

**FALKIRK COUNCIL**

**Subject:** SITING OF TEMPORARY CARAVAN, FORMATION OF FLOODLIT HORSE TRAINING ARENA, EXTENSION TO EXISTING SHED, ERECTION OF STORAGE SHED AND ERECTION OF ENTRANCE FEATURE WALL (RETROSPECTIVE) AT HOMESTEAD FARM, BINNIEHILL ROAD, SLAMANNAN, FALKIRK, FK1 3BE FOR MR GERRY CROLLA - P/10/0636/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 2 November 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes  
Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Slamannan and Limerigg

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. The site visit took place on Wednesday 12 October 2011.

**USE OF STRUCTURE**

2. For the avoidance of doubt, the use of the former agricultural shed for the purpose of stabling horses constitutes a 'change of use' and removes any permitted development opportunity to further extend the shed. This application seeks to regularise the unauthorised change of use to equestrian purposes. An informative has been added in relation to this matter.

**NOISE**

3. The barking of dogs or playing of music within the shed is not controllable through planning legislation. However, further monitoring could be undertaken by Falkirk Council's Environmental Protection Unit, with any necessary enforcement action being pursued under statutory noise nuisance legislation.

## **TREES**

4. For the avoidance of doubt, the previous felling of trees on the site did not require planning permission, or any other consent from the planning authority.

## **INITIATION OF DEVELOPMENT ON A DWELLINGHOUSE ON ADJACENT LAND**

5. The legitimacy or otherwise of the initiation of development on an adjoining site is not material to the application under consideration.

## **NUMBER OF REPRESENTATIONS**

6. The list of background papers, reprinted at the end of this Update Report, include two new individual letters of representation received but no new matters have been raised.

## **7. CONCLUSION**

- 7.1 No issues have been raised which would amend the recommendation to grant planning permission.

## **8. RECOMMENDATION**

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

- (1) For the avoidance of doubt, the equestrian facilities shall be for domestic use only, with no commercial stabling of horses nor horse riding instruction to members of the public.
- (2) For the avoidance of doubt, the caravan shall be removed from the site no later than 12 months from the date of this planning permission and the site restored to a neat and tidy condition.
- (3) Within 2 months from the date of this permission, details shall be submitted to and approved in writing by the Planning Authority as to the installation of screen planting of native broadleaf trees and native shrubs along the north east boundary of the site. The planting shall be a minimum of 8 metres width and fenced off to enable at least 2 lines of tree transplants to be planted at 3 metres spacing plus at least 2 lines of native shrubs at 1 metre spacing. Details shall include planting density/total number, nursery stock size, methods of protection and a statement of maintenance proposed to aid establishment. Thereafter, the screen planting shall be introduced on the first planting season following such approval.
- (4) Within 2 months of the date of this permission, details of the exact specification of floodlighting on the site shall be provide to and approved in writing by the Planning Authority. If approved, the specification shall be maintained throughout the period of activity on the site.

**Reason(s):-**

- (1) To ensure that the Planning Authority can control the future use of the premises.
- (2) The proposal is not considered to be a suitable form of permanent development.
- (3) To safeguard the environmental amenity of the area.
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03 and 04.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.
- (3) For the avoidance of doubt, the extended existing shed is authorised for use for equestrian purposes. Any further proposals would require to be assessed on their own merit in relation to suitability or need for planning permission.

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**Director of Development Services**

**Date:** 25<sup>th</sup> October 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Ellie McMillan, Ladygrange Cottage Slamannan Falkirk FK1 3BE received 28 September 2010.
4. Letter of Objection from Ninian Perry, Maremma Cottage Slamannan Falkirk FK1 3BE received 5 October 2010.
5. Letter of Objection from Alan Glass, Pond Cottage Slamannan Falkirk FK1 3BE received 1 October 2010.
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8. Letter of Objection from Mr & Mrs A Tetlow, Mount Pleasant Slamannan Falkirk FK1 3BE received 6 October 2010.

9. Letter of Objection from Marlene Hannon, Pond Cottage Slamannan Falkirk FK1 3BE received 4 October 2010.
10. Letter of Objection from Philip and Sheila Hall, Balcastle House Slamannan Falkirk FK1 3BB received 10 September 2010.
11. Letter of Objection from Philip Hall, Balcastle House Slamannan Falkirk FK1 3BB received 16 September 2010.
12. Letter of Objection from Sheila Hall, Balcastle House Slamannan Falkirk FK1 3BB received 26 September 2010.

