

Perth and Kinross Council
Development Management Committee – 10 September 2014
Report of Handling by Development Quality Manager

Erection of polytunnels (partly in retrospect) at Rosemount Farm, Parkhead Road, Blairgowrie

Ref. No: 13/02120/FLM

Ward No: N3 – Blairgowrie & Glens

Summary

This report recommends approval of a detailed, major planning application for the erection of agricultural polytunnels (partly in retrospect) at Rosemount Farm, Blairgowrie as the proposal is considered to be consistent with the economic aims of the Development Plan and there are no other material considerations which would justify refusal.

BACKGROUND AND DESCRIPTION

- 1 This detailed planning application seeks to regulate an ongoing, historical planning issue at Rosemount Farm, Blairgowrie which centres on the incremental erection of polytunnels across the farm during the last 10-15 years (approx.).
- 2 Rosemount Farm is located to the south-east of Blairgowrie spread over 381ha, with the business presently specialising in the growing of a number of varieties of strawberries. The farm is divided into 29 fields of varying sizes and shapes which are typically divided by runs of mature hedgerows and trees. Similarly, hedgerows and trees align the majority of the local roads which intersect through the farm.
- 3 There are a number of existing polytunnels on the land at Rosemount, with a significant proportion of these being in excess of 4 years old. To this end, even if some of the existing polytunnels should have been subject to a formal planning permission when they were first erected they are nevertheless now exempt from any possible retrospective enforcement action by the Council due to the established 4 year rule. Whilst the applicant is fully aware of this, they have nevertheless chosen to regulate all of the existing polytunnels at Rosemount (including those over 4 years old) as well as applying for detailed consent for new ones - with the objective of using this planning application as a vehicle which set out a structured, strategic plan for the farm to allow the business to a) move polytunnels to different locations on the farm and b) increase coverage from that of the existing position, all within the terms of a planning consent associated with this planning application.
- 4 Of the 381ha available at Rosemount Farm, the applicant has identified 19 of the 29 fields (approx. 152 ha) which they consider to be suitable for the erection of polytunnels and the coverage of those 19 fields equates to approx. 40% of the farms total land. The fields which have been discounted have been omitted

because of a number of factors relating to operational reasons, visual prominence and also consideration of existing residential amenity.

- 5 This planning application seeks to secure a detailed planning consent for up to 25% coverage (approx. 95ha) at any one time, with built in flexibility (via the terms of the consent) to re-locate the polytunnels between the fields without having to submit further, subsequent planning applications. As part of this submission, the applicant has submitted proposed coverage plans for 2015, 2016 and 2017 to demonstrate their proposed coverages over the next 3 years. The plans for all three of these years are less than 25% coverage. Coverage on the farm at the moment (for 2014) amounts to approx. 72ha (19%).
- 6 In terms of the polytunnels themselves, due to the differing nature of the existing farming activities on site, there are four different types of polytunnels presently in operation at Rosemount and are proposed to be erected in the future, essentially to cover three different types of fruit production.

Year-Round Covers with Table Top Production

- 7 These areas will be covered by polytunnels all year round to extend the growing season, to provide frost & rain protection and to facilitate pest/disease control. The polytunnels in these areas would typically be 6.5m wide x 3.0m high with 2.0m gaps provided between each tunnel to allow tractor access to plough the soil to hold down the covers. The fruit would be grown in raised table top systems and the covers of these polytunnels would be changed every 4-5 years.

Seasonal Table Top Production

- 8 These areas will be covered by polytunnels from early March to mid-November only. The polytunnels in these areas would typically be 6.5m wide x 4.0m high.

Rotational Production

- 9 Rotational strawberry crops are grown in the ground in rotation with other arable crops. The rotational cycle would normally be 9 years, with 3 consecutive years under strawberry tunnels. The remainder of the time the land would produce normal arable crops such as wheat, barley, potatoes, carrots or peas and the polytunnels would be removed. Rotational covers in these areas fall into two categories:
 - i) Spanish tunnels typically 6.5m wide x 3.8m high. These would be covered in Year 1 from mid-June to mid-September; and Years 2 & 3 covered early April to late July.
 - ii) COSI (type) tunnels typically 8.2m wide x 3.5m high. These would be covered in Year 1 from mid-June to mid-October; and Years 2 & 3 covered late Feb to late July.

