

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT LAND TO THE SOUTH WEST OF FORTHVIEW, STANDRIGG ROAD, FALKIRK FOR MR DEREK SCRYMGEOUR – P/09/0749/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Stephen McClure (Planning Officer) ext: 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site is an area of land located within the countryside not too far outwith the village limits of Wallacestone. The site appears to have an access into it, and did contain properties at one time. It is fenced off from the surrounding fields with thick foliage around the boundary. It is proposed to erect a new dwelling and large garage/shed within the site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J McLuckie.

3. SITE HISTORY

- 3.1 F/90/0635 – erection of dwellinghouse – refused 14 January 1991.
3.2 P/08/0306/FUL – erection of dwellinghouse – refused 16 October 2008.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has stated that Standrigg Road is a typical rural road of restricted width and alignment, also lacking a footway and lighting. However, if permission were to be granted (subject to suggested conditions), a dwelling in this location would have an insignificant effect on Standrigg Road.
4.2 Scottish Water have no objections to the proposal at this stage.

- 4.3 The Environmental Protection Unit has requested that a site investigation be carried out to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site. It is considered that this does not require to be done prior to determination of the application and could be conditioned if permission were to be granted.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been 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 relevant policies within the Falkirk Council Structure Plan.

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 applicant has provided no information to indicate that the proposed development is absolutely essential to a rural location. The site could not be considered as an infill development and meets no other criteria set out in the policy. It should be noted that, although the remains (foundation) of a dwelling exist, Policy Rural 4 "Rehabilitations of Former Residential Buildings", does not apply, as the proposal is for the erection of a new dwelling. It is therefore considered that the proposal does not accord with Policy Rural 1.

7a.4 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations are confined to the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

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 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.4 The applicant has not demonstrated that the proposed dwelling requires a countryside location and the site cannot be considered to constitute an appropriate infill development. There are no suitable buildings on site to be utilized for renovation. Policy SC3 affirms the relevant policies in the Rural Local Plan. The proposed development has been demonstrated to be contrary to established countryside policy. It is therefore considered that the proposal does not accord with Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Scottish Planning Policy

- 7b.5 Scottish Planning Policy “A Statement of the Scottish Government’s Policy on Nationally Important Land Use Planning Matters” promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.6 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

7c Conclusion

- 7c.1 The proposed development is contrary to the terms of the Development Plan and there are no material considerations which would justify a departure from the well established policies contained therein.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):
- (1) The proposal lies outwith the urban limit, contrary to Policy Rural 1 of the adopted Rural Local Plan, and Policy EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version), which presumes against new development in the countryside which is not absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location, and cannot be considered as an infill development; no case has been made to demonstrate that the development proposed requires a rural location.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear out online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 08, 10, 11, 12 and 13.

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk District Council Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy (SPP)

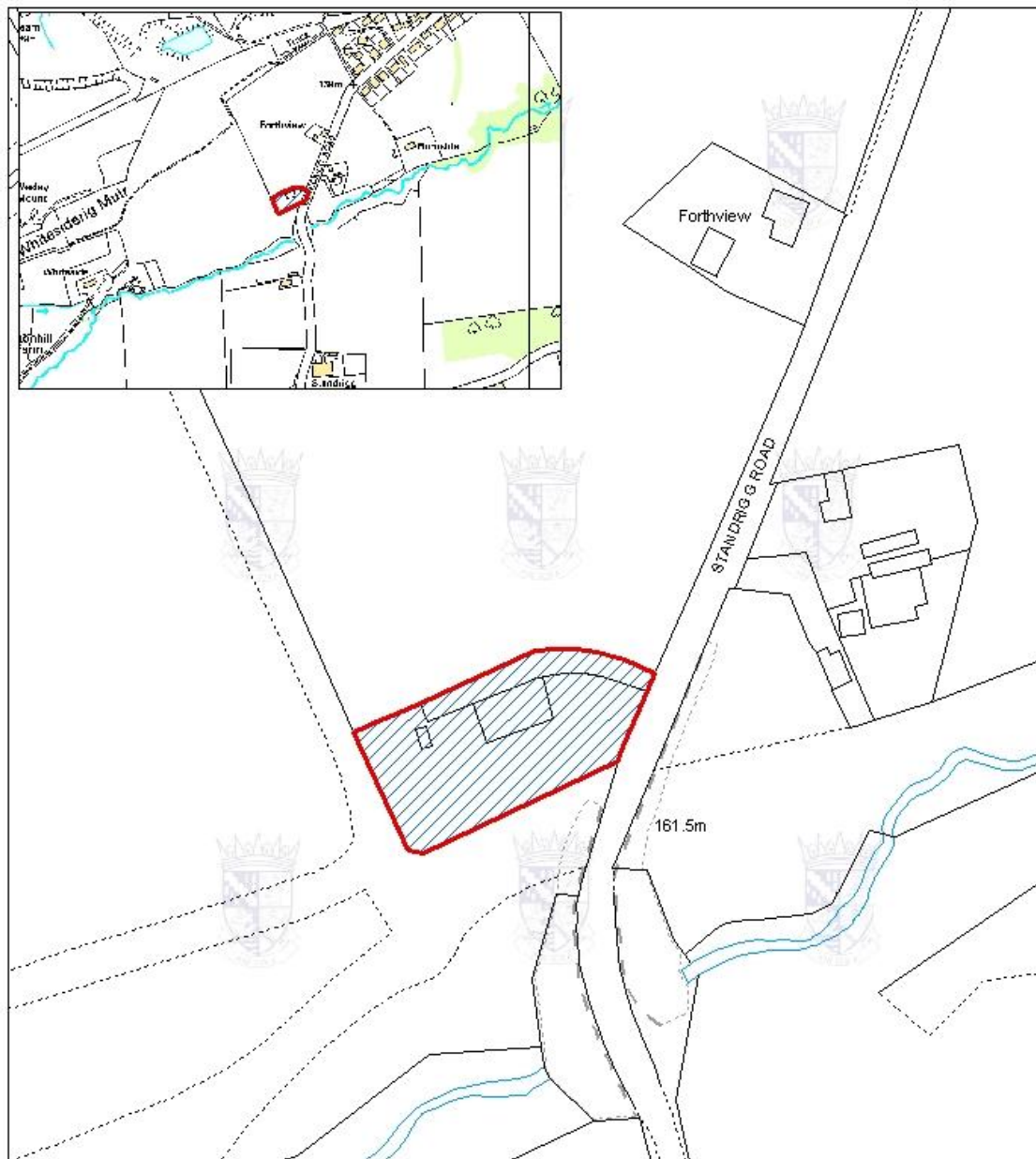
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0749/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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