

Perth and Kinross Council
Development Management Committee – 18 June 2014
Report of Handling by Development Quality Manager

Erection of stable building (temporary for two years) (in retrospect) at Dollar Equestrian, Blairingone

Ref: No: 14/00278/FLL
Ward No: 8 – Kinross-shire

Summary

This report recommends approval of the application for temporary stables as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application relates to the recently constructed equestrian development on land to the north of Cairnfold Farm. In March 2012 the Development Control Committee granted planning permission for the development of a commercial equestrian centre on the site. The permission comprised of the erection of a large steel portal framed building containing 24 stables and an indoor riding arena. The permission also included the erection of a large dwellinghouse with a detached double garage. To date the applicant has completed the construction of the building containing the stables and arena and the equestrian business is now operating. In addition, works have also commenced on the construction of the house with the garage nearing completion.
- 2 In 2011, prior to the gaining planning permission for the equestrian centre, the applicant constructed four timber buildings containing 7 stables and storage space for hay and tack on an area of land close to the entrance of the site. These stables were initially constructed as a temporary measure for housing the applicants own horses in advance of the equestrian business. At that time the applicant was not aware that the stables required planning permission and they advised that it was their intention to remove the stable upon completion of the equestrian centre.
- 3 The applicant is now seeking planning consent to retain the stable buildings for a temporary period of two years. The applicant is proposing that the stables will be used for their own horses and the storage of hay associated with the equestrian centre. The applicant has outlined that the reason for requesting permission for only two years is to allow the Council to review the traffic situation once the applicant's main equestrian business is fully operational. It is also common for such timber structures to only be granted temporary consent in order that the Council can retain control over the maintenance of the structures.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (February 2010)

- 4 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.

Of relevance to this application are:

- Paragraphs 45 -51 : Economic Development
- Paragraphs 92 – 97: Rural development.
- Paragraphs 149 -158: Open Space and Physical Activity
- Paragraphs 165 -181: Transport

PAN 56 – Planning and Noise

- 5 This document provides guidance on matters relating to noise issues and sets out the range of noise issues that planning authorities need to be aware of in formulating development plans, making decisions on planning applications and in taking enforcement action.

DEVELOPMENT PLAN

- 6 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 7 There are no policies of strategic importance of relevance to this application in TAYplan.

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

- 8 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 9 Under the LDP the site lies outwith any settlement boundaries and within an area where the principal relevant policies are, in summary:

PM1A: Placemaking

- 10 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy ED3: Rural Business and Diversification

- 11 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy EP5: Nuisance from Artificial Light and Light

- 12 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8: Noise Pollution

- 13 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

SITE HISTORY

- 14 Outline Consent was granted in 2008 (Ref: 07/02513/OUT) for the erection of a single storey farm and farm building on the site. This consent lapsed in May 2011.
- 15 Full planning application was submitted for the development of an equestrian centre comprising an indoor and outdoor riding arena, stabling for 40 horses and two workers dwellinghouses (Ref: 09/00738/FLM). This application was withdrawn following issues regarding the lack of sufficient information, design and operational justification.
- 16 Full planning application was submitted for the erection of a farmhouse and farm building under the auspices of the previous outline consent (Ref: 11/00776/FLL). This application was withdrawn as it did not comply with the requirements of the outline consent and due to insufficient justification.

- 17 Full planning permission was granted for the erection of a large steel portal framed building containing 24 stables and an indoor riding arena (Ref: 11/01839/FLL). The development also included permission for the erection of a large dwellinghouse with a detached double garage.
- 18 A modification of existing consent (Ref: 11/01839/FLL) was granted to change the position of house and garage within the site (Ref: 13/00105/FLL).

CONSULTATIONS

- 19 **The Coal Authority**
The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- 20 **Fossway and District Community Council**
The Community Council objects to the proposals on the grounds that the additional stables would lead to unacceptable in levels of traffic.
- 21 **Environmental Health**
Given the nature of the application there is the potential for the operation of the site to create light and/or noise/odour nuisance at neighbouring residential properties. As a consequence, conditions are recommended to be included in any given consent to ensure that adequate measures are implemented to deal with possible light, odour and/or noise nuisance.
- 22 **Scottish Water**
No objection

REPRESENTATIONS

- 23 A total of 7 letters of representation have been received, including one from the Community Council. The grounds of objection can be summarised as follows:
- Increase in traffic
 - Intensification of equestrian business
 - Impact on water pressure
- 24 These issues are all addressed in the Appraisal section of this report. Concerns have also been raised in regards to conditions relating to consent granted for the associated equestrian business (11/01839/FLL). These concerns are not considered to be relevant as they do not specifically relate to this application and are separate matters that, if necessary, should be investigated by the Council's Enforcement Officer.

