

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

**Change of use and extension of existing building to form a stable block at
 Cairnfold Farm, Blairingone**

Ref: No: 13/00117/FLL
 Ward No: 8 – Kinross-shire

Summary

This report recommends approval of the application for the change of use and extension of existing building to form a stable block as complying with the relevant policies of the local plan.

BACKGROUND AND DESCRIPTION

- 1 Cairnfold House is situated in a rural location, approximately 3 km south east of Blairingone. The application site extends to approximately 450 square metres and is currently occupied by an L-shaped timber building. Until recently the building was sited within part of a grass field part of which has recently filled with hardcore to form an area of hardstanding.
- 2 Planning permission was granted in 2012 for the formation of a horse arena/exercise area to the west of the current site on a triangular area of land situated to south of Cairnfold House. The site is located close to the border with Fife Council and is currently accessed via a rural single lane public road.
- 3 The current application is for a change of use and extension of an existing timber building to form a stable block. The original building was granted consent under agricultural permitted development rights (07/02833/PN). This proposal will double the size of the current building and shows provision for 8 looseboxes. The applicants own or part own a number of race horses which they propose to stable at Cairnfold during breaks in the racing season. They do not intend to operate commercial livery facilities or a stud business.
- 4 The site is situated close to Cairnfold Farm which is currently being developed as a commercial equestrian centre (11/01839/FLL).

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (February 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.

Of relevance to this application are:

- Paragraphs 92 – 97: Rural development.
- Paragraphs 165 -181: Transport

DEVELOPMENT PLAN

6 The Development Plan for the area comprises Approved TayPlan 2012 and the Adopted Kinross Area Local Plan 2004. The principal relevant policies are in summary: -

TayPlan 2012

7 The principal relevant policy is in summary: -

Policy 2: Shaping better quality places

8 Requires new development to be fit for place and be capable of supporting more sustainable ways of life for people and businesses.

Kinross Area Local Plan 2004

9 Under the local Plan the site lies outwith any settlement boundary where countryside policies prevail.

10 The principal relevant policies are in summary: -

Policy 1: Sustainable Development

11 The Council will seek to ensure, where possible that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. A series of principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development:

Policy 2: Development Criteria

12 All developments within the Plan area will be judged against a series of criteria, including, a landscape framework, the scale, form, colour and density of development within the locality, compatible with it's surroundings in land use

terms, the local road and public transport network should be capable of absorbing the additional traffic generated by the development, sufficient spare capacity in drainage, water and education services to cater for the new development, the site should be large enough to accommodate the impact of the development satisfactorily in site planning terms and should be designed so as to be energy efficient.

Policy 5: Landscape

- 13 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Kinross-shire Landscape Character Assessment published by Scottish Natural Heritage.

Policy 6: Design and Landscaping

- 14 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:-
- a) The use of appropriate high quality materials.
 - b) Innovative modern design incorporating energy efficient technology and materials, subject to compliance with d) and e) below
 - c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
 - d) Ensuring that the proportions of any building are in keeping with its surroundings.
 - e) Ensuring that the development fits its location.
- 15 The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for rural housing applications and where appropriate for other forms of built development.

Policy 7: Design and Landscaping

- 16 Details of landscape treatment should be submitted with development proposals including where appropriate, boundary treatment, treatment of settlement edges, and impact on key views. Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

Policy 8: Light Pollution

- 17 The Council will not grant consent for proposals which would result in unnecessary and intrusive light pollution. The use of locations and lighting systems which limit light pollution together with conditions to control the period of usage will be encouraged.

Policy 50: Agriculture

- 18 The Council will support agriculture remaining as a major land use and a source of employment in the Plan area. The best quality agricultural land which is important in a local context, generally MLCA Class 3.1 and above, will be protected from irreversible development.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN – PROPOSED PLAN JANUARY 2012

- 19 On 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has undergone a period of representation and is now subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The following policies apply:

Policy PM1: Placemaking

- 20 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 adaptation. The design and siting of development should respect the character and amenity of the place.

Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

- 21 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be required to conserve and enhance the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:
- (a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;
 - (b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;
 - (c) they safeguard the tranquil qualities of the area's landscapes;
 - (d) they safeguard the relative wildness of the area's landscapes;

- (e) they provide high quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;
- (f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape; and
- (g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.

Note: Until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas. The Tayside Landscape Character Assessment will be used for assessing development proposals, along with other material considerations.

Policy TA1B: New Development Proposals

- 22 All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.

Policy EP5: Nuisance from Artificial Light and Light Pollution

- 23 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Other Key Policies

- 24 None.

SITE HISTORY

- 05/00018/FUL Extension to dwellinghouse 11 March 2005 Application Permitted
- 07/02833/PN Erection of a general storage building 18 August 2008 Application Permitted
- 09/00002/FUL Alterations to dwellinghouse 8 January 2009 Permission Not required

- 10/02168/FLL Erection of a holiday lodge 14 March 2011 Application Refused
- 11/00315/FLL Extension to dwellinghouse 5 April 2011 Application Permitted
- 12/01559/FLL Formation of a horse arena 6 November 2012 Application Permitted

CONSULTATIONS

25 Fossoway and District Community Council

The Community Council is concerned about the amount and nature of traffic on the U231 road leading to the site, leading to deterioration of the road and verges. Request that adequate and safe road access is provided as part of the development.

26 Fife Council

Fife Council has raised concerns in relation to the impact of additional traffic on the existing public road.

27 Environmental Health

Note that the site is located approximately 100 metres from the closest non-involved residential dwelling but advised that they have no objection to the proposals subject to conditions.

28 Coal Authority

No objection.

REPRESENTATIONS

29 A total of 8 letters of objection have been received. The grounds of objection may be summarised as follows:

- Contrary to local plan policy
- Road safety issues and traffic generation
- Commercial operation contrary to what is stated in application
- Unacceptable design
- Light Pollution

30 A concern has also been raised in regards to the existing use of the building for stabling horses that is considered to be contrary to the existing consent which is for an agricultural storage building. The change of use is part of the consideration of this application. This is a matter for enforcement but at this stage it is not proposed to take further action as the existing planning application seeks to clarify the use of the building.

ADDITIONAL STATEMENTS

31	Environment Statement	Not required
	Screening Opinion	Not required

Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Supporting statement submitted
Business Plan	No

APPRAISAL

Policy

- 32 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 Plan that is applicable to this area comprises the TayPlan 2012 and the Kinross Area Local Plan 2004.
- 33 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.
- 34 Whilst Policy 50 'Agriculture' outlines that the Council will support agriculture remaining as a major land use, it is considered the principle of establishing a stable block in a countryside location is considered acceptable and such developments are relatively common across rural Kinross-shire.
- 35 It is therefore considered that the main issues to consider in the assessment of this application are: justification for the development; visual impact of development; road safety; impact on neighbouring residential amenity; loss of agricultural land and, light pollution.

Justification for the development

- 36 The applicant has stated that the stable building is required so that they can stable racehorses during breaks in the racing season. The horses are kept off site for the majority of the year but they would like to stable them at Cairnfold House for some of the year. There have been a number of concerns raised by members of the public and neighbours that the development will be a commercial operation and that the design of the buildings is not suitable for horse breeding. However, information submitted by the applicant suggests that the development is not related to a livery business or stud business. To address this issue, though, if consent is granted then it should be subject to a condition clarifying the nature and extent of the use.

Visual Impact/Landscaping

- 37 The proposal relates to the extension of an existing timber building. The extension will double the size of this building by adding an L-shaped extension to form a U-shaped building complex. Visually this is compatible with the

existing building. The development sits in a slight dip in the landscape and if appropriately landscaped will not be unduly prominent.

- 38 The applicant is proposing to plant a hedge to the east of the development and additional landscaping will be requested by condition. It is therefore considered that the development will not result in any significant adverse visual impact on the surrounding landscape.

