

**FALKIRK COUNCIL**

**Subject: SITING OF THREE CARAVANS FOR USE AS HOMELESS ACCOMMODATION (RETROSPECTIVE) AT GARTH, DENNY, FK6 5HH FOR DIANA FERGUSON & PENNY RITSON (P/09/0624/FUL)**

**Meeting: PLANNING COMMITTEE**

**Date: 19 May 2010**

**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 for the siting of three caravans for use as homeless accommodation.
- 1.2 The application site is located at Garth Farm and comprises a dwellinghouse, farm and stable buildings, kennels and three caravans. The site is screened by existing mature planting. Adjoining land is in the ownership of the applicants.
- 1.3 The applicants have submitted the following supporting information:
  - The existing businesses at Garth Farm include boarding kennels, dog and horse breeding and tenancy of the dwellinghouse and caravans.
  - The provision of accommodation originally started with an agreement with Sacro (Safeguarding Communities, Reducing Offenders). This developed more into working with the homeless as the need became apparent. Some referrals have come from the Council's Social Work Service and Accommodation Resource Centre (ARC).
  - There are up to four tenants in the dwellinghouse and three in the caravans. All tenants have problems procuring accommodation elsewhere.
  - The ARC is involved with most occupants. Most have social, behavioural or minor medical problems.
  - Length of occupancy fluctuates. Most tenancies are short term but some can extend to more than a year.

- The tenants help with the animals as a therapeutic process.

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

- 2.1 The application requires Committee consideration as granting it would be contrary to the Development Plan.

## **3. SITE HISTORY**

- 3.1 Detailed planning permission ref. F/94/0043 was granted for the erection of kennels.
- 3.2 Detailed temporary planning permission ref. F/2001/0670 was granted for the siting of four caravans for use as homeless accommodation.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that the site is accessed via Castlerankine Road, which is a typical rural road of restricted width and alignment which lacks footway and lighting provision. However, the vehicular and pedestrian traffic generated by the development would not have any significant impact on the existing rural road network.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has advised that the caravans require a Caravan Site Licence as the operation does not fall within any of the exemptions of the First Schedule of the Caravan Sites and Control of Development Act.
- 4.4 Corporate and Neighbourhood Services (Housing Management, Tenancy Services) has advised that the dwellinghouse is registered as a House in Multiple Occupation (HMO) and is occasionally used by Falkirk Council to provide temporary accommodation to ARC clients. The caravans are not used by ARC, however clients may be advised of their existence which is then a private arrangement with Garth Farm. The HMO and caravans at this property provide valuable accommodation options to help prevent homelessness.

## **5. COMMUNITY COUNCIL**

- 5.1 The Denny and Dunipace Community Council has not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 One objection has been received to the application, on the following grounds:
- The occupants of the caravans on some occasions cause problems on the narrow country road.

- Concerns regarding the type of people occupying the caravans.

## 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

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

7a.1 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.2 The application site lies outwith the urban limits, within the countryside, as defined in the adopted Denny and District Local Plan. With reference to the terms of this policy, the subject development does not inherently require a countryside location and it does not represent a form of agricultural diversification. The development is therefore contrary to this policy.

#### ***Adopted 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 This policy generally presumes against new development in the countryside except in limited circumstances. Circumstance (3) provides for appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms. In this instance the development (comprising three caravans) lies in close proximity to the dwellinghouse and other buildings, within an area contained by mature planting. Whilst the development does not represent ribbon or sporadic development, it can be considered a form of backland development, and does not occupy a clear gap site within the terms of this policy. Overall, it is not considered to represent appropriate infill development within the terms of this policy. The development is therefore contrary to this policy.

7a.5 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

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

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 The application site lies outwith the urban limits, within the countryside, as identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 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.4 This policy indicates that development proposals outwith the urban limits will be subject to the detailed policies for specific uses. The development in this instance is not covered by these detailed policies. Therefore, it will only be permitted where it can be demonstrated that a countryside location is required and constitutes appropriate infill development. These matters have been considered within the terms of Policy ENV.1 of the approved Structure Plan and Policy Rural 1 of the adopted Rural Local Plan. Accordingly, for the same reasons, the development does not accord with the terms of this policy.

### ***Planning History***

7b.5 The planning history for the application site is detailed in Section 3 of this report. In December 2005, temporary planning permission (ref. F/2001/0670) was granted for the siting of four caravans for use as homeless accommodation. Temporary permission was granted due to the nature of the development (caravans), such that it was not considered to be a suitable form of permanent development. The temporary permission expired on 31 December 2008.

### ***Consultation Responses***

7b.6 The consultation responses are summarised in Section 4 of this report. The Environmental Protection Unit has advised that a Caravan Site Licence is required. The applicants have responded that a license application would be applied for if planning permission is granted. Corporate and Neighbourhood Services (Housing Management, Tenancy Services) has advised that the caravans at Garth Farm provide a valuable accommodation option to prevent homelessness. This is a consideration in support of the application.

### ***Representation Received***

7b.7 The concerns raised in the objection to the application are summarised in Section 6 of this report. In response to these concerns, the following comments are considered to be relevant:

- The applicants have advised that the person responsible for causing problems on the road no longer resides at the site.
- The Environmental Protection Unit has advised that it has no record of any complaints having been received in relation to the development.