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy

- 26 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 Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 27 The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.
- 28 In this instance the main relevant policy contained within the recently adopted LDP is Policy PM1: Placemaking. This policy outlines that all development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Visual Impact

- 29 It is considered that the stables that have been constructed on the site have no significant detrimental impact on the visual character of the area. Small scale timber stables such as the type built by the applicant are relatively common place throughout rural Kinross, within open fields and paddocks and generally form part of the character of the landscape. I also note that none of the objections received make any particular reference to the visual impact of the stable buildings.
- 30 I am therefore satisfied that the stable buildings visually relate to the established rural character of the area and have no detrimental impact on the visual amenity or landscape character of the area.

Intensification of Equestrian Business

- 31 A number of concerns have been raised that the temporary stables will in effect increase the capacity of the applicant's stables within the main stable building.

- 32 It is noted that the applicant had previously stated that four of their own horses would be kept in the recently completed stables within the main stable building. It is therefore acknowledged that by approving the retention of the timber stables to house the applicant's four horses it will affectively create additional capacity for the applicant to take on further livery clients. Nevertheless, there is absolutely no restriction on usage of the main stable building and had the applicant had no horses of their own they would still be able to occupy all 24 stables within the main stable building with private livery clients.
- 33 It is therefore considered that the retention of the existing timber stables to house the applicant's horses will not result in a significant intensification of the commercial equestrian business.

Road Safety

- 34 The Community Council and a number of local residents have again raised concerns that the existing road is not suitable for the type of traffic generated by the equestrian business and that the retention of the timber stables will further increase traffic on the road.
- 35 As per the conditions of the consent for the main commercial equestrian business, the applicant has formed three passing places along public road on the western approach to the site. In addition, Perth & Kinross Council has also undertaken improvement works on the local road network to add a further three passing places on the western approach to the site. It is also noted that a further single passing place has recently been formed on the public road to the east of the site which is within the Fife Council boundaries. This passing place was required as part of a separate application for private stables on neighbouring land at Cairnfold House (Ref: 13/00117/FLL).
- 36 As such, a total of seven passing places have recently been formed along the public road the serves the application site.
- 37 The Transport Planning Officer has advised that he is satisfied that the minimal additional traffic anticipated as part of the retention of the stables will be able to be absorbed by the existing road network without any need for further passing places. In addition, he is satisfied that as the application is temporary for two years, if a demonstrable negative impact on the local road network is experienced then the situation can be reviewed as part of any future application at this location.

Neighbouring Amenity

- 38 Environmental Health has assessed the proposals and advised that they are not aware of any nuisance complaints from neighbouring residents. However it is noted that there is the potential for the operation of the stables to create light and /or noise/odour nuisance at neighbouring residential properties. It is therefore recommended that a number of conditions be included in any

planning consent to ensure that adequate measures are implemented to deal with possible light, odour and/or noise nuisance.

Impact on Water Pressure

- 39 Concerns have been raised regarding the pressure of the mains water supply in the area and that if the development is approved it could further effect water pressure.
- 40 Scottish Water (SW) has assessed the proposals and they have advised that they have no objection to the proposals. They have previously highlighted that the applicant may need to carry out works on the local water network in order to ensure that there would be no impact on the current level of service to existing customers. However in this instance SW has not raised any concerns in relation to the local water network.

Economic Development

- 41 As the development is retrospective any economic benefits will be limited and relate to the any additional business generated.

LEGAL AGREEMENTS REQUIRED

- 42 No legal agreement is required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations 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 and reasons:

- 1 Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of the 2 years, the stables shall be removed

and the land reinstated to the satisfaction of the Council as Planning Authority.

Reason - 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 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.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 3 The stables hereby approved shall be used solely for housing the applicant's horses and at no time shall they be occupied in a commercial capacity.

Reason - In order to ensure that the stables are not operated in a commercial capacity.