- 10 All the polytunnels will be constructed using galvanized semi-circular hoops which are covered with semi-translucent rain covers. The polytunnels are generally erected in blocks on gently sloping ground in order to minimise the risk of frost damage. Only the Year-Round polytunnels would be permanently covered as the seasonal and rotational polytunnels would only be covered during the summer months.

PROCEDURAL MATTERS

Requirement for Planning Permission

- 11 Within Scottish planning legislation there is little guidance to planning authorities to assist them in confirming when agricultural polytunnels, which are located on agricultural land for the purposes of agriculture, require formal planning permissions. Likewise, there is little guidance to answer the additional question of whether or not the erection of a polytunnel results in a material change of use of the land on which the polytunnel sits due to the intensification of the existing use/land, which is only reasonably possible in practice due to the presence of polytunnels.

Building Operations

- 12 In addressing the first point, it is the view of the Council that the key test of whether or not the erection of agricultural polytunnels constitutes development (in terms of a building operation) is dependent on their scale, degree of permanency and physical attachment to the ground on which they sit. Again, there is little background, advice or guidance on this either at national level or at a local level in Scotland to help quantify what degree of scale, and what degree of permanency would result in the need for a planning application. However, in England the courts have considered this issue further.
- 13 It is now being accepted by English planning authorities that a polytunnel development covering a 'significant' area, which has a substantial degree of permanence and has a significant physical attachment to the ground requires formal planning consent. This position was established at the end of 2006 when the High Court in England heard an enforcement notice appeal against a decision made by the Secretary of State relating to the erection of polytunnels and other various related works over a 40ha site in Surrey. In dismissing that appeal, Mr Justice Sullivan ruled that the polytunnels did constitute 'development' by virtue of their substantial degree of physical attachment to the ground, the work and man-hours required to erect and dismantle them, their degree of permanence, the scale of their coverage and the cumulative impact which the polytunnels would have with other tunnels in the area.
- 14 As the proposed coverage of polytunnels at Rosemount at any one time will be up to 95ha, I consider it reasonable for the Council to take the view that this level of coverage is 'development' which requires planning permission, largely based on the legal view that a proposal of 40ha of similar polytunnels has been established to be 'development'.

Material Change of Use Issue

- 15 As stated previously, the erection of a significant coverage of polytunnels raises the question as to whether or not the erection of polytunnels results in a material change of use of the land on which the polytunnels cover. As a result of the erection of polytunnels the productivity of the land (in terms of crop output) and the working pattern associated with the land would inevitably change (i.e. regular night / early morning activity) from what would ordinarily occur if the land was not under a polytunnel. However, it is a matter of fact that the existing land could in theory (but perhaps not in practice) be worked for the purposes of agriculture at any time of the day with no specific limit on the number of workers in any given area. To this end, whilst in practice it would be unlikely that activities would regularly take place during the night and in early mornings all year long if the polytunnels were not present, this level of activity could take place on any uncovered part of the farm without the need for any formal planning permission. Accordingly, it is the view of the Council that this planning application, and the requirement for planning permission, solely relates to the physical structures and the impact that the structures will have on the environment.

Timing of Planning Application

- 16 As stated previously, the issue of polytunnels at Rosemount has been an ongoing issue for a number of years with the Council previously taking the view that the polytunnels on the farm did not require planning consent as they did not constitute 'development'. The coverage at Rosemount Farm has however increased incrementally over the last 10 years, until the scale of the coverage over the summer last year was such that the Council revised its previously consistent position, and took the view that the coverage was now 'development' and that a formal planning application was required. During the summer of 2013, the field coverage at Rosemount which was subject to polytunnels rose to approx. 80ha. At this point, the applicant engaged with the Council with a view of submitting a formal planning application to regulate a) the existing polytunnels and b) secure consent for future polytunnels. A subsequent planning application was lodged later in 2013, and it is that application which is now under consideration.

Siting of Residential Caravans

- 17 Within the representations, it has been raised that new residential accommodation (caravans) has been formed at Rosemount, to house the workers of the farm without the benefit of planning permission. Rosemount has an established compound which has historically been their site for the residential caravans for seasonal accommodation. Whilst the numbers of caravans within this compound has increased over the years, after inspecting the compound in June, it was not the view of the Council that the size of the compound had materially changed. To this end, there is no current enforcement involvement relating to residential caravans at Rosemount however this issue is being monitored by the Council.