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

**FALKIRK COUNCIL**

**Subject:** SITING OF TEMPORARY CARAVAN, FORMATION OF FLOODLIT HORSE TRAINING ARENA, EXTENSION TO EXISTING SHED, ERECTION OF STORAGE SHED AND ERECTION OF ENTRANCE FEATURE WALL (RETROSPECTIVE) AT HOMESTEAD FARM, BINNIEHILL ROAD, SLAMANNAN, FALKIRK FK1 3BE FOR MR GERRY CROLLA - P/10/0636/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes  
Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Slamannan and Limerigg

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

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

- 1.1 This application seeks to regularise a number of alterations which have taken place on the premises. The applicant has altered and extended an existing agricultural shed to stable horses, formed a floodlit horse training area, intends to erect a small storage shed and introduced a caravan on the site.
- 1.2 In addition, the applicant has erected an entrance feature wall, all at Homestead Farm, Binniehills Road, Slamannan.
- 1.3 It should be noted that while the applicant wishes to retain a caravan on site (albeit of a temporary nature) the caravan that was on the site at the point of application submission has now been removed.
- 1.4 For the avoidance of doubt, the applicant advises that the equestrian facilities are for his own use and no commercial activities are envisaged.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been referred to the Planning Committee at the request of Councillor McLuckie.

### **3. SITE HISTORY**

- 3.1 A/2044/001 - erection of agricultural building - Mr John Prentice - agricultural notification agreed on 7 April 2004.

### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objection to the planning application.
- 4.2 The Scottish Environment Protection Agency provide standing advice applicable to this type of small scale local development and the applicant is advised to refer to this advice direct.
- 4.3 The Roads Development Unit have no objections, based on the premise that the development does not include any element of a commercial nature.
- 4.4 The Scottish Rights of Way and Access Society have no objection to the proposal, but request a planning condition to be imposed to ensure that existing Rights of Way remain clear and free from obstruction.
- 4.5 The Environmental Protection Unit have no objection to the proposal, but request planning conditions be imposed to address potential contaminated land and light pollution from the site.
- 4.6 Scottish Natural Heritage do not intend to offer advice or comment on the proposal.

### **5. COMMUNITY COUNCIL**

- 5.1 No comments have been submitted.

### **6. PUBLIC REPRESENTATION**

- 6.1 8 letters of objection from 5 neighbouring properties have been received, stating:-
- A double row of trees have been felled near the site and the applicant should introduce new planting;
  - Lights from the application site disturb neighbours;
  - Noise levels can be high at times;
  - The extended shed dominates the landscape;
  - The feature wall dominates Binniehill Road;
  - There is no need for a caravan;
  - The approval of the retrospective application would prove a precedent which could be reflected elsewhere;

- The establishment of a caravan is an endeavour to seek further approvals;
- The proposal is advertised as a commercial livery;
- The proposals conflict with local plan policies;
- No landscape and visual assessment is included with the application;
- There is a dangerous sub standard vehicular access to the site;
- There is a multitude of protected species around the site, which will suffer detriment as a consequence of the proposal;
- The core path next to the site is deteriorating due to horse users;
- The front gates are not, visually, in keeping with the area;
- Additional servicing of the caravan (drainage, sewerage, etc) need be considered;
- Traffic has increased as a consequence of development.

6.2 Members will note that the above is a summary of representations and that full representations are available for review.

## 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 It is considered that the application does not raise any issues of a strategic nature.

#### ***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 The conversion and adaptation of the existing agricultural shed, along with associated facilities, to provide equestrian facilities is considered to be an acceptable use within a countryside location. The former agricultural shed has been extended to reflect the existing design and the introduction of the horse arena is not considered to offend the above policy.

7a.4 Policy EQ22 'Landscape and Visual Assessment' states:

*"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."*

7a.5 It is considered that the scale of development is not likely to have a significant landscape impact and the submission of a landscape and visual assessment is not considered necessary.

7a.6 Policy EQ23 - 'Areas Of Great Landscape Value' states:

*"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."*

7a.7 It is recognised that the proposal involves the extension of a former agricultural building and the introduction of a domestic equestrian use. Given the adjoining rural buildings erected in close proximity to the site, it is not considered that the proposal would offend the above policy. However, some introduction of additional soft landscaping may be considered appropriate.



7a.8 Policy EQ24 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natural 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.9 No ecological interests have been identified on the site and Scottish Natural Heritage have no advice to offer on the application. The application is retrospective and, apart from the re-introduction of a caravan and the erection of a storage shed on a yard area, no further works are envisaged. Therefore, no ecological interests are likely to be impacted.

7a.10 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

*“The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*

- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.11 The applicant has not indicated that tree removal will take place on the site. Irrespective, the removal of trees in this area would not require the benefit of planning permission. However, it is considered that the site would benefit from augmentation of the remaining tree coverage and it is intended to impose a planning condition to secure such planting. This may also enhance the setting of the proposals.

