

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA AT LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP**

Meeting: **PLANNING COMMITTEE**
Date: **24 August 2011**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**
Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: **Denny and District**

Case Officer: **Brent Vivian (Senior Planning Officer), Ext. 4935**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site lies in open countryside to the south of Denovan Road, north of Denny. The site comprises hard surfaces, grazing land and a caravan. There is an agricultural shed adjoining the application site. An existing vehicular access and public right of way follow the western property boundary. An existing residential property lies to the immediate west. To the south lies the River Carron.
- 1.2 The application seeks planning permission in principle to erect a dwellinghouse, stables and equestrian arena in association with an existing horse breeding and stabling operation. The applicant currently resides and partly operates the existing business at Carronside, at the western end of Denovan Road, and the subject land was purchased to enable expansion of the business. The applicant has advised of incidences of vandalism and animal attack at the new site, which have frustrated the expansion plans in the absence of a 24 hour on-site presence. Whilst the original plans did not anticipate a need to move wholly to the new site, this has been re-evaluated in the circumstances. A Business Expansion Plan has been submitted in support of the application.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Waddell.

3. SITE HISTORY

- 3.1 Agricultural Notification Ref: P/08/0975/AGR for the erection of an agricultural building was received in December 2008. It was advised that prior approval is not required. This building has been erected.
- 3.2 Planning Application Ref: P/11/0469/FUL for the change of use of land for the temporary siting of a caravan and storage containers (retrospective) was received on 19 July 2011 and is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the existing vehicular access off Denovan Road has poor visibility in both directions, being restricted by carriageway alignment. They request that an alternative vehicular access be provided on land to the east within the ownership of the applicant. They advise that adequate parking will be required for the dwellinghouse, stables and riding arena. They are satisfied with the Flood Risk Statement submitted with the application.
- 4.2 The Environmental Protection Unit have requested the undertaking of a Contaminated Land Assessment due to the presence of two chemical manufacturing sites, a sewage treatment works and other potential sources of contaminated land within 250 metres of the site.
- 4.3 Scottish Water have no objection to the application.
- 4.4 The Council's Rural Business Consultant is satisfied, based on the supporting statement, that a sufficient income would be provided for an individual from breeding trotters, the livery and the activities proposed, with full-time employment being achieved in year 3. He advises that brooding mares have to be monitored and that stock for equine businesses requires a lot of attention. He has noted the incidences of vandalism and animal attack advised by the applicant.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 Six objections have been received to the application. The comments raised in these objections can be summarised as follows:-
- Contrary to Structure Plan policy relating to development in the countryside.
 - Extension of the settlement area.
 - Further loss of agricultural land.
 - There does not appear to be a need for the proposed dwellinghouse.

- The current owner's business is trotting. Is this site to hold trotting racecourse meetings?
- The equestrian centre should be defined, i.e. show jumping, horse riding, stables or breeding.
- There is a large equestrian facility nearby and the needs of the community would not be served by another.
- Loss of countryside amenity in combination with previously approved guest house in the area.
- Cumulative impact of equestrian facilities is damaging to the environment.
- Visual intrusion and existing environmental damage as a consequence of hardstanding and excess storage including a static caravan.
- Denovan Road is not suitable to support the venture e.g. poor sightlines, there is a bad bend just east of the site.
- There will be a significant increase in traffic.
- Traffic and road safety issues if the facility is commercial e.g. arising from congestion.
- Ambulances etc travelling to the new hospital may be obstructed or blocked by activity to and from the site.
- A public right of way/longstanding drove road passes through the site towards the River Carron and the original gateway has been removed and not restored.
- Rubble overspill used to construct a level base for the agricultural shed has made passage on the right of way difficult.
- There is a large culvert to the rear of the land which is overshadowed by a large amount of rubble, which if left uncontrolled could contaminate the watercourse.

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 The proposed development does not have any strategic implications therefore the policies of the Structure Plan are not relevant.

