

Perth and Kinross Council  
Development Management Committee – 19 November 2014  
Report of Handling by Development Quality Manager

**Change of use of agricultural buildings to equestrian facilities (in part retrospect) at Netherton Farm, Aberargie, Perth**

Ref: No: 14/01304/FLL  
Ward No: 9 – Almond and Earn

**Summary**

This report recommends approval of the application for the change of use of agricultural buildings to equestrian facilities (in part retrospect) 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 existing farm buildings at Netherton Farm, near Aberargie. The applicant currently produces, stores and transports potatoes from the farm buildings at Netherton. However due to the economic climate and changes in farming practices the applicant has seen a reduction in the size of his farming business and in order to create additional income he has sought to diversify his business by creating an equestrian facility through converting two of the existing agricultural buildings to provide stables and an indoor riding arena. These alterations were undertaken without planning consent and following enforcement action, the applicant submitted a planning application for consent to operate an equestrian centre from the site (14/00503/FLL). This application was then withdrawn due to a lack of information regarding the operation of the site and the condition of the private access track.
- 2 The applicant is again seeking planning consent (partly in retrospect) for the change of the use of the agricultural buildings to equestrian facilities. The equestrian facilities comprise of a stable building containing 18 stalls and an indoor riding arena. The works relating to the stables and the indoor riding arena have been completed and upon visiting the site it appeared that the equestrian facility is already in use to some extent even though consent has not been granted. The proposed operating hours are 0630 to 2100 seven days a week and access to the site will be taken via the existing private road that is shared with a number of private residences.
- 3 It is noted that the applicant has also formed an outdoor arena to the east of the stable building but the applicant has chosen not to include this in the plans for this application. This outdoor arena will require separate planning permission and the applicant has advised that if this current application is successful they intend to submit a further retrospective planning application for the approval of the outdoor arena.

## **NATIONAL POLICY AND GUIDANCE**

### **Scottish Planning Policy (June 2014)**

4 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are:

- Paragraphs 74-83 'Promoting Rural Development'

### **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**

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:

### **Policy 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 02/00754/FUL Erection of an agricultural storage shed at 25 July 2002 Application Permitted (Delegated)
- 15 02/00755/OUT Erection of farm house (in outline) at 29 August 2002 Application Permitted (Delegated)
- 16 07/01688/FUL Erection of an agricultural steel portal framed building for the storage of potatoes 5 April 2008 Application Permitted (Delegated)
- 17 14/00503/FLL Change of use of outbuildings to riding arena and stables and formation of outdoor arena (partly in retrospect) 5 August 2014 Application Withdrawn

## **EXTERNAL CONSULTATIONS**

### **18 Abernethy and District Community Council**

The Community Council objects to the proposals on the grounds that there is insufficient reliable information presented/available to support safety on site, on the access road and on the surrounding road network.

## INTERNAL CONSULTATIONS

19 **Environmental Health**

No objection.

20 **Local Flood Prevention Authority**

No objection.

21 **Transport Planning**

No objection subject to a condition requiring that the existing access is upgraded and served by suitable passing places.

## REPRESENTATIONS

22 A total of 7 letters of representation have been received, including one from the Community Council as stated above. The grounds of objection can be summarised as follows:

- Increase in traffic
- Impact on condition of existing private access
- Access unsuitable
- Operating hours
- Road safety
- Public safety on site
- Lack of information

23 These issues are all addressed in the Appraisal section of this report. It is also noted that concerns have been raised about the potential future operation of the applicants existing haulage business. This matter is not considered to be relevant as it does not specifically relate to this application.

24 3 letters of support have also been received.

## 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	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 ED3: Rural Business and Diversification. This policy outlines that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.
- 29 It is considered that the principle of establishing the proposed equestrian use is entirely acceptable given that a countryside location is normally essential for such a use and it is quite typical to find equestrian developments throughout the countryside of rural Perth and Kinross. It is therefore considered that the main issues to consider in the assessment of this application are: road safety; the visual impact of development; and, impact on neighbouring residential amenity.

