

**FALKIRK COUNCIL**

**Subject: ERECTION OF TEMPORARY RESIDENTIAL ACCOMMODATION (EXTENSION OF TIME TO CONDITION 2 OF PLANNING PERMISSION 06/1116/FUL) AT LAND AT WHINNIE MUIR WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR RAYMOND MCCLURG - (P/10/0302/VRC)**  
**Meeting: PLANNING COMMITTEE**  
**Date: 16 June 2010**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

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

**Community Council: Larbert, Stenhousemuir and Torwood**

**Case Officer: John Milne (Senior Planning Officer), ext 4815**

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

- 1.1 This application seeks to alter the terms of a planning condition imposed on planning application ref 06/1116/FUL - Change of Use of wetland pond to class 11 (Assembly and Leisure) Fishery, erection of temporary residential unit and storage building and formation of access road and car park – Granted 05 June 2007 – at Whinnie Muir Wood, Torwood.
- 1.2 The applicant originally received a 3 year time period for the temporary residential unit and the current proposal seeks to extend the time period for a further 3 years.
- 1.3 The applicants' agent, in a supporting letter, considers that, while the formation of the fishery is now established and operational, with all other elements of the planning permission also complied with, the site security still necessitates the presence of the fishery manager on a full time basis.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor John Constable.

### **3. SITE HISTORY**

- 3.1 05/0422/FUL – formation of wetland pond – withdrawn 06 September 2005.
- 3.2 05/0853/FUL – formation of wetland pond – granted 31 July 2006.
- 3.3 06/1116/FUL – change of use of wetland pond to class 11 (assembly and leisure) fishery, erection of temporary residential unit and storage building and formation of access road and car park – granted 05 June 2007.
- 3.4 P/09/0519/FUL – erection of dwellinghouse – refused 5 March 2010

### **4. CONSULTATIONS**

- 4.1 No consultations undertaken.

### **5. COMMUNITY COUNCIL**

- 5.1 Larbert, Stenhousemuir and Torwood Community Council neither objects nor supports the planning application, although comment as to why there is a need for an extension and what the long-term plans are for the site.

### **6. PUBLIC REPRESENTATION**

- 6.1 Application advertised in the Falkirk Herald 20 May 2010 – No premises on neighbouring land.
- 6.2 No comments 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 issues of a strategic nature arising in relation to the application.

## **Rural Area 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 In this instance, the presence of the caravan does not constitute housing development in that the caravan is temporary in nature and capable of being moved on expiration of a stipulated timescale. In addition, while the applicant contends that the structure is required in association with site security, the planning service has advised that site security may be achieved by means other than a permanent occupation of the premises and that any continuance of the manager located on-site is at the owners’ preference rather than necessity. This was conveyed to the agent by letter dated 21 May 2010.

7a.4 The siting of the caravan is fairly discreet and does not give rise to concerns regarding visual amenity.

7a.5 Accordingly, the proposal accords with the Development Plan.

## 7b Material Considerations

7b.1 The matters subject to consideration are the policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit version) and the points raised through consultation.

### ***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 The retention of the caravan within the current location does not give rise to concerns regarding visual amenity and is merely considered an ancillary element to the commercial fishery operation.

7b.4 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

*“Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:*

*(1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs / restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*

*(2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*

- (3) *Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) *Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

*Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory.”*

7b.5 In terms of this policy, associated built development will be limited to that which is directly ancillary to the activity (e.g clubhouses, changing facilities, parking). However, the proposed caravan is temporary in nature and is able to be removed after a finite date has been set. The planning authority recognizes that it is the applicants’ preference to employ an on-site manager for security reasons but does not recognize that the on-site manager is an essential element to the function of the commercial fishery. However, given that it is understood that the applicant intends to change the management approach to the fishery by allowing public access, it is considered not unreasonable to allow a managers presence on the site to facilitate this change in operation – albeit for a temporary period.

### ***Points Raised Through Consultation***

7b.6 The applicant proposes to extend the time period for the presence of the caravan for a period of 3 years, to facilitate site security. The long-term plans for the fishery site as a whole cannot be determined through the evaluation of the current application, which is solely for the continued presence of a caravan on the premises.

### **7c Conclusion**

7c.1 It is considered that extending the time period for the existing caravan on site would not create any issues of visual amenity or nuisance, nor should it be perceived that the planning authority acknowledges that a full-time occupation of the site is essential for the operation of the commercial fishery. For the avoidance of doubt and without prejudice to any future planning applications, it is recognized that the presence of a manager is at the applicants’ discretion for security purposes and no information has been submitted contending that the fishery requires a permanent supervisor for management purposes.