Road Safety

- 39 A number of people have raised concerns with regards to the amount and type of traffic that will be generated by the development and the ability of the existing road network to accommodate this without impacting on the safety of road users. The road on which the development is situated is a quiet rural single lane road. It is also important to note that the site is located near the boundary with Fife Council so vehicular access to the site can also be taken from the Fife side.
- 40 The Council's Transportation Planner has been consulted and raised the issue of the cumulative impact of equine developments along the U213/D6 which is a very narrow road and not suitable for the type of traffic typically associated with these types of development. However, in considering this issue, regard has also to be taken of the fact that this current application is not for commercial use and also that vehicles associated with equine use are not as large as those normally associated with agricultural use which dominates the area.
- 41 Although this application is not for commercial use, nevertheless, the addition of stabling for up to 8 horses combined with other equine developments in the area is considered to have the potential to generate additional traffic that is significant on a single track rural road. In light of this it is considered appropriate to request that additional passing places are provided as part of this development on the U213/D6 to mitigate any impact of this additional traffic. It is proposed to attach a condition on any approval to request that a total of three passing places be constructed, two within Perth & Kinross Council area and one within Fife Council area. The passing places would be required to be constructed prior to commencement of construction of the proposed development, the exact position to be agreed with the Council.
- 42 To ensure that a condition can be attached to the consent requiring a passing place be provided on land within a neighbouring authority legal advice has been taken. This confirms that under section 41(2) of the Town and Country Planning Act such a condition is enforceable where a neighbouring authority requests such provision and agrees to the construction of the passing place.
- 43 Fife Council has been consulted on the proposed development and their Transport Officer has raised concerns with regard to the increase in traffic and lack of sufficient passing places along the Fife side of the public road. Fife Council has requested that provision of a single passing place be provided on the U213/D6 within Fife at a location and to a standard to be agreed with the Planning Authority in consultation with Fife Council.

- 44 The provision of passing places is considered appropriate in this instance to ensure that the local road network can accommodate the proposed development.

Neighbouring Residential Amenity and Light Pollution

- 45 The Environmental Health Officer has assessed the proposals and notes that the site is located approximately 100 metres from the closest non-involved residential dwelling and as such there is the potential for odour arising from it to become a nuisance. Conditions in relation to waste management and potential light pollution are recommended.

Loss of Agricultural Land

- 46 The proposed development site as identified by the application site boundary will utilise approximately 450 square metres of land, half of which is already occupied by a building. Surrounding land has been infilled with hardcore but is not within the application site.
- 47 As outlined in Policy 50 of the adopted local plan 'Agricultural Land' there is a presumption in favour of retaining high quality farm land and protecting it from irreversible development. Whilst the proposed development will result in a limited loss of agricultural land this is only a small part of the applicants holding.
- 48 I am therefore satisfied that the proposed development will not result in any significant amount of irreversible impact on the existing farmland that surrounds the site.

LEGAL AGREEMENTS REQUIRED

- 49 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 50 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

- 51 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 the proposal complies with the Adopted Kinross Area Local Plan 2004. There are no material considerations that would justify refusing the application. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to construction of the approved development two passing places are to be provided on the U213 public road, at locations and to a specification to be agreed with Perth & Kinross Council as Roads Authority and to the satisfaction of the Planning Authority.
- 3 Prior to construction of the approved development one passing place is to be provided on the D6 public road, at a location and to a specification to be agreed with Fife Council as Roads Authority and Perth & Kinross Council as Planning Authority.
- 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
- 5 Prior to the operation of the stables/equestrian facility a waste management and removal system for all manure from the site will be agreed in writing with the Planning Authority and thereafter implemented in full so as to ensure that odour is kept to a minimum.
- 6 Prior to the commencement of any works on site further details of the proposed planting shall be submitted for the approval in writing by the Council as Planning Authority. The scheme as approved shall be implemented as part of the site development programme within the first available planting season.
- 7 The stable block shall be used solely for domestic purposes ancillary to the existing dwelling on the site and not as a commercial operation. For the avoidance of doubt no horses not in the ownership of the applicant shall be accommodated on the site, only vehicles associated with the applicants horses shall visit the premises and no livery or other facility shall be available to any third party.

Reasons:-

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of pedestrian and traffic safety.
- 3 In the interests of pedestrian and traffic safety.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 5 In the interests of residential amenity
- 6 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 7 In order to define the terms of the permission.