### **Road Safety/ Condition of Road Surface**

- 30 The Community Council and a number of local residents have raised concerns that the existing road is not suitable for the type of traffic generated by both the applications existing agricultural business and the equestrian business. In addition, there are also concerns regarding the ability of the existing road network to accommodate the additional traffic generated by the equestrian use.
- 31 The existing private access to the farm from the A913 is in variable condition, with some sections being in relatively good condition but in other areas the tarmac is breaking up and pot holes have formed. It is highly likely that much of this wear can be attributed to the applicants existing agricultural operations and this is a point that has been raised in many of the letters of objection. However the applicant has outlined in their supporting statement that the size of the agricultural operations has reduced significantly over the last few years from 60 HGV movements a day down to just 10 movements per day. As such, even with the introduction of the equestrian facilities, the pressure on the existing access should reduce significantly and whilst the new equestrian facilities will generate traffic, much of this traffic will be car journeys associated with customers visiting and tending to their horses. In any case, the applicant has

advised that they are willing to form additional passing places along the route of the private access and to undertake improvement works to the road surface. It is my understanding that the applicant is presently in discussion with the adjacent land owner regarding the works to the access and contractors have provided quotations for the works. However, in order to ensure that the works are undertaken within a reasonable timescale, a condition has been applied.

- 32 The Transport Planner is satisfied with the proposals subject to the existing access being upgraded and served by suitable passing places. He is also satisfied that the additional traffic anticipated as part of the operation of the equestrian facilities will be able to be absorbed by the existing public road network and will not present any significant hazard to road safety within the wider road network.

### **Visual Impact**

- 33 The equestrian facility will be utilising the existing farm buildings that are already present on the site. As such there will effectively be no physical change when viewed from its surroundings. It is noted that the applicant has also formed an outdoor arena to the east of the stable building but this has not been included in the plans for this application. The outdoor arena will require separate planning permission and the applicant has advised this if this current application is successful they will submit a further planning application for the outdoor arena.
- 34 I am therefore satisfied that the development visually relates to the established rural character of the area and has no detrimental impact on the visual amenity or landscape character of the area.

### **Neighbouring Amenity**

- 35 The Environmental Health Officer has assessed the proposals and he has raised no concerns regarding neighbouring amenity. The nearest private residential dwelling is located approximately 125m to the north of the site at Gowlie Farm and the house at Bracken Brae Croft lies approximately 200m to the south of the site. Given that the applicant already operates an agricultural business from the site it is considered that the operation of an equestrian facility is unlikely to give rise to any significant disturbance either through the level of noise or odours.
- 36 It is therefore considered that the equestrian facility will not have a significant impact on the amenity of any nearby residential dwelling.

### **Conflict with Existing Agricultural Operations**

- 37 It is noted that some concerns have been raised regarding the potential conflict between the existing agricultural operations and the new equestrian use.
- 38 Having visited that the site I am satisfied that both businesses can co-exist at Netherton without creating any significant conflict in terms of the operations

within the site and on the main access to the farm. Within the site itself, the equestrian use will be completely separate from the main yard area where the HGV's are presently parked and loaded. There will inevitably be some cross over between the two uses but this can be easily managed by the applicant and is not a significant material concern.

- 39 In terms of the access arrangements, given that the existing track is only single lane there could potentially be an issue if an HGV or large farm vehicles were to meet a vehicle towing a horse trailer or a larger horse box. This scenario could be largely avoided by managing the flow of HGV's or farm vehicles entering and leaving the site but it is considered that the formation of at least two passing places at agreed points should resolve this potential issue.
- 40 I note that some of objectors are also claiming that the applicant has started transporting and storing grain at the farm and that this will lead to an increase the volume of HGVs operating from the site. It is my understanding that the applicant presently holds a haulage licence for the distribution of material produced on the farm. Therefore if the applicant does in future intend to diversify his farming business to include the storage and distribution grain or any other material that is not produced on the farm, planning permission will be required for a change of use. In any case, this matter has been raised with the applicant and he has advised that he has no intention to begin storing and transporting grain from the site. The applicants supporting statement also makes no reference to any future intentions to increase the number of HGV movements associated with the farming business.

### **Economic Development**

- 41 The approval of this application will create a new rural business which will diversify the applicants existing agricultural haulage business and generate additional income. It may also create additional employment and support other rural business through the procurement of goods from local suppliers.

### **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 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.

- 2 The private access that serves the site shall be upgraded and provided with suitable passing places; the detailed specification of which shall be agreed in writing with the Planning Authority within 28 days from the date of this consent. The agreed improvements to the private access, including the passing places, shall then be completed within 3 months, unless otherwise agreed in writing, and thereafter maintained to the satisfaction of the Planning Authority.

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

- 3 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.

- 4 The delivery and collection of goods and horses at the premises shall take place between 0630 and 2100 Monday to Saturday and 0800 and 1900 on Sunday and at no other time.