Adopted Falkirk Council Local Plan

7a.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.”*

7a.3 This policy requires the scale, siting and design of development to be strictly controlled to ensure there is no adverse impact on the character of the countryside. The visual impact of the proposed development is mitigated by its setting adjoining existing buildings and retention of existing landscape features such as mature trees. The detailed scale, siting and design would be considered at full planning stage. In principle, the application is considered to accord with this policy.

7a.4 Policy EQ29 ‘Outdoor Access’ states:

“(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.

(2) In promoting new routes particular emphasis will be placed on

- opportunities specified on the Proposals Map*
- other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
- other areas of proven demand as identified through community consultation; and*
- the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*

(3) When considering planning applications, the Council will

- Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*

- *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
- *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development."*

7a.5 This policy states that the Council will safeguard the line of any existing access route affected by development unless a satisfactory alternative route can be agreed. Public right of way CF/S161 follows the western boundary of the site and is to be retained in its current location, unless otherwise agreed with the Planning Authority pending further consideration, in consultation with the Access Officer. Currently this right of way is undefined, overgrown in places and does not appear to be in use. The proposed development provides an opportunity to upgrade the right of way and consider it within the context of the wider access network, including whether a diversion would better serve the purpose. The details regarding path width and verges, gradient, boundary treatment, signage and potential links to other access routes would be considered at detailed planning stage. The application is therefore considered to accord with the policy.

7a.6 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."*

7a.7 This policy provides for housing development in the countryside where it is essential for the management of a business requiring a countryside location (subject to certain criteria being satisfied). With regard to these criteria, there is an operational need for the proposed dwellinghouse to meet the welfare needs of the horses and to effectively manage the business and there are no opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse. Whilst the applicant's existing dwellinghouse is nearby (at the west end of Denovan Road), on-site accommodation would better serve the need by enabling rapid response to animal welfare emergencies and effective site security. The supporting information indicates that the existing business currently provides the main source of income to the applicant. This aspect of the policy is therefore satisfied. The supporting information indicates that full-time employment would be achieved in year 3 of the planned expansion. Overall, the application is considered to accord with this policy.

7a.8 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 of the adequacy of access and car parking arrangements must be satisfactory."

7a.9 This policy provides for leisure and tourism development in the countryside where the use demonstrates a particular need for a countryside location and could not be more appropriately located within the settlement limits. The proposal for stable rental and rent of the outdoor arena for horse training and coaching provides a leisure aspect to the overall business. By virtue of the nature of the use, it is evident that there is a need for a countryside location. The application therefore accords with this policy.

7a.10 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are the consultation responses, the representations received, the viability and sustainability of the business use to support a permanent dwellinghouse and the circumstances influencing the proposal to erect a dwellinghouse at this location.

Consultation Responses

- 7b.2 The consultation responses are 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 of any grant of permission. As noted, the Council's Rural Business Consultant is satisfied with the proposal and has highlighted the need for brooding mares to be closely monitored and attended to.

Representations Received

- 7b.3 The public representations are summarised in section 6 of this report. In response to the concerns raised in these representations, the following comments are considered to be relevant:-

- The proposed development does not have any strategic implications and therefore the policies of the Structure Plan are not relevant.
- The proposal has been assessed in this report as complying with the adopted Falkirk Local Plan.
- The proposed development would give rise to a small loss of agricultural land adjoining existing development.
- The need for the proposed dwellinghouse is accepted, for the reasons detailed in this report.
- The business is horse breeding, grazing and stabling. The Business Expansion Plan indicates stabling for up to 8 horses (including stable rental for 2 to 3 horses per annum) and rent of the outdoor arena for training and coaching.
- The applicant has advised that there is no intention to host show jumping or trotting races at the site.
- Horse breeding and stabling are typically located in the countryside.
- Visual impact is mitigated by its setting adjacent to existing development and retention of existing landscape features such as trees.
- The storage containers and caravan would be removed from the site following completion of the construction works and are subject to a separate application (ref: P/11/0469/FUL).
- The scale and nature of the development, as indicated in the supporting information, is unlikely to lead to a significant increase in road traffic.

- A new vehicular access to the site would be required and its specific location would be subject to consideration at detailed planning stage.
- The existing public right of way would be retained at its current location, unless otherwise agreed by the Planning Authority, and upgrades to facilitate its use would be secured at detailed planning stage.