- 4 Any external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 5 An effective waste management plan for the stable building will be in place for the storage and removal of manure, to ensure that odour is kept to a minimum.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 The delivery and collection of goods and horses at the stables shall take place between 0700 and 2100 Monday to Saturday and 0900 and 1900 on Sunday and at no other time.

Reason - In order that the Planning Authority may retain control over the hours of delivery; in the interest of neighbouring amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 The applicant is advised that proposed development lies within a coal mining area which may contain unrecorded mining related hazards.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Background Papers: 7 letters of representation
Contact Officer: David Niven – Ext (4)75345
Date: 15 May 2014

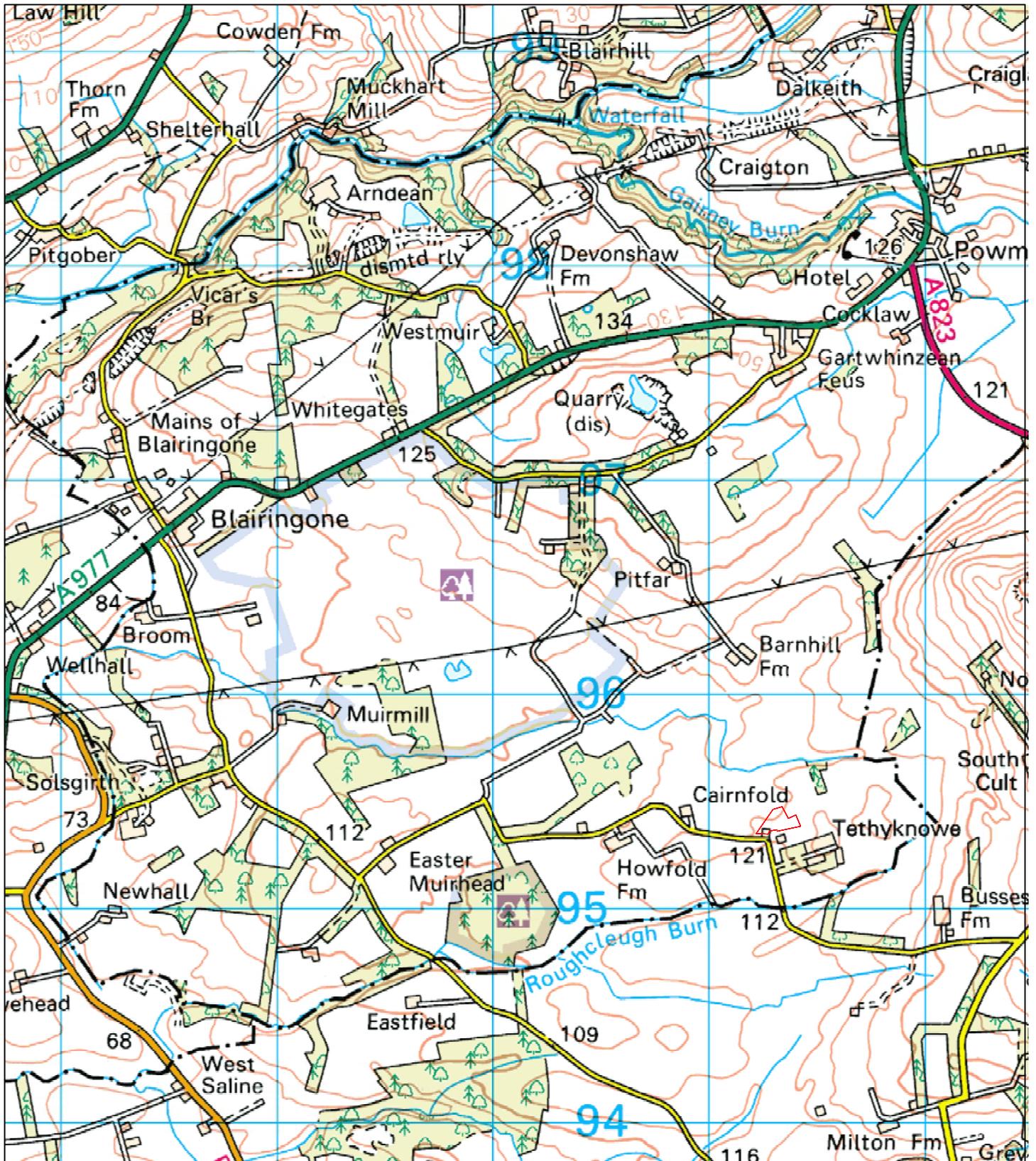
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Perth & Kinross Council

