

Perth and Kinross Council  
 Development Management Committee – 24 January 2013  
 Report of Handling by Development Quality Manager

**Modification of existing consent (09/00559/FLL - vary condition 2) Erection of a temporary dwellinghouse at Nether Blelock Farm, Bankfoot**

Ref. No: 12/01864/FLL  
 Ward No: 5 – Strathtay

**Summary**

This report recommends approval of the application for the variation of condition 2 of planning permission 09/00559/FLL to allow the approved temporary dwellinghouse to be sited for an extended period, as the development is considered to be in accordance with the provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application proposes siting a temporary dwelling unit, to serve as a farmhouse to a new farm holding at Nether Blelock, for an extended period of time. Planning permission for the unit's siting was granted under reference 09/00559/FLL with condition 2 allowing the unit's siting until 18 January 2013. The unit has not as yet been located on site.
- 2 The prefabricated timber chalet-style unit would provide a two-bedroomed temporary dwelling. It is shown to be single storey and would measure approximately 12m x 6.1m. It would feature a balcony to the front and side.
- 3 The unit is to be positioned in the northwest corner of a field adjacent to an existing track which bounds the northern end of the holding. Agricultural land borders the site on the remaining sides. The application site is close to the crest of a low rise. Land falls away to the south and west and rises to the north. Vehicular access to the site is by way of a roughly surfaced private lane (300m) from the public road to the east, Bankfoot to Moneydie.
- 4 The agricultural holding comprises to 53ha (130 acres) with 32ha (80 acres) owned by the applicants and a further 20ha (50 acres) taken on a long-term lease.

**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 The relevant paragraphs of the above document for this application are as follows:

- Paragraphs 92-96: Rural Development

## **DEVELOPMENT PLAN**

7 The Development Plan for the area consists of the Tayplan: Strategic Development Plan 2012-2032 and the Adopted Perth Area Local Plan 1995. The Council's Proposed Local Development Plan 2012 is also a relevant material consideration in this case.

### **Tayplan: Strategic Development Plan 2012-2032**

8 There are no policies of strategic relevance.

### **Perth Area Local Plan 1995**

9 Under the Local Plan the site lies in the landward area. The following policies are relevant:

#### **Policy 1: General Background Policy**

10 This policy identifies that within the Landward Area, outside of towns and villages proposals or development opportunities will generally be restricted to agricultural, forestry, recreational and tourism proposals for which a countryside location is essential. New developments should satisfy a number of detailed planning criteria which include landscape impact, compatibility with surrounding land uses and satisfactory access.

#### **Policy 5: Agriculture**

11 The Council will support agriculture remaining as a major land use and source of employment in the Plan area. It carries a presumption against irreversible development on prime quality agricultural land.

#### **Policy 32: Housing in the Countryside**

12 This policy confirms that the Council's policy document on Housing in the Countryside will apply within most of the Landward Area.

## **PERTH AND KINROSS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN 2012**

- 13 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 14 Under the LDP the site remains located outwith all defined settlement boundaries. The following principal policies are therefore applicable:-

### **Policy PMA1: Placemaking**

- 15 This requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaption. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

### **Policy RD3: Housing in the Countryside**

- 16 This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance. The draft version of the Housing in the Countryside 2012 has been agreed and will be submitted along with the proposed plan in due course. The 2012 version is essentially the same as the current version of the policy with the main categories remaining the same.

## **OTHER POLICIES**

### **Housing in the Countryside Policy 2009**

- 17 This policy updates Policy 54 of the Strathearn Area Local Plan and the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside). The policy aims to:
- Safeguard the character of the countryside;
  - Support the viability of communities;

- Meet development needs in appropriate locations; and
- Ensure that high standards of siting and design are achieved.

18 It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. The relevant category in this instance is that of operational need. A series of criteria is also applicable to all proposals.

## **SITE HISTORY**

- 19 An application for the erection of a steel portal framed shed was granted under reference 09/00558/FLL on 5 February 2010 and remains implementable until 5 February 2013. The associated application for the erection of a temporary dwellinghouse (09/00559/FLL) was granted on 26 January 2010 for a temporary period until 18 January 2013.
- 20 There were earlier, similar applications made on the adjoining field to the west by the same applicants though these were withdrawn prior to determination.

