

**FALKIRK COUNCIL**

**Subject:** ERECTION OF STABLES, RE-SITING OF CARAVAN, FORMATION OF RIDING ARENA AND ANCILLARY HARDSTANDING (RETROSPECTIVE) AT LAND TO THE EAST OF AVONSIDE HOUSE, REDDOCH ROAD, POLMONT, FALKIRK FOR MR A BUCHANAN - P/12/0069/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 22 August 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes  
Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Polmont

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Following consideration of the application by the Planning Committee on 19 June 2012 (copy of previous report appended), it was agreed to continue the planning application for a site visit, which took place on 6 August 2012.
2. Discussions on site focused on the points already raised in writing by local objectors relating to increase in traffic and damage to the road. Specific concerns were also raised in reference to the suitability of the surfacing material which was imported to the site, and also in reference to potential flooding concerns.
3. The Falkirk Council Roads representative advised that the proposed access poses no road safety concerns and advised that Reddoch Road is part of the Public Road Network.
4. The applicant reiterated that the site was purely for personal use and would not be used to operate a business. With regard to flood risk, the applicant has confirmed that the material imported to the site forms a surface layer only and has not formed land raising. This information has since been backed up by a number of test pits at various locations across the site which demonstrate that the surface material is no deeper than 100mm and averages approximately 60mm across the site. Surfacing material of this depth is considered acceptable and, with this information in mind, the material imported to this site to form the hard surface area is not considered to constitute land raising. The surfacing of this site in this way is not therefore considered to contribute to flooding in the area and SEPA do not require to be consulted.

5. A request has been made to the applicant to provide confirmation from SEPA in relation to the quality of surfacing material imported to the site. At the time of writing this report no such clarification has been received. A verbal update on this matter will be provided to Committee
6. Committee Members queried whether certain aspects of the site could be conditioned so as to control its future use. It is considered that conditioning the number of horses on the site or the number of vehicle movements to and from the site would be unreasonable given the private nature of the site. Conditions to this effect would also be difficult to monitor/enforce and as such could potentially become ineffective over time. It is considered more appropriate to place conditions on any permission given to limit the use of the site to private use and to guard against the use of the caravan on the site as a dwellinghouse.

## **7. RECOMMENDATION**

**7.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):-**

- (1) The caravan hereby permitted shall be used solely as shelter associated with the equestrian use of the site, and at no time shall it be occupied as a separate dwelling.**
- (2) The site shall be used solely for recreational purposes and at no time shall a business be operated from the site.**

**Reason(s):-**

- (1) To retain control over the development and avoid the creation of an additional permanent dwellinghouse.**
- (2) To ensure that the Planning Authority can control the future use of the premises.**

**Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03 and 04.**

**Pp**

.....  
**Director of Development Services**

**Date: 14 August 2012**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection from Mrs A Mitchell, Harann, Reddoch Road, Polmont, Falkirk received on 21 February 2012.
4. Letter of representation from Mr David MacGregor, Avonside House, Reddoch Road, Old Polmont, FK2 0YD received on 22 February 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF STABLES, RE-SITING OF CARAVAN, FORMATION OF RIDING ARENA AND ANCILLARY HARDSTANDING (RETROSPECTIVE) AT LAND TO THE EAST OF AVONSIDE HOUSE, REDDOCH ROAD, POLMONT, FALKIRK FOR MR A BUCHANAN - P/12/0069/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 19 June 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes  
Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Polmont

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

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

- 1.1 This detailed application has been submitted by the applicant to seek to regularise a development which has been carried out without planning permission. The development in question consists of the siting of a static caravan, erection of stables block, formation of riding arena and laying of ancillary hardstanding areas. The application site is located within a countryside location to the east of Falkirk, close to the village of Old Polmont.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor Malcolm Nicol.

**3. SITE HISTORY**

- 3.1 The application site was formerly part of a larger unit which was run as a riding school by the applicant. The ownership of the site was subsequently split creating the separate unit which is now the subject of this application. The riding school has since ceased operation.

- 3.2 The current application site was subject to an application in 2002 for the erection of a dwellinghouse (F/2002/0560) in the location of an old ruined building on the site. This application was refused detailed planning permission on 26 March 2003 as it was deemed to be contrary to Local and Structure Plan Policies relating to development in the green belt and development requiring a rural location. The development was also considered to be unacceptable in terms of road safety.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has not objected to the development but has noted that the site appears to have been land raised and is located on a functional flood plain.
- 4.2 The Environmental Protection Unit has requested that a contaminated land survey be carried out on the site.