7a.12 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.13 With reference to the existing Rights of Way adjoining the site, the proposals are not considered to offend the above policy.

7a.14 Policy ST16A 'Light Pollution' states:

*"All proposals involving the installation or replacement of external lighting should seek to minimise intrusive light spillage and light pollution. The use of locations and lighting equipment that limit light spillage and light pollution together with methods to control the period of usage will be required."*

7a.15 It is intended that the control of external lighting should be addressed through planning condition.

7a.16 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations include the points raised through comment and issues raised through consultation.

### ***Points Raised Through Comment***

7b.2 The points raised through comment have been considered in light of their material consideration in planning terms. Issues which are not material considerations are as follows:-

- The influence the proposal will have on adjoining property values.
- The history of an application for a dwellinghouse on an adjoining site.
- The merits or otherwise of the original approval to erect an agricultural shed on the site.
- The felling of trees outwith planning control.
- Drainage provision to the caravan is not a matter controlled by the planning authority.

7b.3 In response to other matters raised, it is considered that:-

- A degree of additional planting on the site may prove beneficial in ‘softening’ the existing structures, but the previous felling of trees is not a matter enforceable by the planning authority.
- The issue of light pollution may be addressed through planning condition.
- The issue of noise can be reviewed by Falkirk Council where a statutory noise nuisance has occurred.
- To date, despite visits by colleagues in the Environmental Protection Unit, no statutory noise nuisance has been identified.
- It is considered that the existing shed, albeit extended, does have some degree of visual prominence but not of such a significant impact as to merit refusal of the application.
- The immediate area comprises a mix of physical structures of varying designs and materials and the introduction of a feature wall is not considered to erode the visual amenity of the area.
- The temporary caravan is envisaged to offer occasional overnight supervision of the farm livestock until a currently under construction dwellinghouse is completed. While the legitimacy or otherwise of the applicant’s intention to occupy a consented dwellinghouse is not subject to this application, it is recognised that temporary accommodation is often requested to oversee animal welfare provision. Therefore, a period for temporary accommodation is not considered unreasonable.

- Each planning application is considered on its individual merits and the approval of retrospective planning application is not mandatory. Therefore, any approval would not constitute an unwarranted precedent.
- The applicant is at liberty to approach the planning authority further on any development matter should they so choose. The matter would then be considered at that point of approach.
- The applicant has stated that the equestrian facilities are of a personal nature and no commercial activity will take place.
- The application is considered to accord with the Development Plan.
- No objections to the vehicular access have been raised by the Roads Development Unit.
- No protected species have been identified as suffering detriment as a consequence of the proposal.
- The proposal is not considered of a size and scale to merit a landscape and visual assessment.
- The fabric of the core path is not a matter which can be addressed through planning condition, as the users of the path may not solely be the applicant.
- The front gates are of an acceptable size, scale and design in the context of the immediate area.
- Traffic generation may increase due to a number of factors but, in this instance, is not considered as to be so injurious to the amenity of neighbours as to merit the refusal of planning permission.

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

- 7b.4 In relation to consultation responses, it is considered that matters relating to light pollution and land contamination may be adequately addressed through planning condition.
- 7b.5 Issues relating to noise from the site is a matter more effectively monitored by Falkirk Council's Environmental Protection Unit and can be included in a planning informative should planning permission be granted

### **7c Conclusion**

- 7c.1 It is considered that a domestic equestrian use within a rural location and the scale, design and layout of the proposed development is acceptable in land use planning terms and does not offend Development Plan policy. While the manner of development on site (the structures extended and horse training area formed without the benefit of planning permission) is not to be condoned, planning permission cannot be refused on these grounds.

- 7c.2 It is also appreciated that the proximity of the facility to nearby residential property does cause some concern to neighbours, specifically in terms of noise control and light pollution but light pollution can be addressed by planning conditions and noise control can be regularised through other environmental legislation.
- 7c.3 It is considered that the proposal is acceptable, subject to planning conditions and informatives addressing the concerns raised.

## **8. RECOMMENDATION**

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

- (1) For the avoidance of doubt, the equestrian facilities shall be for domestic use only, with no commercial stabling of horses nor horse riding instruction to members of the public.**
- (2) For the avoidance of doubt, the caravan shall be removed from the site no later than 12 months from the date of this planning permission and the site restored to a neat and tidy condition.**
- (3) Within 2 months from the date of this permission, details shall be submitted to and approved in writing by the Planning Authority as to the installation of screen planting of native broadleaf trees and native shrubs along the north east boundary of the site. The planting shall be a minimum of 8 metres width and fenced off to enable at least 2 lines of tree transplants to be planted at 3 metres spacing plus at least 2 lines of native shrubs at 1 metre spacing. Details shall include planting density/total number, nursery stock size, methods of protection and a statement of maintenance proposed to aid establishment. Thereafter, the screen planting shall be introduced on the first planting season following such approval.**
- (4) Within 2 months of the date of this permission, details of the exact specification of floodlighting on the site shall be provide to and approved in writing by the Planning Authority. If approved, the specification shall be maintained throughout the period of activity on the site.**