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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 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.
- 3 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.
- 4 An application for Building Warrant may be required.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from Fife Council and Perth & Kinross Council as Roads Authorities consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

- 7 Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
- 8 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: 8 letters of representation

Contact Officer: Persephone Beer – Ext (4)75354

Date: 4 April 2013

Nick Brian
Development Quality Manager

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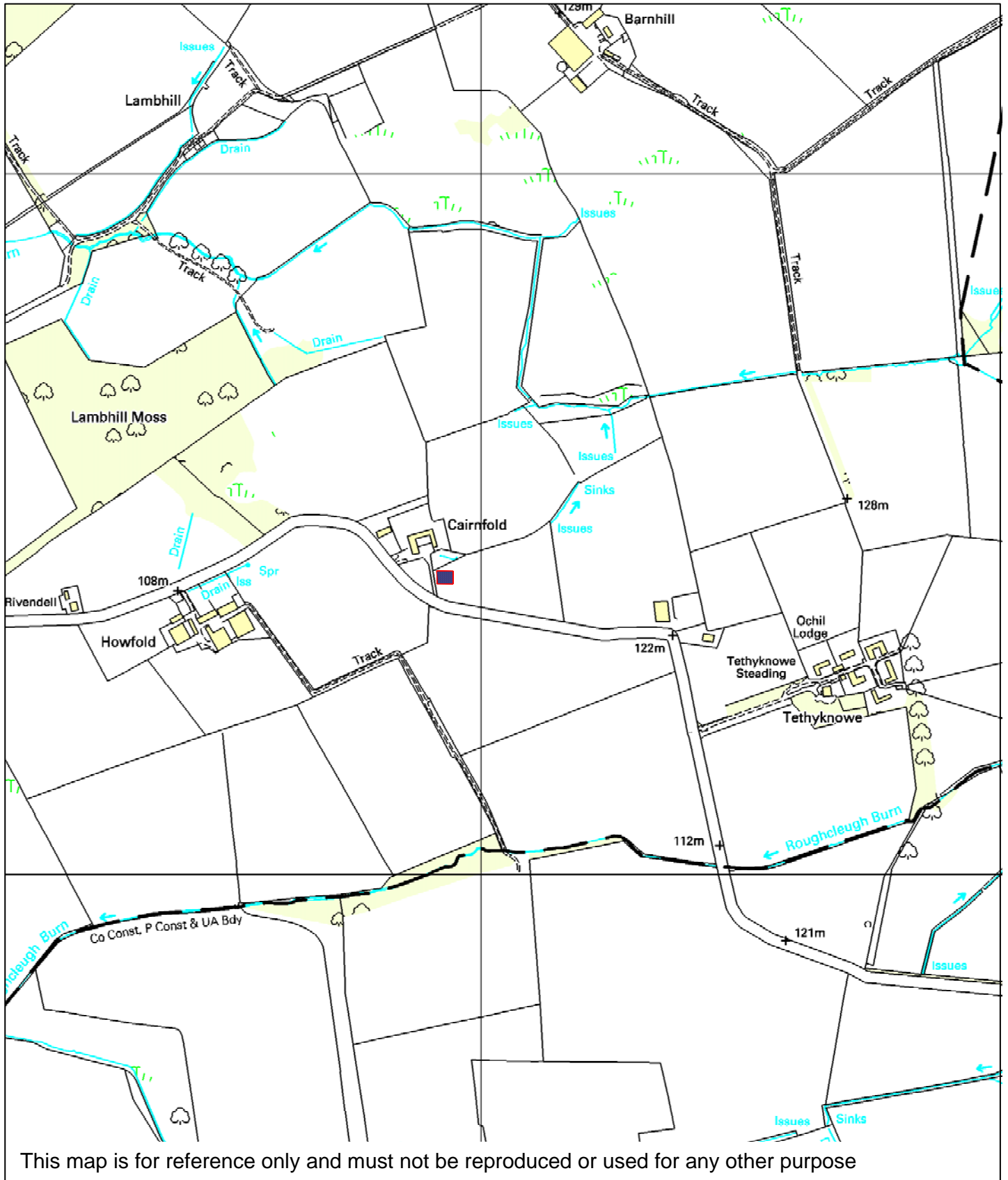
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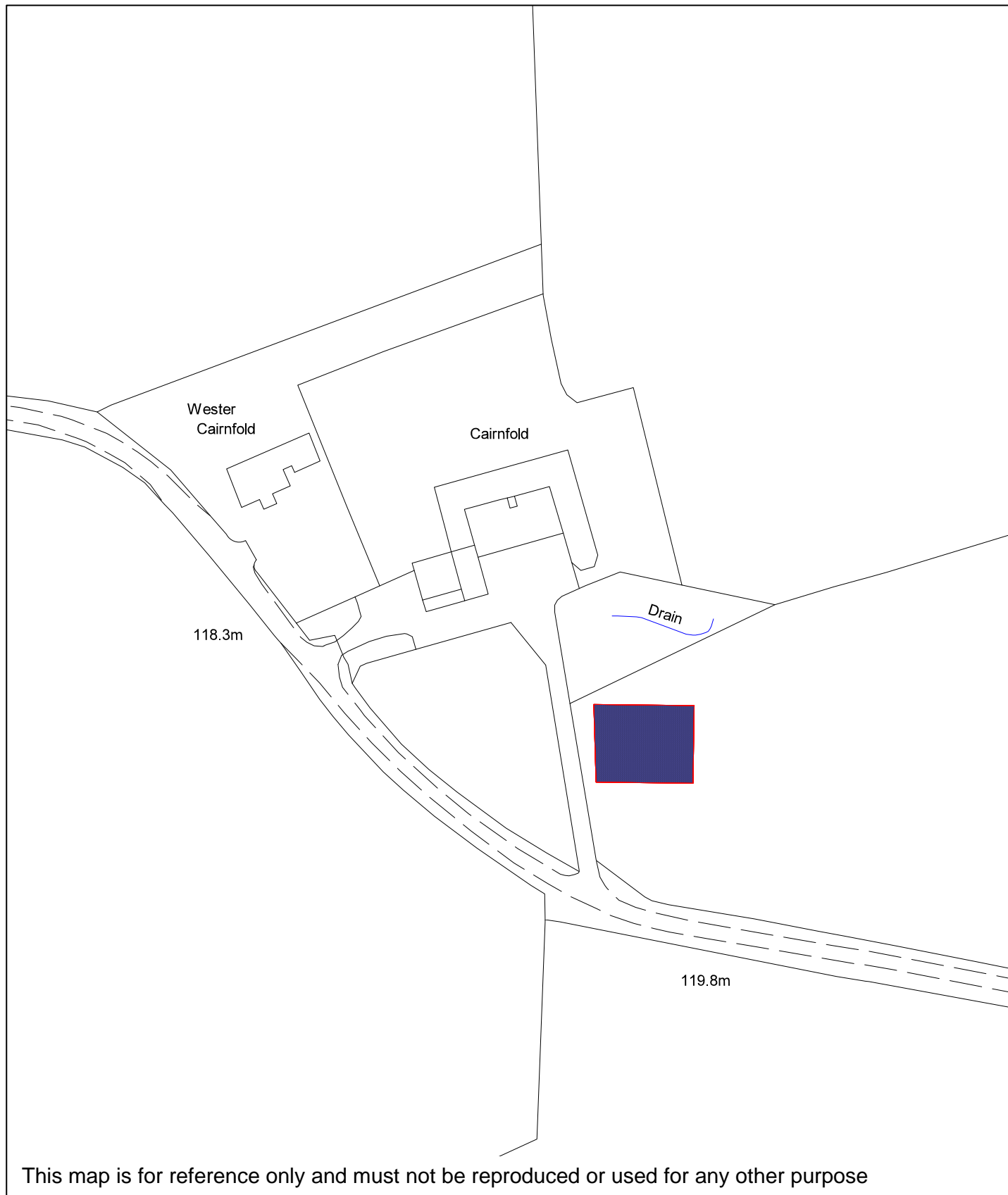
Cairnfold House, Blairingone, Dollar

Change of use and extension of existing building to form a stable block



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↑ Scale
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