Environmental Assessment

- 18 The proposal is a Schedule 2 development, under the EIA (Scotland) Regulations 2011. To this end, a screening exercise has been undertaken by the Council which concluded that due to the projects size, nature and location the application did not need to be accompanied by an EIA.

Pre-application Consultation

- 19 The proposed development is classed as a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The contents of the PAN were subsequently agreed by the Council under 13/00007/PAN. The pre-application consultation report submitted confirms the extent of consultation activity undertaken and in this case it has met the minimum standards and complies with the content of the measures agreed through the Proposal of Application Notice.

Recent Sale

- 20 It has been documented in the local press that Rosemount Farm has been disposed of by the Co-operative Group. The Co-operative Group have confirmed that as applicants for this planning application they wish the application determined as it has been submitted.

NATIONAL POLICY AND GUIDANCE

- 21 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this planning application is,

Scottish Planning Policy 2014

- 22 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.

- 23 Of relevance to this application are:

- Paragraphs 74 – 83: Promoting Rural Development
- Paragraphs 92 –108: Supporting Business & Employment

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan

- 25 Whilst there are no specific strategies or policies 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

- 26 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.
- 27 Within the Local Development Plan, the application site lies immediately outwith the settlement boundary of Blairgowrie, within the landward area where the following policies are directly applicable.

Policy ED3 - Rural Business and Diversification

- 28 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 PM1A - Placemaking

- 29 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 adaption.

Policy PM3 - Infrastructure Contributions

- 30 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are

reasonably related to the scale and nature of the proposed development are secured.

Policy PM4 - Settlement Boundaries

- 31 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 32 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy RD1 - Residential Areas

- 33 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space will be retained and changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

OTHER COUNCIL POLICIES

Developer Contributions, Transport Infrastructure 2014

- 34 The following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross.
- 35 This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions* and Developer Contributions Supplementary Guidance.

SITE HISTORY

- 36 There has been no previous formal planning history on the site relating to this proposal. However, as stated previously the proposal has been subject of dialogue between the Council, local residents and the applicant for a number of years.

CONSULTATIONS

- 37 **SNH** were consulted on the planning application however they have chosen to make no specific comment.

- 38 **RSPB** were consulted on the planning application, however they have chosen to make no specific comment.
- 39 **SEPA** have commented on the planning application and raised no objection.
- 40 **Historic Scotland** have commented on the planning application and raised no objection.
- 41 **HSE** have been consulted on the planning application and have raised no objection.

REPRESENTATIONS

- 42 Five written letters of representations have been received objecting to the proposal. The main issues raised within the representations focus on the visual impact that the polytunnels have, and how the Council intends to control the spread of more polytunnels not only at Rosemount Farm, but across the Strathmore area in general. In addition to this, concerns have also been raised regarding the impact that the erection of the polytunnels will have on existing residential amenity. These issues are addressed in the main section of the report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Carried out by PKC
Environmental Impact Assessment	Not required
Appropriate Assessment	Carried out by PKC
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Supplementary information has been submitted in support of the application including landscape assessment.

APPRAISAL

- 43 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. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 44 In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to developer

contributions and the economic benefits which are associated with the proposal.

POLICY

- 45 In terms of the Development Plan, the key land use policies are contained within the Local Development Plan 2014. Within that Plan, the sites boundaries lie immediately adjacent to the settlement boundary of Blairgowrie, where *Policies PM4, PM1A and ED3* are directly applicable.
- 46 *Policy PM4* states that no new development will be permitted adjacent to settlement boundaries, whilst *PM1A* is applicable to all new proposals across Perth and Kinross, and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 47 *Policy ED3* is more specific to the nature of the development insofar as this policy offers favourable consideration to the expansion of existing businesses and the creation of new business. *Policy ED3* also states that there is a preference that expansion of existing business (and the creation of new ones) will 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.
- 48 In addition to the aforementioned policies, the site lies adjacent to a residential part of Blairgowrie. Within residential areas within settlements, *Policy RD1* seeks to ensure that the existing character and amenity of the area is not adversely affected by new proposals, Whilst this application is not within the settlement of Blairgowrie, as the development has the potential to affect an existing residential area I consider it logical and reasonable to assess the proposal against the principles of *Policy RD1*.
- 49 For reasons stated below, I consider the proposal to be contrary to the requirements of *PM4*, but consider its compliance with *ED3 (as well as RD1 and PM1A)* to be significant material policy justification which ultimately justifies the approval of the application.