**Reason(s):-**

- (1) To ensure that the Planning Authority can control the future use of the premises.**
- (2) The proposal is not considered to be a suitable form of permanent development.**
- (3) To safeguard the environmental amenity of the area.**
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.**

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03 and 04.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Ellie McMillan, Ladygrange Cottage Slamannan Falkirk FK1 3BE received 28 September 2010.
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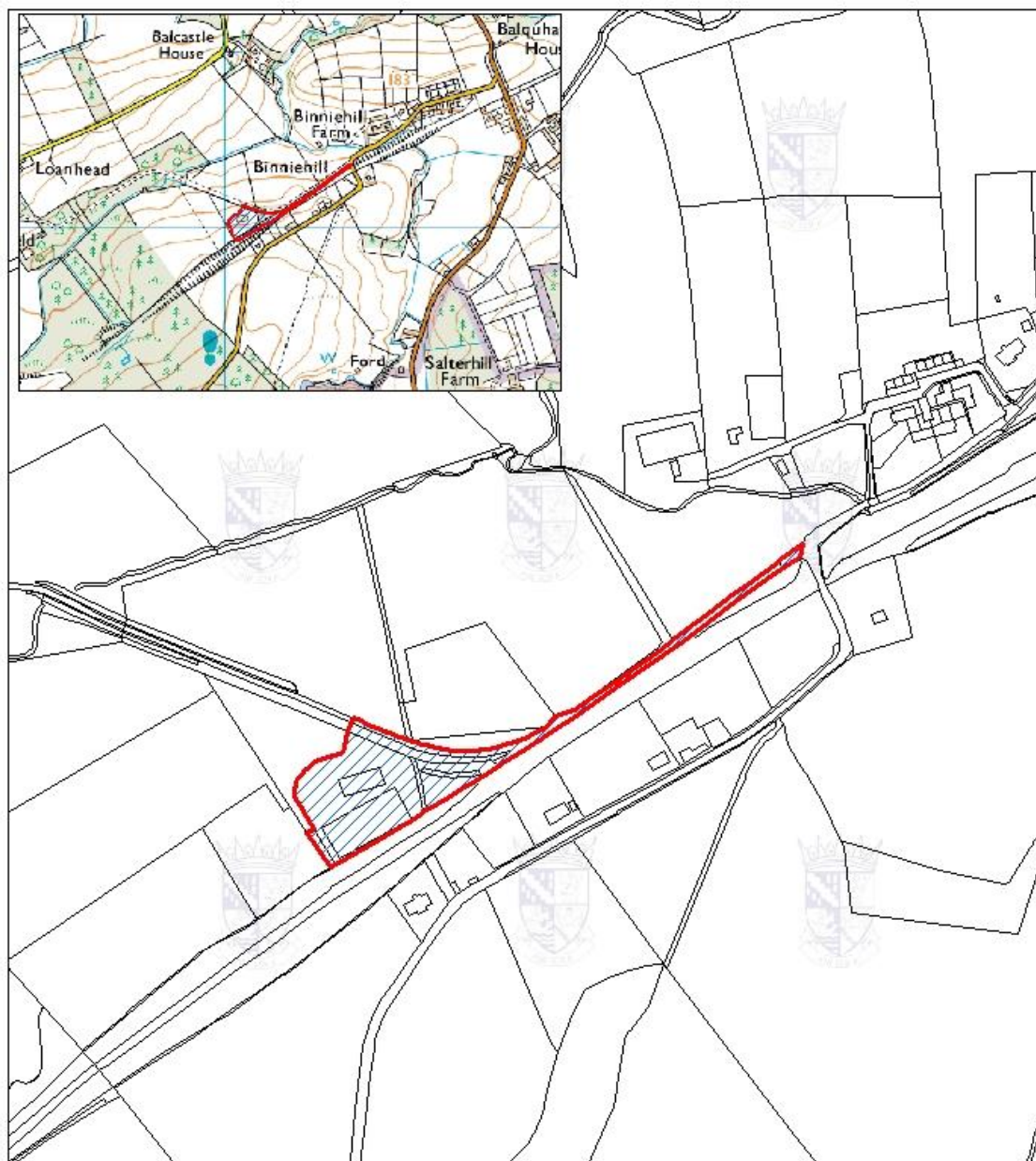
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/10/0636/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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