

Perth and Kinross Council  
Development Control Committee – 2 June 2010  
Report of Handling by Development Quality Manager

**Erection of storage shed for forestry equipment, change of use of land to forestry business yard and alterations to access, Morven, Kindallachan, Pitlochry, PH9 0NW**

Ref. No: 10/00219/FLL

Ward No: 5 - Strathtay

**Summary**

This report recommends approval of the application for the erection of a storage shed for forestry equipment, change of use of land to forestry business yard and alterations to access as the development is considered to comply with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The proposal is to erect a shed for the storage of forestry equipment, change of use of part of a field to a forestry business yard and alterations to the vehicular access. Part of the works have been commenced, specifically changes to the access and the re-contouring of the embankment and ground levels to form a flat area for the siting of the shed.
- 2 The application site is located within the settlement of Kindallachan which lies to the east of the A9(T), some 6 miles to the south of Pitlochry. It is bounded to the north by the residential property 'Morven' which is in the applicant's ownership and sits at a substantially higher level than the site for the shed. To the north-east lies 'Roslyn', a house which sits marginally higher than the field level. The land to the south-east and south comprises the remainder of the grass field, again in the applicant's ownership. The west of the site is bounded by a private access with a field and the A9(T) beyond.
- 3 There are a number of trees which line the access to the west which currently provide some visual and acoustic screening to the A9(T). These are outwith the ownership and control of the applicant.
- 4 The proposed storage shed has the appearance of an agricultural portal framed building being finished in olive green profile sheeting. The shed is some 18.4m long, 12.2m wide and 5.6m to the ridge.

**NATIONAL POLICY AND GUIDANCE**

**Scottish Planning Policy 2010**

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,

- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

6 Of relevance to this application are:-

- Paragraphs 45 -51 : Economic Development
- Paragraphs 92 - 97: Rural Development

## **DEVELOPMENT PLAN**

7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000.

### **Perth and Kinross Structure Plan 2003**

#### **Sustainable Economy Policy 3**

8 This policy gives support for rural development which encompasses economic, social and environmental considerations.

### **Highland Area Local Plan 2000**

9 Under the Local Plan the site lies within the defined settlement of Kindallachan and therefore the following policies prevail:-

#### **Policy 1: Sustainable Development**

10 Seeks to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Criteria (c), (f) and (g) are particularly applicable.

#### **Policy 2: Development Criteria**

11 Identifies the criteria against which all development proposals will be judged against and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

#### **Policy 99: Small Settlements and Clachans**

12 This background policy identifies small settlements where there are no specific development proposals but where there is some scope for small scale residential and compatible development provided this does not adversely affect the density, character or amenity of the settlement.

## OTHER POLICIES

### **Kindallachan Development Brief, Approved 2002**

- 13 Site 5 in the Brief relates to part of the application site and the wider area in the ownership of the applicant. The land is identified as having residential development potential but consideration is to be given to it being retained as an area of private amenity space. The application involves the development of the north west corner of this site and its access road is taken across the southern edge of Site 5. In terms of the current application, the majority of Site 5 is to be retained in its current state which is private open space. The Brief encourages new landscape planting of deciduous local species to provide a more integrated fit into the landscape.

## SITE HISTORY

- 14 An earlier application for the erection of a storage shed (09/01908/FLL) was withdrawn on advice, as it did not include all the retrospective works incorporated into the current application. This earlier application was submitted as a result of the unauthorised works being brought to the attention of the Enforcement Officer, who requested the submission of an application.

## CONSULTATIONS

- 15 **Environmental Health Manager:** No objection in principle but conditions are recommended restricting vehicle access/egress to the site and the use of the proposed building for storage purposes only to ensure the residential amenity of existing dwellinghouses is protected.
- 16 **Transport Scotland:** No objections to the application.
- 17 **Dunkeld and Birnam Community Council:** The proposal is inconsistent with the Local Plan and Development Brief. The size, design, fabrication finish and layout of the shed are not in keeping with the plan. Since the Plan was approved, permission has been granted for residential development in the area.

## REPRESENTATIONS

- 18 Fifteen letters of representation have been received, raising concerns noted below:
- Traffic generation, access, junction with A9(T) and cycle path
  - Formation of turning area and car parking
  - Noise and dust pollution
  - Size, design and siting of shed
  - Inappropriate and prominent location
  - Detrimental impact on residential amenity of the village
  - Potential for servicing or repairing machinery
  - Hours of operation

- Inadequate landscaping
- Impact on local wildlife
- Contrary to terms of Development Brief and Local Plan policies
- Loss of trees
- Relocation of BT pole

19 These issues are considered within the appraisal section of this report.

20 Issues which have been raised but are not material planning consideration include:

- Future development of the business
- Removal of dry stone dyke

21 One letter in support of the proposal was received, stating that the erection of a shed would permit all machinery to be stored away from view.