Land Use

- 50 For clarification, when assessing whether or not the proposed land use is acceptable, it is important to acknowledge that a change of use of the land covered by the existing / proposed polytunnels is not being applied for under this planning application. What is under consideration is the physical erection of the polytunnels.
- 51 Whilst it is a matter of fact that the resultant polytunnels will result in an intensification of the land in terms of increased productivity and an increase in working activity on the land outwith the times which would ordinarily occur without the polytunnels, there is, in planning terms, not a change of land use occurring. The land is presently in an agriculture use and it will remain so after

the erection of any polytunnels. Whilst it's unlikely to occur, there is nothing to stop farm workers working both during the night and in the early hours of the morning in the uncovered fields if the farm wished them to do so.

- 52 To this end, in terms of land use issues the key issue for this planning application is whether or not the physical erection of the polytunnels is acceptable or not, not necessary the additional issues which occur as a direct result of their erections.
- 53 Within the adopted Local Development Plan, the application site boundary lies immediately adjacent to the settlement boundary of Blairgowrie. As stated previously *Policy PM4* of the Local Development Plan seeks to ensure that there is no new development adjacent to existing boundaries. Whilst there is a gap of one field from the area where polytunnels are proposed to be erected and the existing settlement boundary, in my view I would consider there to be a reasonable argument that the location of the proposed polytunnels are outwith the settlement of Blairgowrie and their siting is therefore contrary to the general aims of *Policy PM4*.
- 54 However, the proposal is essentially for the benefit of an existing business that wishes to improve their productivity and competitiveness in the soft fruit business. To this end, in land use terms I consider *Policy ED3* to also be relevant to this proposal. This policy offers favourable consideration to the expansion of existing business and states that there will be a preference that this expansion will be within or adjacent to existing settlements. Whilst the proposal is contrary to *Policy PM1A*, its location adjacent to the settlement means that in terms of land use implications associated with *Policy ED3* it is in accordance with this policy.
- 55 One other area which must also be considered is that the site is adjacent to Blairgowrie, where *Policy RD1* is directly applicable. Whilst the application site is outwith the area where *Policy RD1* would normally be applied, as the proposal could potential affect existing residential properties within an area subject to *Policy RD1*, I consider in appropriate to apply the principle of *Policy RD1* against this proposal.
- 56 *Policy RD1* seeks to ensure that existing residential areas within settlements are not adversely affected by new developments. In essence, *Policy RD1* seeks to ensure that new developments do not adversely affect the character or amenity of the area concerned.
- 57 In terms of the impact on the character of the area, the land immediately adjacent to the residential area (which is the application site) is agricultural land, which is typically defined by large fields intersected by hedges and trees and the presence of existing polytunnels – some unauthorised and some immune from planning enforcement due to their age. I therefore consider the character of the area to be semi-rural and the erection of polytunnels in the vicinity would not necessary be out of character with the area.

58 In terms of the impact on residential and visual amenity, as this application is only for the physical structures and not a change of use of the land, the principal impact on both residential and visual amenity is the visual appearance of the polytunnels. For reason stated elsewhere I consider the visual impact of the polytunnels to be acceptable.

Impact on residential amenity

59 In terms of the impact on the existing residential amenity of the area, I note that concerns have been raised within the representations regarding noise arising from the polytunnels and the associated 'movement' noise associated with workers travelling to and from the polytunnels. As stated previously, it is the view of the Council that there is not a change of use of land covered by the polytunnel when a polytunnel is erected over it. Notwithstanding this, the Council does acknowledge that due to the presence of the polytunnel, the land which it covers is often worked during the night and early morning due to the operational issues associated with the build up of heat during the day within the polytunnels.

60 This is a particular difficult issue for the Council (and those affected by direct activity in the polytunnels, and movements to and from the polytunnels), however as there is not a change of use occurring there is no remit for the Council through planning legislation to control the use contained within the polytunnels in terms of operating hours in particular or noise nuisance associated with plant and or equipment.