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

### **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 An application for Building Warrant is required. The applicant is advised to contact Building Standards to discuss this matter.
- 2 The applicant is advised that planning consent is required for the outdoor riding arena. An application for full planning permission must be submitted within 28 days of the date of this consent otherwise enforcement action may be taken.

### **NICK BRIAN DEVELOPMENT QUALITY MANAGER**

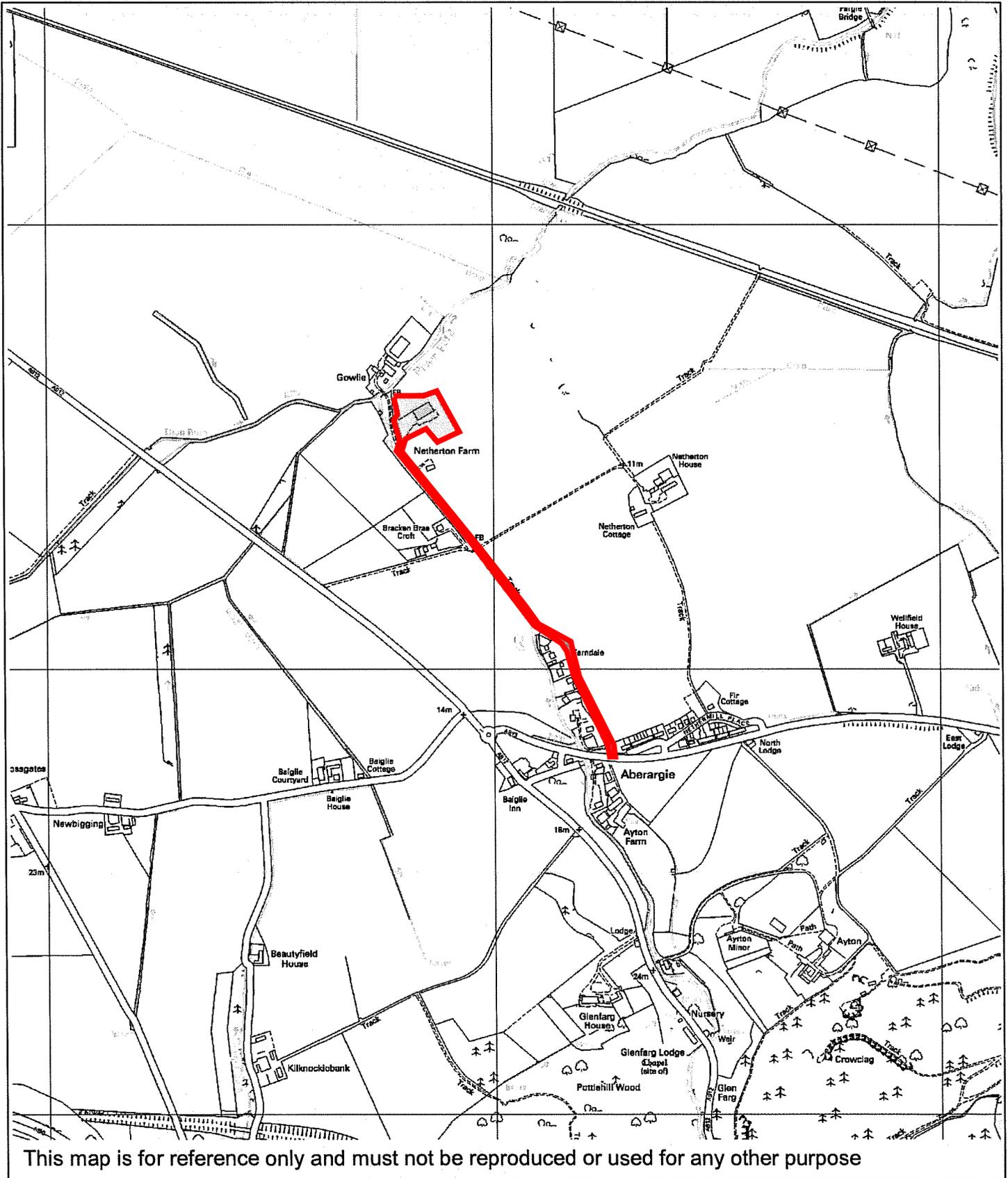
Background Papers: 7 letters of representation and 3 letters of support

Contact Officer: David Niven – Ext (4)75345

Date: 31 October 2014

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