#### **5. COMMUNITY COUNCIL**

- 5.1 No comments have been received from Polmont Community Council.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 2 contributors submitted letters to the Council. The salient issues are summarised below.
- Increase in traffic associated with the development will have an adverse impact on the existing bridge on Reddoch Road and an impact on the structural stability of existing boundary treatments along Reddoch Road.
  - The caravan in question is different from the one previously granted temporary planning permission on the neighbouring riding school site.
  - The applicant is not giving Scottish Water access to their infrastructure which sits within the application site.

#### **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.

## **Falkirk Council Local Plan**

### **7a.2 Policy EQ17 ‘Antonine Wall’ states:**

*“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and it complies with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall.”*

7a.3 The site is located within the buffer zone for the Antonine Wall World Heritage Site. However, the scale and siting of the buildings on the site means that the development has no adverse impacts on the setting of the wall. The site has historically been used to keep horses and the proposed use is consistent with this.

### **7a.4 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.5 The site is located within the countryside, however it is considered that the proposed use of the site requires a countryside location. The scale, siting and design of the development is unobtrusive and has minimal impact on the character of the countryside in this location. The proposal accords with Policy EQ19.

7a.6 Policy EQ20 - 'Green Belt' states:

*"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
  - detracting from its existing landscape character;*
  - reducing the visual separation between settlements; or*
  - compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."*

7a.7 The site is located within an area of green belt however, the design and siting of the buildings on the site are not considered to contribute towards the merging of settlements and would not detract from the existing landscape character of the area. The use of the site for keeping horses is appropriate for this location and does not compromise the potential future use of the site for countryside recreation. Given the limited scale of development at the site, it is not considered reasonable or proportionate to request contributions towards improvements elsewhere in urban fringe locations.

7a.8 Accordingly, the proposal accords with the terms of the Falkirk Council Local Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the consultation responses, the public representations and additional planning considerations.

### ***Consultation Responses***

7b.2 The Roads Development Unit has noted that the site appears to have been land raised and is located on a functional flood plain. This issue was put to the applicant who has confirmed that land raising at the site did occur around 20 years ago in an effort to prevent flooding of the site and flooding of houses to the west of the site. This would appear to be consistent with what is seen on site where the land adjacent to the riverbank appears to have been upfilled a significant time ago and has become established with vegetation. The current development included the importation of hardcore and sand to form hardstanding areas and the riding arena but is not considered to constitute land raising. The historical land raising of the site is not part of the current planning application and would be time barred from any enforcement action.

7b.3 The Environmental Protection Unit has requested that a contaminated land survey be carried out on the site. The application is for retrospective planning permission and the work carried out at the site has involved minimal ground breaking. The site has historically been used for keeping horses and the proposed use is consistent with this. It is not considered appropriate or necessary to request a contaminated land survey in these circumstances.

### ***Assessment of Public Representations***

- 7b.4 Structural stability of existing bridges and boundary walls is not a material planning consideration. The proposed use of the site is for personal use by the applicant and not for business use, it is not anticipated that the proposed use would result in large heavy vehicles using the site on a regular basis. The Roads Development Unit has assessed the proposal and has raised no concerns in relation to road safety.
- 7b.5 The historical use of the caravan located on the site is not a determining factor in the assessment of this application.
- 7b.6 Issues between the applicant and Scottish Water in relation to access rights are not material planning considerations.

### ***Additional Planning Considerations***

- 7b.7 The static caravan located on the site is of the size normally associated with holiday accommodation. However, in this instance the applicant has indicated that it has been sited here merely for somewhere to shelter and rest when he is tending to his horses. The caravan has no electricity or sewage connection and only benefits from a water supply. The caravan was relocated here from the former riding school site where it was used for temporary accommodation and was not purchased with this end use in mind. It is considered appropriate to place a condition attached to any permission given which restricts the use of this caravan to recreational use and not for use as a dwelling.

### **7c Conclusion**

- 7c.1 The proposal is an acceptable form of development and is in accordance with the terms of the Falkirk Council Local Plan. There are no material planning considerations that are considered to warrant a refusal of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):-

- (1) The caravan hereby permitted shall be used solely as shelter associated with the equestrian use of the site, and at no time shall it be occupied as a separate dwelling.
- (2) The site shall be used solely for recreational purposes and at no time shall a business be operated from the site.

#### **Reason(s):-**

- (1) To retain control over the development and avoid the creation of an additional permanent dwellinghouse.
- (2) To ensure that the Planning Authority can control the future use of the premises.



