

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

**Erection of agricultural building at Land 160 Metres North East Of Carseview  
Leetown, Glencarse**

Ref. No: 14/00236/FLL  
Ward No: 1 – Carse of Gowrie

**Summary**

This report recommends approval of a detailed planning application for the erection of a new agricultural shed (to replace an existing one) on the grounds that the application 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 The application site is part of an existing agricultural compound, which is located within the small Carse hamlet of Leetown. The existing compound comprises a range of existing buildings of varying ages and sizes as well as an associated yard and forecourt area. The site is surrounded by associated agricultural land to the north and west, by further sheds to the east and by the public road to the south. Across the public road is a run of residential properties.
- 2 This planning application seeks to obtain detailed planning permission for the replacement of one of the existing sheds with a larger shed measuring approx. 8.9m in its width (north to south) and approx. 13.7m in its length (east to west) with a ridge height of approx. 5.6m - which results in it being approx. 50% larger in its footprint than the existing shed, with a slightly higher ridge line. The shed will be positioned in the same position as the existing shed running length wise parallel to the public road, and be finished in profile sheeting.
- 3 The applicant has indicated that the new shed will be used solely for agricultural storage purposes, which are directly associated with their local farming activities.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 1& 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Due to the nature of the proposal (a replacement agricultural shed) there are no national guidance or policies which are specifically relevant to this proposal.

**DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

- 7 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.
- 8 Within the Local Development Plan, the site lies outwith any defined settlement boundary where the following policies are directly applicable.

### **Policy PM1A - Placemaking**

- 9 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy ED3 : Rural Business and Diversification**

- 10 The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. Although this proposal is not proposing to expand the existing business (or create a new business), the general aims of this policy should be applied to this proposal.

## **OTHER COUNCIL POLICIES**

- 11 None applicable.

## **SITE HISTORY**

- 12 A similar detailed planning application (13/01490/FLL) was withdrawn prior to its determination due to procedural issues centred on the submitted land ownership certificate.

## **CONSULTATIONS**

- 13 **Scottish Water** has raised no concerns.
- 14 **Environmental Health Manager** has raised no concerns, subject to conditions relating to noise and the use of the building.

## **REPRESENTATIONS**

- 15 10 letters of representations have been received from local residents, nine of which are objecting to the proposal and one offering support for the proposal.

- 16 The main issues raised by the objectors within the representations are,
- Proposal is contrary to the Local Development Plan 2014
  - Road safety issues
  - Impact on existing visual amenity
  - Impact on existing residential amenity
  - Use of the building
- 17 The letter of support supports the application on the grounds that the proposal will tidy up the local area.
- 18 These issues are addressed in the appraisal section of this report.

### ADDITIONAL STATEMENTS

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

### APPRAISAL

#### Policy

- 19 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 20 As the proposal is for a replacement of an existing building, the key test of the acceptability of this proposal is ultimately whether or not the proposed replacement building complies with the requirements of PM1A of the Local Development Plan, which seeks to ensure that all new proposals in residential areas are compatible with existing land uses and that the character and amenity of the existing area is not adversely affected by inappropriate developments.
- 21 For reasons stated elsewhere, I consider the proposal to be consistent with this policy.

#### Land Use Acceptability

- 22 In terms of land use, as the proposal is for a replacement of an existing building, I consider the land use (for agricultural storage) to be established. Whilst I note that some concerns have been raised within the representations that the new building may be used for commercial, non-agricultural purposes,

the applicant has confirmed that the replacement building will be used for the same purpose as the existing building.. As an additional measure of control, a restrictive condition will be attached to any consent limiting the use of the building to agricultural storage.

### **Residential amenity**

- 23 In terms of the impact on the existing residential amenity of the area, whilst the replacement building is larger than the existing building, bearing in mind the size increase it is unlikely that any additional noise or general nuisance will arise as a result of the new building. I also note that my colleagues in Environmental Health have commented on the application, and indicated that subject to conditions controlling the use of the building and the level of noise coming from the building, they have no objection to the proposal in terms of nuisance to existing residential properties.

### **Visual Amenity**

- 24 In terms of the impact on the existing visual amenity of the area, the existing building is unsightly and does not contribute positively to the visual amenity of the local area. In my view, the proposed new building which, for an agricultural building, is fairly modest in its scale and appearance and will improve the visual appearance of the area. I do note the concerns raised within the representations that some local residents consider the new building to be out of character with the single storey dwellings opposite, however I consider the proposed height of the building at 5.6m to be comparable with the scale of the existing single storey dwellings opposite which have a ridge height of approx. 5m. To this end, I have no concerns regarding the impact on the visual amenity of the area.

### **Traffic Safety/Access**

- 25 There are no issues concerning road related matters. Whilst I note that concerns have been raised within the representations regarding an increase in traffic on the local road network, there is no reason to believe that the new building will result in a significant increase in movements to and from the site. In any event, whilst the local roads are narrow they are nevertheless capable of absorbing localised farm traffic and the Transport Planner has raised no objection.