Viability and Sustainability

- 7b.4 With regard to viability and sustainability aspects, it is apparent that the applicant is well placed to deliver the business expansion plans taking into account the supporting information, which indicates that there are no secured borrowings or burdens affecting the existing property, the planned investment is not dependent on the sale of the existing property and its sale would realise a business expansion surplus. As a further safeguard, the applicant would accept a condition requiring completion of the new stables and outdoor arena prior to construction of the new dwellinghouse.

Individual Circumstances

- 7b.5 The circumstances which led to a wholesale re-evaluation of the original objectives are a material consideration. These circumstances, as detailed in this report, support the new site as the residence for the existing business and in order to facilitate the planned expansion.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for approval subject to a Section 75 Legal Agreement to restrict the occupancy of the new dwellinghouse, and the imposition of appropriate conditions. There are material considerations in support of the application, as detailed in this report, and there are no material considerations to justify a contrary recommendation or outweigh the recommendation to grant the application.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that it is **Minded to Grant Planning Permission in Principle** subject to:-
- The satisfactory completion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict the occupancy of the proposed dwellinghouse to the rural business;**
 - And thereafter, on the conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-**

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.
- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Construction of the proposed dwellinghouse shall not commence until the proposed stables and outdoor riding arena have been fully completed, in accordance with details approved in writing by this Planning Authority.
- (5) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

- (6) Before the development commences, the existing vehicular access to the site from Denovan Road shall be closed off and relocated to a position and in accordance with details approved in writing by this Planning Authority. For the avoidance of doubt, the indicative location for the formation of a new access, as shown on the Illustrative Block Plan (Dwg. DR 01 C), is not approved.
- (7) The relocated access shall be formed at a minimum width of 6 metres, at a maximum gradient of 10%, and shall be constructed in a manner to ensure that no loose materials or surface water is discharged onto the public road.
- (8) The first 15 metres of the new bellmouth and access road from the existing carriageway edge shall be surfaced with a coated material in accordance with details approved in writing by the Planning Authority.
- (9) In-curtilage parking shall be provided for the proposed dwellinghouse, stables and riding arena, in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area if relevant or, alternatively, in accordance with details approved in writing by this Planning Authority.
- (10) Before the development commences, there shall be no obstruction to visibility above ground level within a visibility splay measuring 4.5 metres x 210 metres (or as near as is practicable) in either direction along Denovan Road from the relocated access.
- (11) Any access gates shall open inwards only and be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Unless otherwise agreed in writing by this Planning Authority, the existing public right of way shall be retained in its current position. As part of the first application for the approval of Matters Specified in Conditions, the necessary details, including path and verges, gradients, boundary treatment, signage, potential links to other access routes and timescales for completion, shall be agreed in writing by this Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To avoid the possibility of a dwellinghouse being established without the planned business investment.
- (5) To ensure the ground is suitable for the proposed development.
- (6,7,8 10 & 11) To safeguard the interests of the users of the highway.
- (9) To ensure that adequate parking is provided.

(12) To safeguard an existing access route in a satisfactory manner.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.
- (2) A Minor Roadworks Consent (MRC) will be required for the proposed new vehicular access.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

| | |
|----------------------|---------------------|
| Monday to Friday | 08.00 - 18.00 hours |
| Saturday | 09.00 - 17.00 hours |
| Sunday/Bank Holidays | 10.00 - 16.00 hours |

Deviation from these hours of work shall not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

.....
Director of Development Services

Date: 16 August 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Letter of Objection received from Dr Roderick Macdonald, West Denovan Church, Denovan Road, Denny, FK6 6BJ on 20 October 2010.
4. Letter of Objection received from Mrs Isabel Gillespie, 2 Ferguson Drive, Denny, FK6 5AE on 28 October 2010.
5. Letter of Representation received from Logan Associates, Gladstone Cottage, Station Road, Leven, KY8 4QU on 29 October 2010.
6. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 12 October 2010.
7. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 10 June 2011.
8. Letter of Objection received from Dr Roderick McDonald, West Denovan Church, Denovan Road, Denny FK6 6BJ on 20 June 2011