## **CONSULTATIONS**

- 21 No consultations have been carried out as circumstances have not changed since the previous approval in 2010.

## **REPRESENTATIONS**

- 22 Six representations have been received. Although the application as submitted is to amend a condition on a previous permission and only one raises objection to the actual rewording of the condition, it was considered appropriate to refer this application to Development Management Committee due to the amount of concerns raised.
- 23 The issues raised in the objections include:
- Traffic generation/access/safety
  - Light pollution
  - Loss of open space/undeveloped land
  - Lack of landscape framework
  - Proposed site is prominent, on the skyline
  - The development will be clearly visible from the public domain
  - Change of character of area from rural to hamlet
  - Unsustainable development
  - Plans do not show a barn to the northeast of the site
  - Lack of detail of proposed unit
  - Lack of guidance from Perth and Kinross Council regarding temporary dwellings

- Servicing of the unit will be permanent, potentially leading to a permanent development.

## ADDITIONAL STATEMENTS

24	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	None submitted

## APPRAISAL

### Policy

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are outlined in the policy section above.

### Principle of Use

- 26 The principle of siting a temporary residential unit on the site to be used as the 'farmhouse' for the associated land holding was established under the previous planning permission (09/00559/FUL). That proposal was considered in the context of the policies referred to above and took into consideration the statement of justification submitted by the applicant as part of the proposal. There have been no changes in the background circumstances and, as the policies remain unchanged, there is no basis on which to reconsider that previous decision. As that previous permission remains implementable, if even only for a short while, there is no justification in planning terms to reach a different conclusion regarding the justification or the principle of the siting of the temporary residential unit. Therefore the principle of siting a temporary dwelling unit on the site remains acceptable.

### Traffic Impacts

- 27 Vehicular access to the site is by way of a private, rough surfaced access track. Although dispersed dwellinghouses are also serviced by this route, the agricultural land surrounding the site is accessed from the lane. Passing places are available in existing field accesses. The previous application was assessed by colleagues in Transport Planning and no concerns were raised with regard to the potential traffic generation, the quality of the existing access

network or traffic safety. As circumstances have not changed there remain no concerns in this regard.

### **Visual Impact**

- 28 This aspect was given very careful consideration at the time of the grant of the earlier permission. It was considered that the introduction of the temporary unit, together with the new, modern farm shed adjacent, within this managed rural landscape would be consistent with local character where modern and traditional farm buildings and dwellings are sporadically sited. Where an operational justification for the building is demonstrated, such a change would not be harmful to the landscape provided that design and siting are appropriate. It was concluded that effective siting and an acceptable landscape fit could be secured and would not materially harm the character and appearance of the surrounding countryside.

### **Time Limit**

- 29 The applicants are seeking a further three years for the siting of the temporary dwelling unit. The applicants have indicated verbally that the intention is to commence works on the shed imminently and have submitted a sample roof finish to the planning authority in respect of the suspensive condition attached to the planning permission for the shed. It is expected that works on the agricultural building will have commenced by the time this report is considered by Committee.
- 30 Whilst I understand the need for increasing the period for the siting, I consider a further three years to be overly long. In order to allow the applicants to operate the associated agricultural business for a long enough period to be able to show the business as established, which is a criteria required to be met should the applicants subsequently apply for permission for a permanent dwellinghouse on site, I would recommend an extension to the period for siting of a further two years. This would provide time to get the associated shed completed and the business established and fully operational. It would hopefully be clear at the end of that time whether or not a case could be made for a permanent dwellinghouse should an application be made. Any case of justification would be fully considered at that time along with any third party representations made.

### **Education Policy**

- 31 The original application (09/00559/FUL) was submitted in April 2009 and therefore pre-dates the approval of the current Developer Contributions policy. As this current proposal seeks to amend the earlier approval, the policy is not applicable. It should be noted however that the policy would be applicable to any application for a permanent dwellinghouse. This may result in a financial contribution being required at that time.