### **Economic Impact**

- 26 This proposal will have a positive impact (albeit a minor one) on the local economy as it will provide the applicant with a modern fit for purpose building which will allow the existing agricultural business to operate more effectively and efficiently.

### **LEGAL AGREEMENTS**

- 27 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 28 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**

- 29 The proposal, subject to conditions complies with the Development Plan and there are no reasons to recommend the application for refusal.

### **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 drawings and documents, 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 agricultural building is to be used solely for general agricultural storage only and at no time shall be used any other commercial purpose, accommodating livestock or a workshop, to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting existing residential amenity

- 3 All plant or equipment contained within the building shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting existing residential amenity

#### **B JUSTIFICATION**

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

#### **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 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 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.

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

Background Papers: 10 letters of representation

Contact Officer: Andy Baxter – Ext 5339

Date: 25 May 2014

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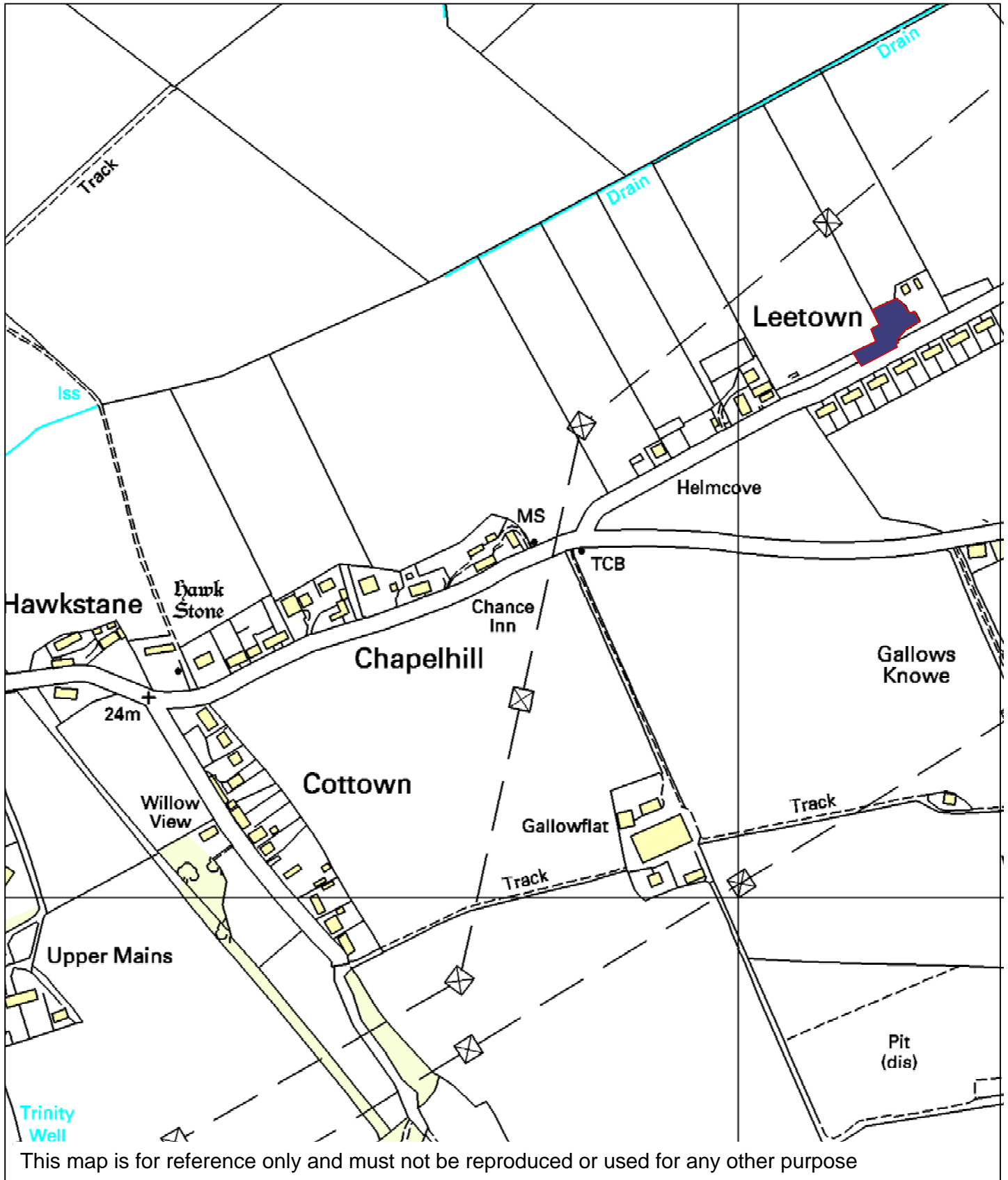
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land at Carseview, Leetown, Glencarse



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### Erection of agricultural building

land at Carseview, Leetown, Glencarse



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