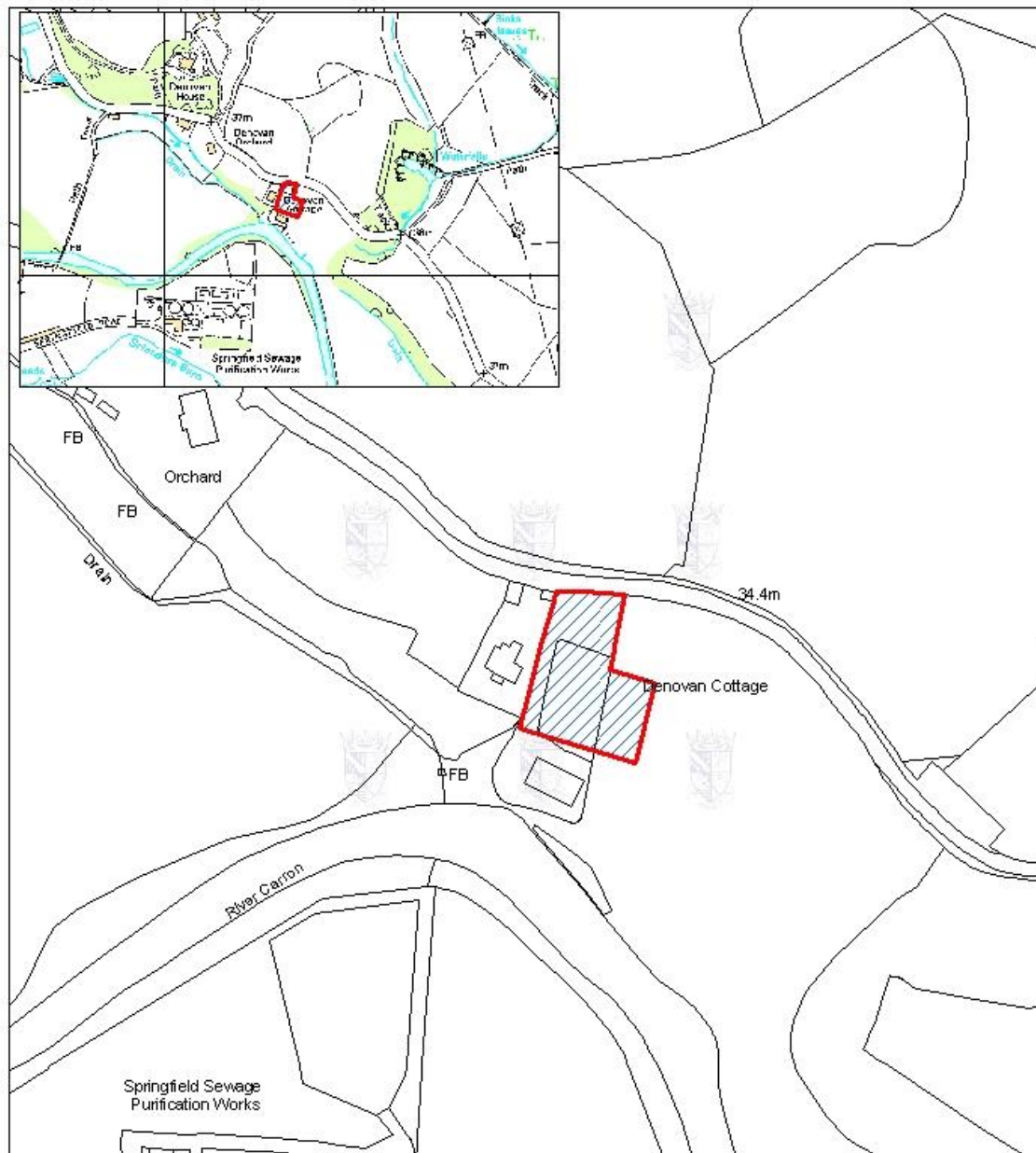
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0646/PPP

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2011. All rights reserved.
Ordnance Survey Licence number 100023384