61 To this end, and bearing in mind that this planning application is for the erection of the structures only, the only impact on the residential amenity of existing residential properties is one which will be associated only with visual amenity. This issue is addressed below.

Impact on Visual Amenity / Landscape

62 In terms of the impact on the existing visual of the area, there is no doubt that the existing polytunnels have a visual impact on the area and this impact is considered by many people to be negative one on the rural landscape. In recent years there has been a significant increase in the use of polytunnels across Perthshire, most notably in eastern Perthshire and the historic fruit growing areas of the Carse of Gowrie. Whilst the structures themselves may not have the imposing presence of wind energy proposals, the extent of coverage which has taken place, largely without planning involvement, has changed the appearance of the landscape in the areas where the polytunnels have been erected.

63 The proposed coverage at Rosemount will be approx. 95ha with the majority of the fields in any given rotation grouped together which will heighten the visual impact of the structures when looking towards Rosemount from higher ground. In addition, the polytunnels at Rosemount will be seen in combination with other polytunnels on other neighbouring farms, which adds a cumulative visual impact issue.

- 64 Within the applicant's submission, they have produced a landscape assessment with a series of visuals which identifies the fields which the applicant considers the most suitable for the erection of polytunnels based on their visual prominence. Whilst the visuals do not offer the users recommended viewing distances, and are in an undesirable 'letter box' format, they nevertheless do offer a reasonable representation of the visual impact of the existing tunnels in combination with other existing ones.
- 65 Taking on board the visuals, but more importantly viewing the site from surrounding roads and vantage points there is no doubt in my mind that the existing polytunnels at Rosemount (both individually and in combination with other polytunnels) have significantly changed the character of the local landscape. From certain points along the A94 road between Coupar Angus - Meigle Road, polytunnels are clearly visible across the valley to the north (Rosemount Farm and others) with others visible to the south on the foothills of the Sidlaws. Likewise, when looking north from the higher ground on the foothills of the Sidlaws the extent of polytunnels coverage in the Strathmore valley region can be clearly seen. However, the fact that polytunnels are visible, and change the landscape appearance is not necessary a reason for refusal. What must be considered is whether or not the erection of the polytunnels at Rosemount (and the continued siting of existing polytunnels) adversely affects the landscape character of the area – both in isolation and in combination with other existing polytunnels.
- 66 There is no guidance available to the Council as to what is an appropriate coverage for polytunnels in any one area (such as one farm), or within a larger region (such as the Strathmore valley). It is therefore extremely difficult to quantify what coverage is too much or when a saturation point is reached. One option would be to apply the principles of normal planning practices, and if this was applied to this development a 25% 'build coverage' across the site would be consistent with typical build ratios for other new developments such as housing developments. However, I do not consider this appropriate as development sites comprising 350+ ha of land are not common in Perth and Kinross, let alone in Scotland. To this end, the assessment of whether or not the coverage is too much is ultimately whether or not the polytunnels have (or would) harm the landscape due to their visual appearance – both in isolation and in combination with others. From considering the viewpoints, and also viewing the Rosemount from a far, it is my view that 25% as suggested by the applicant is an appropriate coverage. More coverage would create a blanket effect across the area which would significantly start to detract from the amenity value of the area. However, whilst the polytunnels at Rosemount can be controlled by the terms of this application, other farms which have (or are proposing) polytunnels but perhaps less than 40ha may not require planning permission if the Council takes 40ha (as per the English Court ruling) as being the trigger point for when a formal planning application is necessary.
- 67 The control of polytunnels is now an emerging issue in this part of county, but they are nevertheless a consequence of modern farming and the needs of the farms to supply better, more, quicker and cheaper produce to compete with comparable produce being produced in England and also the continent. This

business argument needs to be weighted up against their impact visual amenity of the area which they affect. The application as submitted does this successfully, and to this end I consider the proposed 25% to be acceptable on visual amenity grounds.

Traffic Safety/Access

- 68 In terms of road related matters, the proposal raises no concerns.

Bio-Diversity

- 69 There are no known protected species in the area which are affected by the proposal.