## 22 **Additional Statements Received**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Not required

## **APPRAISAL**

23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Highland Area Local Plan 2000.

24 The determining issues in this case are whether: the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

### **Policy**

25 The Structure Plan confirms the Council's support for measures which maintain or enhance local employment opportunities amongst other objectives. The business to be located at the application site currently employs two full-time employees and two self-employed part time employees.

26 Policy 99 of the Highland Area Local Plan (HALP) applies as the site is within an identified settlement boundary. In terms of this policy it is considered that the proposal is small enough to be compatible with the character and amenity

of the settlement. The neighbouring properties are separated from the site by small paddocks. The proposal is not ribbon development and will fit with the dispersed pattern of development along roads and tracks in the settlement.

- 27 Policy 100 of HALP is not relevant to this application as it relates to the preparation of a development brief to provide advice on further housing sites.
- 28 On the basis that appropriate planting and screening is implemented, the landscape framework would not be adversely affected. The use of native plants would contribute to local biodiversity. Landscaping can be adequately secured by a condition on any permission.
- 29 The Kindallachan Development Brief looked solely at the potential for further housing sites within the settlement and is therefore not directly applicable to the current proposal. Part of the application site is included as part of Site 5 in the Brief. The conclusion of the Brief is that Site 5 has the potential for housing development but also as an area of private amenity space for the village. The site for the storage shed lies just outwith the identified Site 5. The application is not contrary to the Brief which relates solely to the potential for housing developments. The area is not zoned as open space in the Local Plan.

### **Noise and Dust**

- 30 The proposed shed is to be used for storage purposes and the yard area as parking and turning. No servicing or maintenance is proposed for the yard or building. Any noise will be restricted to vehicle movements which will not be constant throughout the day due to the nature of the operation. Any additional noise will therefore not impact significantly on the residential amenity of the wider area. In order to ensure this is the case it is appropriate to condition any permission appropriately. It is also appropriate to restrict the use of the yard area to prevent any storage of timber, etc.
- 31 Vehicles movements to and from the site will not be of a level which would cause any significant nuisance.

### **Visual Impact on the Character of the Area**

- 32 The proposed building has the appearance of a standard agricultural building in terms of massing, finishes and size. Given the rural location of the application site, on the edge of a small settlement, it is not unusual to see such a style of building in this type of setting. I therefore consider there will be no significantly detrimental visual impact on the character of the surrounding area. Additional screening on the site boundaries will soften and filter views of the proposed yard and shed from within the settlement. This landscaping can be required by condition, as mentioned previously.

## **Residential Amenity**

- 33 In order to ensure there is no detrimental impact on the current levels of residential amenity in the vicinity of the site, I consider it appropriate to restrict the use of the building to storage only, with no vehicle maintenance allowed, to require that the yard area is not used for storage of timber or other materials and to limit the hours of operation. My colleagues in Environmental Health have echoed these concerns relating residential amenity and recommended appropriate conditions.
- 34 Due to the location of the building and the relative location of the existing houses, the proposed shed will not cause any overshadowing of adjoining dwellinghouses. It will be visible from within some properties but not from their main outlooks.

## **Traffic and Access**

- 35 No concerns have been raised by Transport Scotland in respect of any additional traffic movements at the junction to the A9(T).
- 36 In respect of the local road network, my colleagues have raised no objections but recommend conditions relating to the geometric standard and gradient of the access, the provision of turning facilities and car parking provision.

## **Outstanding Issues Raised by Representors**

- 37 There is no requirement in the Development Plan for the applicant to consider other sites. The Planning Authority is required to consider the application as submitted against the terms of the Development Plan and any materials considerations.

## **LEGAL AGREEMENTS**

- 37 A legal agreement is not required for this application.

## **DIRECTION BY SCOTTISH MINISTERS**

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30–32, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 39 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered to comply with the Approved Structure and Adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the development hereby approved being brought into use; the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
- 4 Prior to the development hereby approved being brought into use, the gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- 5 Prior to the development hereby approved being brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. The turning facilities shall be maintained and kept clear of obstruction at all times.
- 6 Prior to the development hereby approved being brought into use, prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. The car parking shall be maintained and kept clear of obstruction at all times.
- 7 The building hereby approved shall be used solely for the purposes of the storage of forestry equipment and machinery and no maintenance, repairs or operation of such is permitted.
- 8 Vehicular access and/or egress to/from the storage shed/site shall not take place outwith 0700 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours Saturday with no vehicular access on Sunday, unless with the prior written agreement of the Council as planning authority.
- 9 The yard area shall not be used for the storage of timber, other associated materials nor equipment and machinery.
- 10 Prior to the commencement of works associated with the erection of the building hereby approved, a detailed landscaping scheme shall be submitted for the further approval of the Council as planning authority. The scheme as subsequently agreed shall be implemented as part of the permission, to the satisfaction of the Council as planning authority.
- 11 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

**Reasons:-**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To safeguard the residential and visual amenity of nearby residential properties and the visual amenity of the locality.
- 4-6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 7-9 To safeguard the residential amenity of nearby residential properties.
- 10-11 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

**B JUSTIFICATION:**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**C PROCEDURAL NOTE**

None.