14/00278/FLL

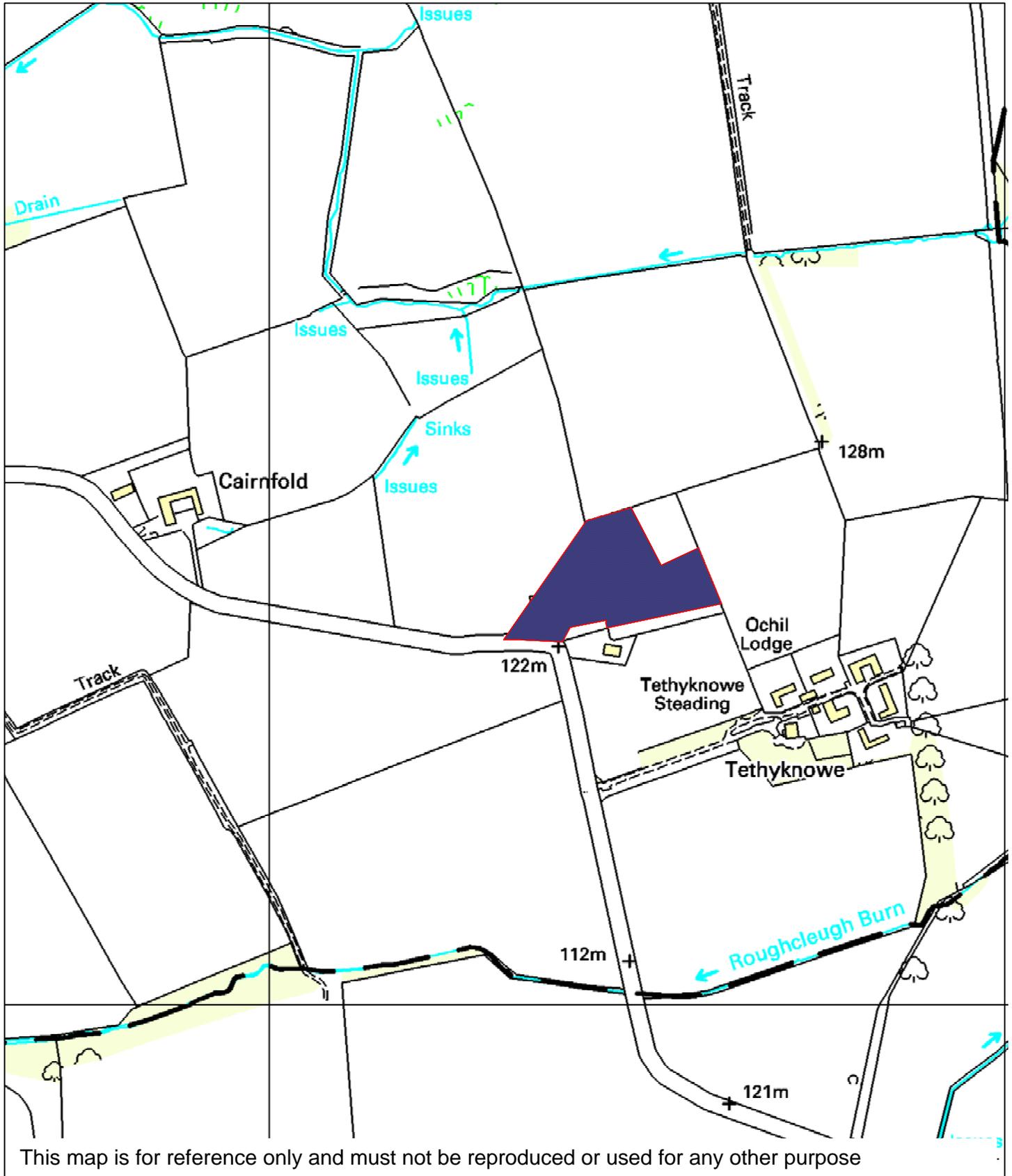
Erection of stable building (temporary for two years) (in

Dollar Equestrian, Blairingone



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Scale
1:25000



Scale
1:15001