**7c Conclusion**

- 7c.1 This application, for the siting of three caravans for use as homeless accommodation, does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version), for the reasons detailed in this report. However, there are material considerations that outweigh the terms of these Plans in this instance. The development is small scale, well screened, contributes to meeting a need for homeless accommodation and in the main would appear to have operated with minimal impact on the local area.
- 7c.2 The applicants have advised that they wish to continue with this project in the immediate future. Accordingly, given the nature of the development (caravans), a further temporary permission is recommended.

**8. RECOMMENDATION**

- 8.1 It is recommended that the Planning Committee approve temporary planning permission subject to the following conditions:-

- (1) This permission shall be valid for a limited period until 30 June 2013 and at that time, unless further permission is granted, the caravans shall be removed from the site and the site re-instated to its original condition.

**Reason(s):**

- (1) The proposed is not considered a suitable form of permanent development.

**Informative(s):**

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

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**Director of Development Services**

**Date: 11 May 2010**

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.

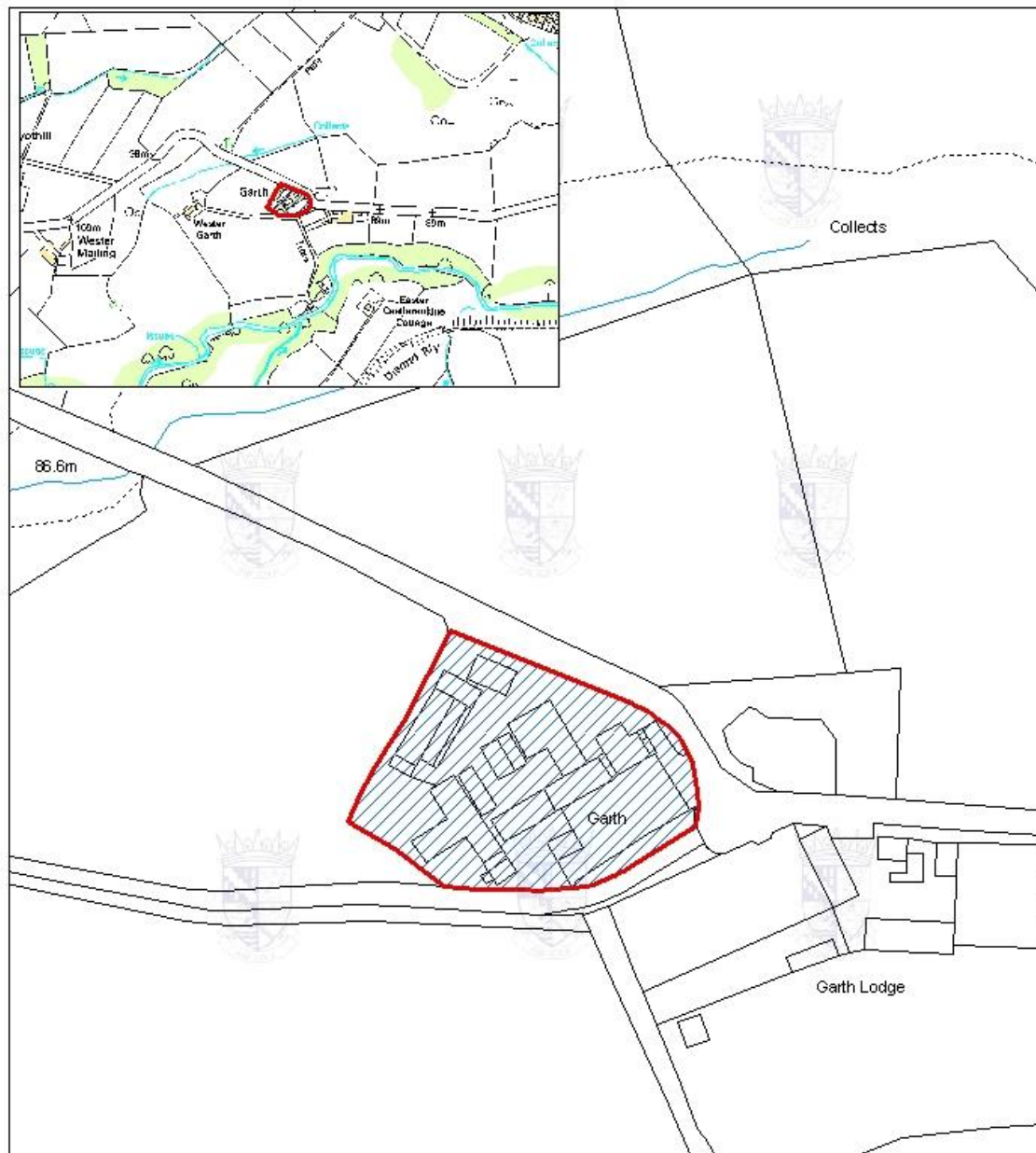
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Letter of Objection received from J Duncan, Wester Garth Denny FK6 5HH on 20 October 2009.

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

# Planning Committee

## Planning Application Location Plan **P/09/0624/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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