**D INFORMATIVES**

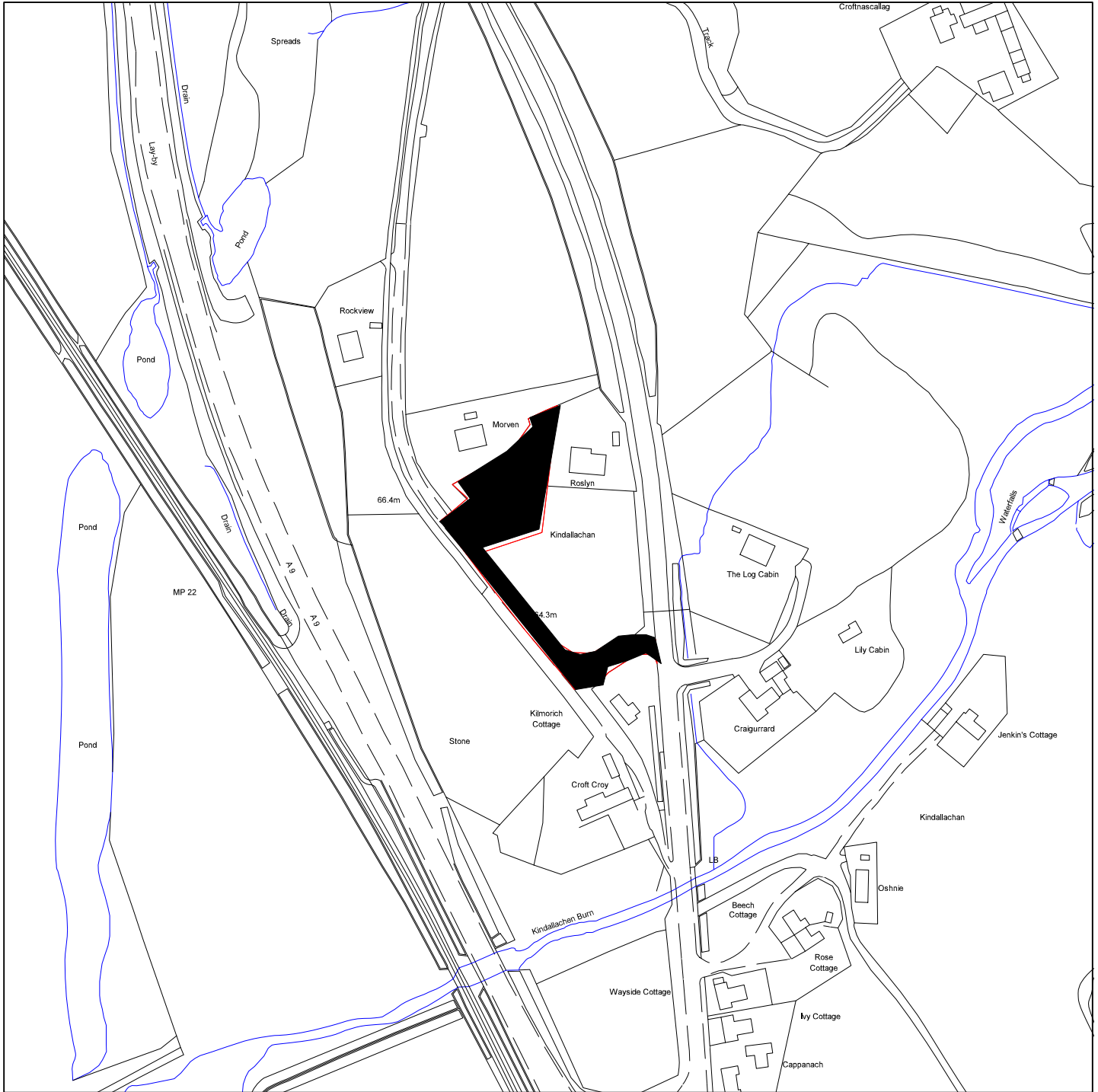
- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced on the building until an application for building warrant has been submitted and approved.
- 4 A further application for planning permission would be required to be granted prior to the installation of any external lighting on the application site.

Background Papers: 15 letters of representation  
Contact Officer: Christine Brien – Ext 75359  
Date: 12 May 2010

**Nick Brian**  
**Development Quality Manager**



## Erection of storage shed, Morven, Kindallachan



Scale : 1:2500

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<b>Organisation</b>	Perth & Kinross Council
<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	30 March 2010
<b>SLA Number</b>	100013289