Surface Water Drainage

- 70 In terms of the drainage issues, the main consideration is surface water run-off from the polytunnels. The erection of polytunnels will lead to localised intensification of rain water runoff in the area where the polytunnels are erected and to address this, the Polytunnels will be orientated across the slope where possible, run-off will be retained beside the polytunnels by the use of bunds, preventing runoff to surrounding land and allowing infiltration, excess surface water in areas of lower permeability will be transferred to informal soakaways via swales or pipes and buffer strips will be maintained beside watercourses.
- 71 Whilst in most areas the above measures and the combination of the natural drainage of the soil will be sufficient to allow for the water to dispense, in areas where there ground conditions are poorer in terms of permeability, more formal drainage measures will be introduced. I therefore have no issues concerning drainage issues.

Impact on Special Area of Conservation

- 72 The river Ericht is part of the River Tay special area of conservation (SAC). However, due to the nature of the proposal, the proposal will have no direct impact on the integrity of the SAC.

Impact on Pipeline

- 73 A gas pipeline runs across the site, however the erection of the polytunnels over and adjacent to the pipeline will not compromise integrity of the pipeline providing that certain implementation criteria are adhered to.

Flooding Matters

- 74 In terms of flooding matters, whilst the site is located within the 1:200 flood risk area, the majority of the proposed fields which have been identified as being suitable for the erection of polytunnels are located outwith this area. To this end, and bearing in mind that both SEPA and the Council's Flooding Team

have no objection to the proposal, I do not consider the proposal raises any flooding issues.

Archaeology

Scheduled

- 75 Within the vicinity of the site, there is a scheduled monument located at Ardmuir. Historic Scotland have commented on the application and confirmed that the erection of the polytunnels will not have an adverse impact on setting of the scheduled monument.

Unscheduled

- 76 Although no proposed polytunnels will impact directly on known archaeology, due to archaeological sensitivity of the local area there is the potential for archaeology remains to be present on the land on which polytunnels are proposed to be erected on. Whilst the depth of the attachment of the polytunnels into the ground are not substantial, it is nevertheless ground breaking works which could in theory have an impact on archaeological remains which are located close to the surface. To this end, I consider it appropriate to condition the requirement for further analysis of the proposed fields to be used for polytunnels prior to the erection of polytunnels on new fields.

Developer Contributions

Transport Infrastructure

- 77 The Supplementary Guidance states that all new planning applications submitted from the date of adoption by the Council will be considered against the Supplementary Guidance. As this application pre-dated the adoption of the Developer Contributions, Transport Infrastructure 2014 there is no requirement to apply the requirements of the policy to this application.

Future Enforcement of Polytunnels

- 78 The Council is currently investigating other polytunnels developments in the Strathmore area and the Carse of Gowrie to establish whether or not planning permission is required for what is currently in situ. The Council is also considering producing further guidance on what requires planning permission and formal guidance on the appropriate siting / coverage ratios which could be used by the Council in assessing formal planning applications when they are forthcoming.
- 79 In terms of the future enforcement of further unauthorised polytunnels at Rosemount Farm, it is the view of the Council that if new polytunnels are erected at Rosemount which are not within the areas which have been identified for polytunnels then the Council will move to formal enforcement action ASAP.

Temporary Consent

- 80 The applicant has not applied for a temporary permission, and indeed considering that some of the polytunnels are required on a more permanent basis than others a short term, temporary consent would not be practical for this proposal. However, I am extremely conscious of the issues arising in relation to new polytunnels in the area and the fact that new polytunnels on other neighbouring farms are being erected in advanced of formal planning permission being sought or obtained. The Council is investigating other 'significant' polytunnels developments, however there are some polytunnel developments on smaller farms which would not be classed as development due to the smaller scale of their coverage – but these would still contribute to the cumulative visual, landscape impact in the area.
- 81 Bearing this is mind; I consider it appropriate for the Council to review its position on the acceptability of the polytunnels at Rosemount within a reasonable timescale (10 years) which will allows the applicant some assurances to commit to the required financial implications of the erection of the polytunnels.

