12 Inclusive.**



**Pp**

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**Director of Development Services**

**Date: 16 February 2010**

**LIST OF BACKGROUND PAPERS**

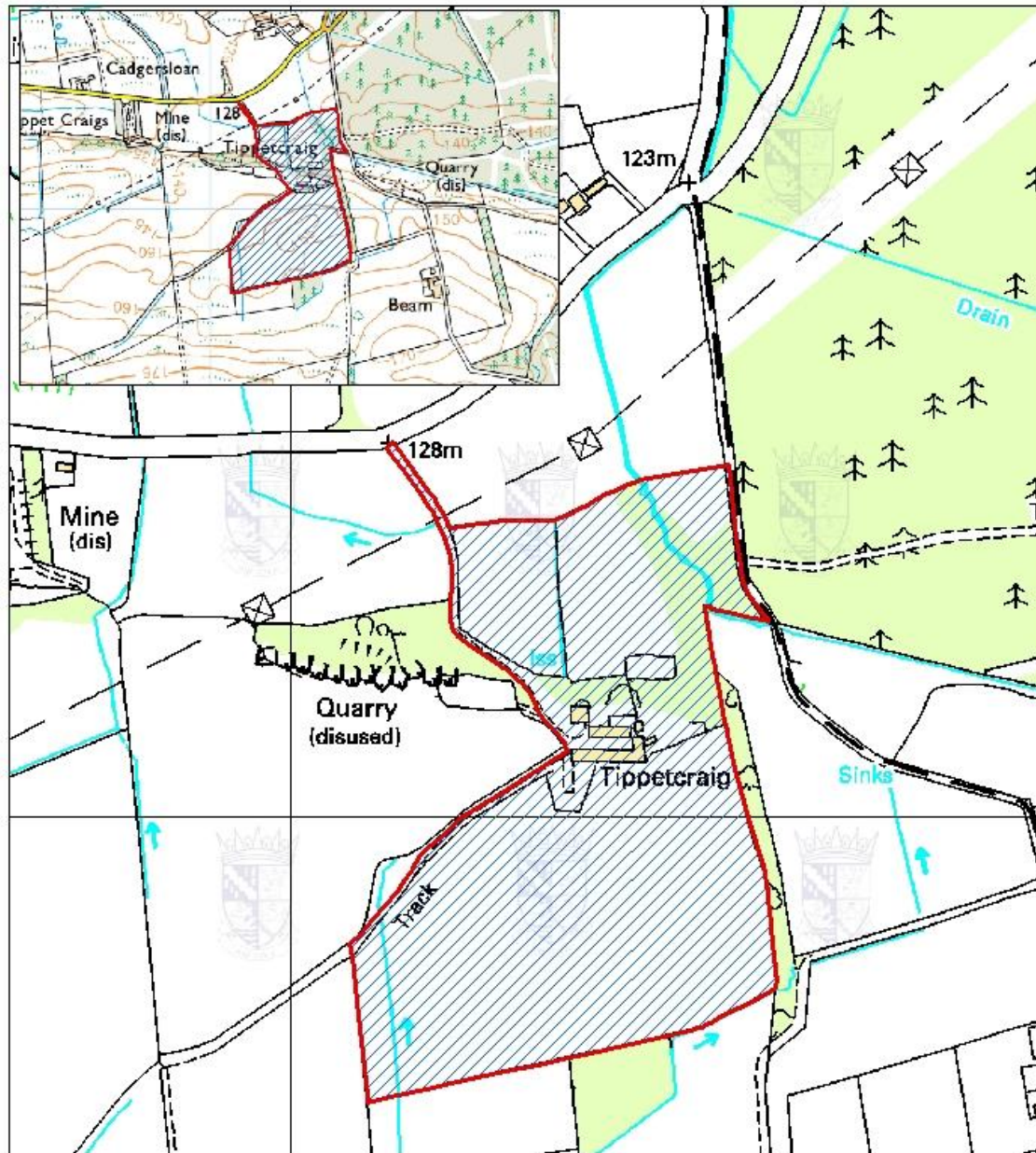
1. Falkirk Council – The Rural Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. The Falkirk Council Housing Layout and Design Supplementary Guidance Note.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

# Regulatory Committee

## Planning Application Location Plan **P/09/0879/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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