**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03 and 04.

**Pp**

.....  
**Director of Development Services**

**Date: 12 June, 2012**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection from Mrs A Mitchell, Harann, Reddoch Road, Polmont, Falkirk received on 21 February 2012.
4. Letter of representation from Mr David MacGregor, Avonside House, Reddoch Road, Old Polmont, FK2 0YD received on 22 February 2012.

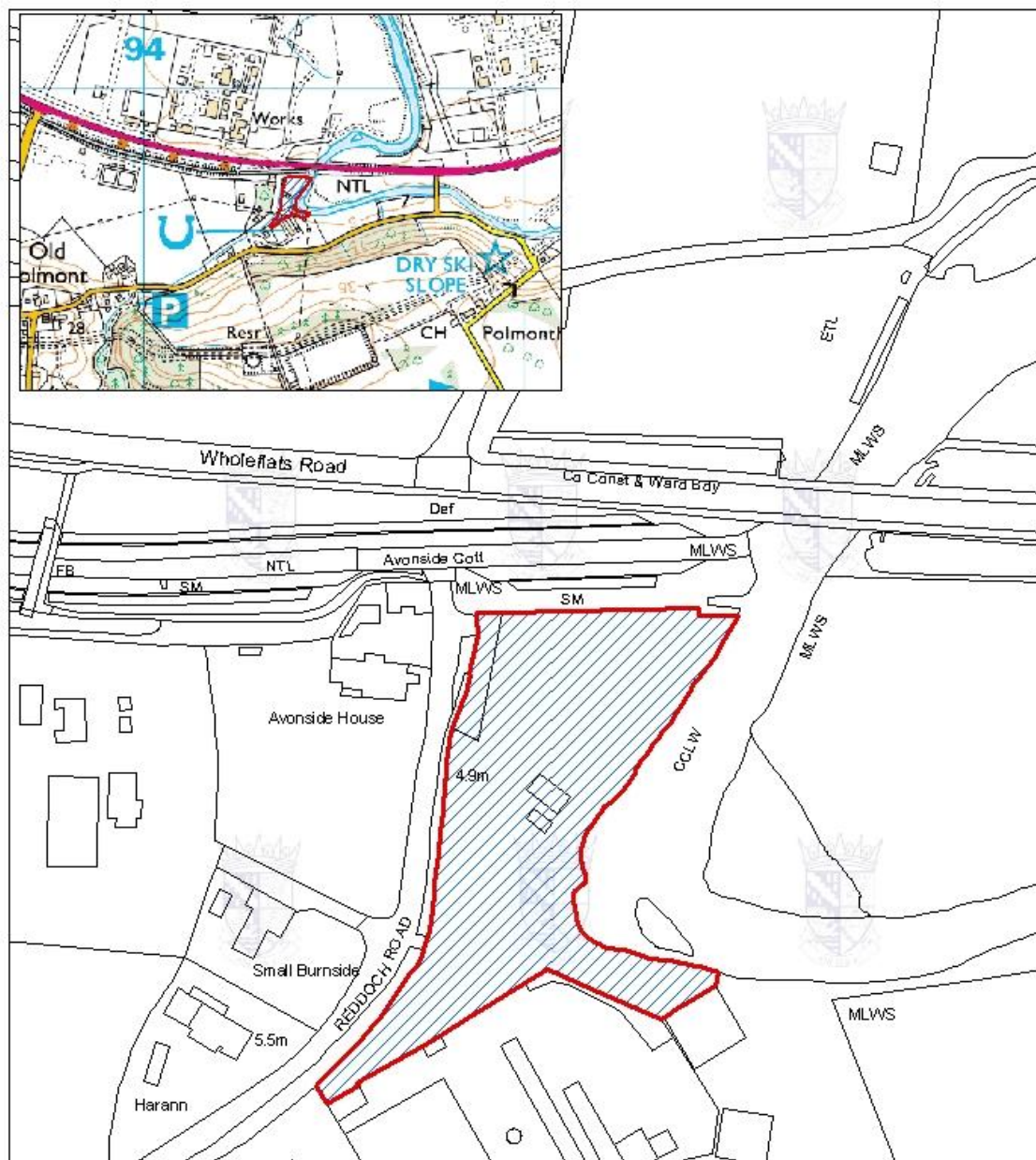
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0069/FUL**

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 2012. All rights reserved.  
Ordnance Survey Licence number 100023384