ECONOMIC IMPACT

- 82 A report prepared by the Scottish Government in 2013 (Economic Report on Scottish Agriculture) states that since 2002 the output value of soft fruit across Scotland has increased by £25 million (69 per cent) to £62 million by 2012. Over the same period, the value of strawberries has increased by £23 million (94 per cent) with a coverage across Scotland of approx. 900 ha. The same report also states that approx. 73% of all of Scotland's soft fruit is generated in the Tayside region of Angus and Perthshire. Whilst no specific figures are available for Perthshire's contribution, it is clear from these Government figures that Perthshire's contribution to Scotland's soft fruit industry is one which is economically significant.
- 83 In terms of Rosemount Farm's contribution, whilst no specific economic figures have been submitted, the fact that the proposed coverage at Rosemount is approx. 10% of the total coverage in Scotland demonstrates the value of the operations to the local and national economy, as well as providing a significant contribution to Scotland' strawberry output.
- 84 The applicant also has indicated that the existing and future strawberry growing operations at Rosemount Farm supports at least nine permanent all year staff and up to 250 seasonal workers from April to November.
- 85 In addition to this, it is also worth noting that erection of the polytunnels is a significant inward investment with the cost erecting polytunnels approx. £25k per ha. To this end, and taking into account the employment associated with the operation, I consider this proposal to have a significant economic impact on not only the local economy but also on the national economy.

LEGAL AGREEMENTS

86 None required.

DIRECTION BY SCOTTISH MINISTERS

87 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

88 Whilst this application does raises some policy issues in terms of its location next to the settlement boundary of Blairgowrie, the proposal in land use terms is generally in line with the aims of the Local Development Plan, particularly in relation to promoting rural, economic development. In addition to this, the scale and investment of the development is one which contributes significantly to the local economy and the national production of soft fruit. I do fully appreciate the concerns and frustrations of some of the residents on the perceived lack of action of the Council in relation to dealing with the issue, matters have moved further and regulation of the Rosemount Farm polytunnels through this consent is considered progress in controlling the spread of the polytunnels.

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 Planning consent is hereby granted for a period of 10 years only from the date of the decision notice. At the end of that period, all polytunnels (with the exception of those shown on drawing number 13/02120/2) shall be removed, and the ground reinstated to its former condition, all to the satisfaction of the Council as Planning Authority.
- 3 Prior to the 31 December each year, a detailed map identifying the coverage of polytunnels for the preceding year must be submitted for the approval in writing by the Council as Planning Authority. The plan must indicate all the polytunnels which are to be erected and clearly indicate the type of tunnel in each location. The approved plan must be implemented in full, to the satisfaction of the Council as Planning Authority and shall not be amended in that calendar year, unless agreed in writing by the Council as Planning Authority.
- 4 All internal vehicle tracks must not be surfaced with a impermeable surface and must clearly marked on the plan submitted in relation to condition 2 of this decision notice.

- 5 In the event that a polytunnel is not in use for a continuous period of 12 months, it shall be removed and the ground reinstated to its former condition, all to the satisfaction of the Council as Planning Authority.
- 6 For the avoidance of doubt, no polytunnel at any time shall be erected in the WHITE areas as shown on drawing number 13/02120/2. Any breach of the terms of this condition will result in immediate enforcement action being taken by the Council as the Planning Authority without further warning.
- 7 At all times, all polytunnels must be suitably maintained (in terms of their visual appearance), to the satisfaction of the Council as Planning Authority.
- 8 No development shall take place on land which is intended to accommodate the erection of new polytunnels until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reasons

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006
- 2 To allow the Council to re-assess the proposal within a reasonable timescale.
- 3 In the interest of proper site management and to protecting existing visual amenity.
- 4 In the interest of proper site management
- 5 In the interest of protecting existing visual amenity.
- 6 In order to clarify the extent of the planning consent.
- 7 In order to protect the existing visual amenity of the area.
- 8 In order to comply with the aims of the Scottish Planning Policy 2014.

B JUSTIFICATION

- 89 The proposal is considered to be contrary to the Development Plan, however there are other material considerations which justify a departure there from.

C PROCEDURAL NOTES

90 None

D INFORMATIVES

1 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be

- Displayed in a prominent place at or in the vicinity of the site of the development
- Readily visible to the public
- Printed on durable material.

Nick Brian
Development Quality Manager

Background Papers: Six letters of representation

Contact Officer: Andy Baxter – Ext 5339

Date: 25 July 2014

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