## **LEGAL AGREEMENTS**

32 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

33 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**

34 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Perth Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

- 1 Permission is hereby granted for a limited period until 31 January 2015 and the development authorised by this consent shall be removed and the site reinstated to its former condition to the satisfaction of the Planning Authority prior to the expiry of the period of consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The occupation of the dwellinghouse shall be restricted to a person solely or last employed locally in agriculture at Nether Blelock Farm, Bankfoot as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997 or a dependant of such a person residing with him or her (but including a widow or widower of such a person).
- 4 A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within six months of the occupation of the house; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

## **Reasons**

- 1 In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 The temporary dwellinghouse has been approved as an essential house within the terms of the Planning Authority's Policy on Houses in the Open Countryside.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

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 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to. Please be aware there is currently limited capacity at Wolfhill Waste Water Treatment Works.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

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

Background Papers: Six representations have been received.  
Contact Officer: Christine Brien  
Date: 21 December 2012

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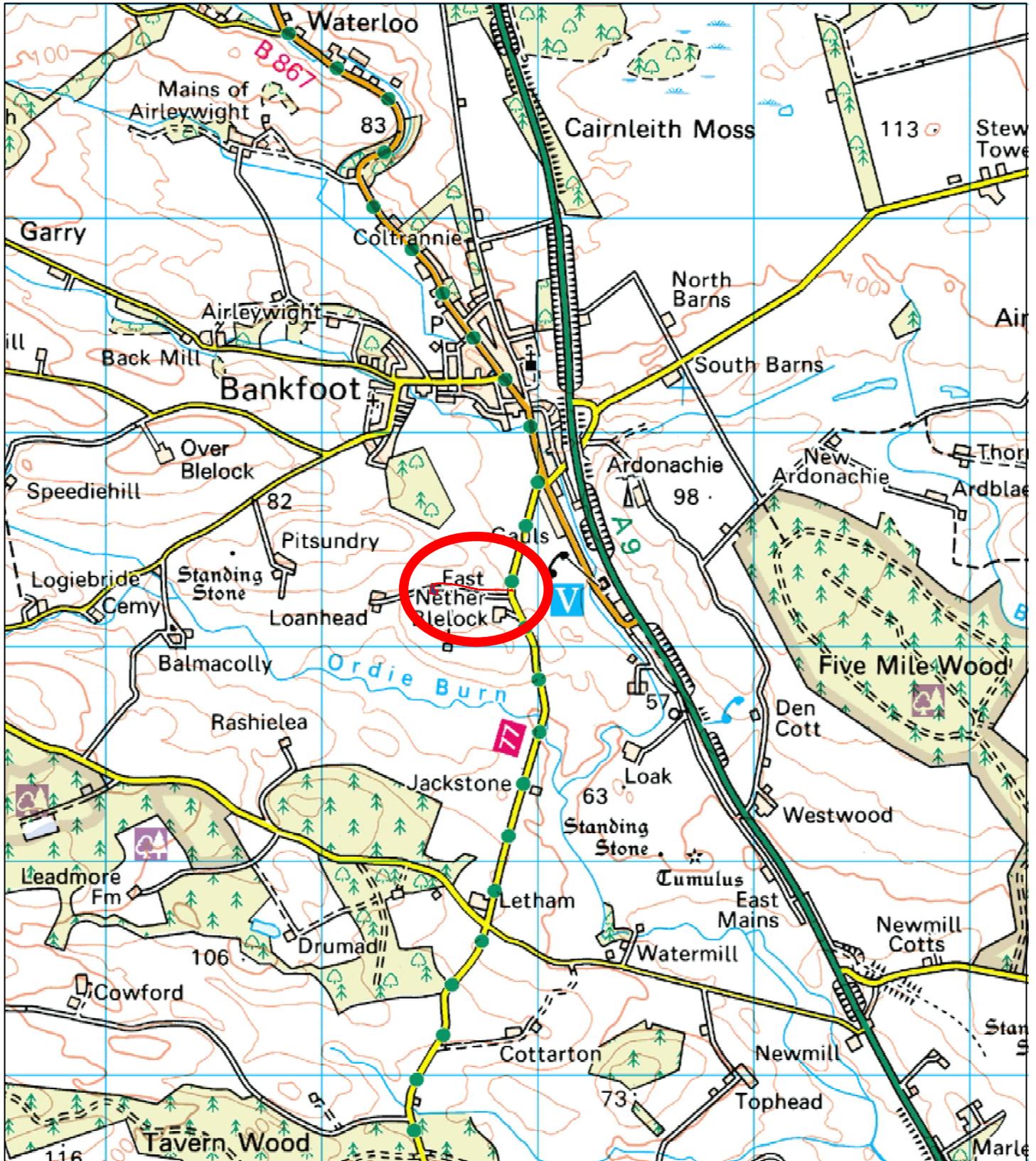