7c.2 The continued presence of the caravan on site does not establish that the fishery merits a full-time presence on the site nor justifies any potential approach for a dwellinghouse.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-**

- (1) Consent is limited to the period ending on 1st June, 2013 at which date the temporary structure shall be removed and the land restored to the satisfaction of the Planning Authority.**

**Reason(s):-**

- (1) The proposal is not considered to be 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 online reference number(s) 1.

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**Director of Development Services**

**Date:** 8 June 2010

**LIST OF BACKGROUND PAPERS**

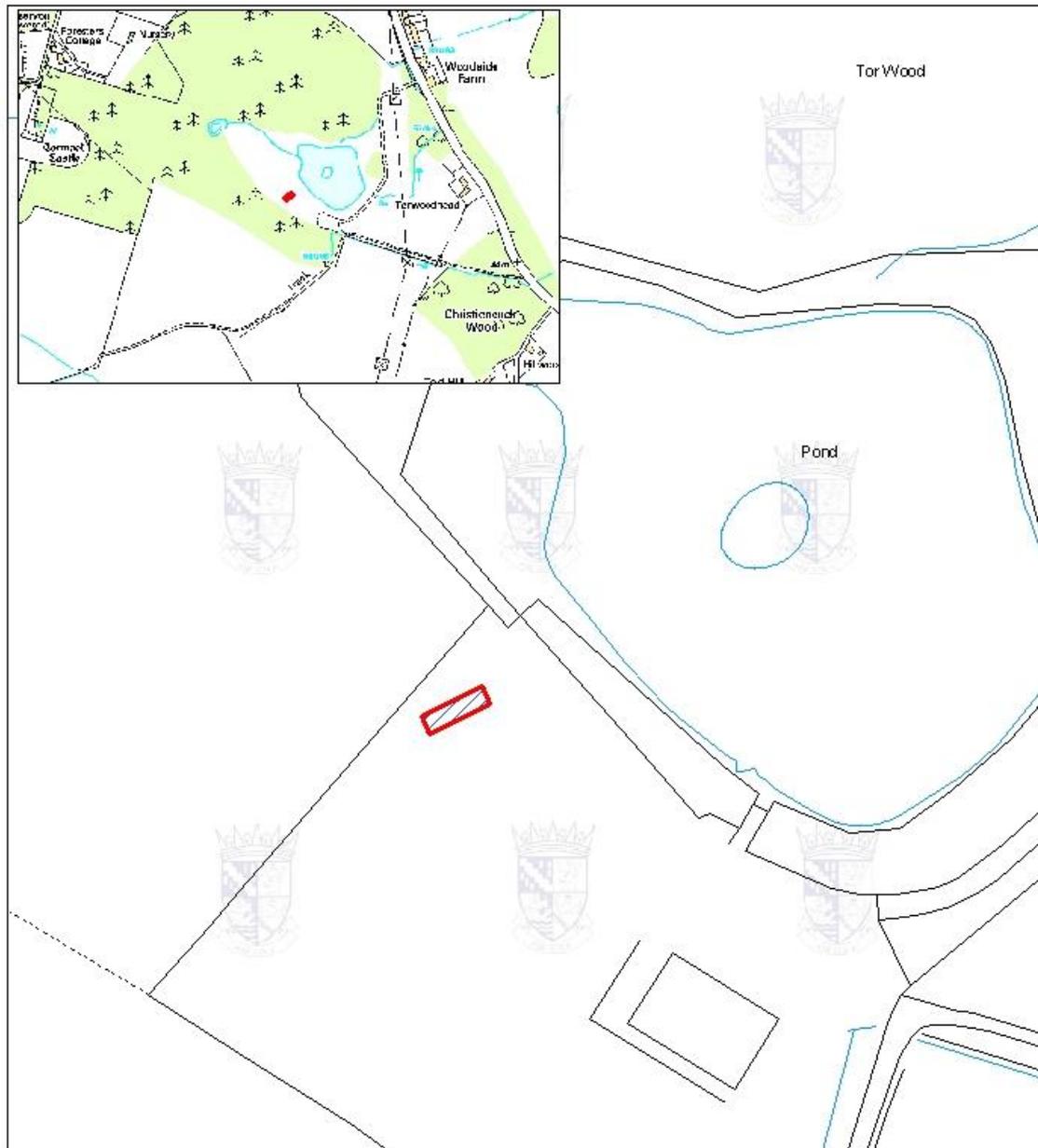
1. Falkirk Council Structure Plan
2. Rural Area Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Planning Officer).

# Planning Committee

## Planning Application Location Plan P/10/0302/VRC

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



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