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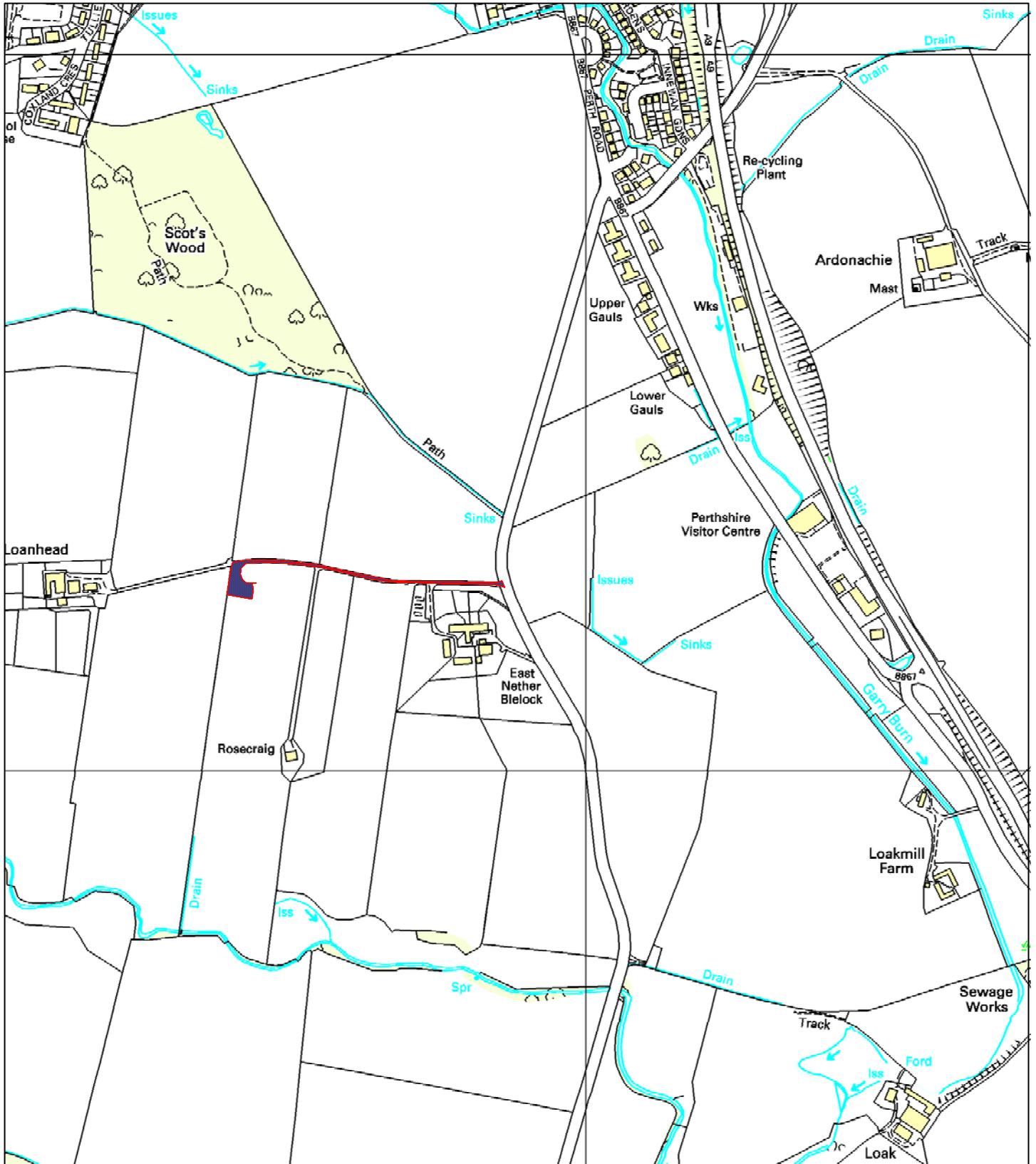
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