STIRLING COUNCIL

THIS REPORT RELATES TO ITEM ON THE AGENDA

PLANNING PANEL

ENVIRONMENT SERVICES

19 DECEMBER 2007

NOT EXEMPT

PROPOSED ERECTION OF DWELLING HOUSE, POLYTUNNELS AND FORMATION OF CONTRACTORS YARD AT LAND SOME 425M SOUTH EAST OF THE CHELMS, BALFRON - MR KEITH HARVEY - 06/00670/OUT

1 SUMMARY

1.1 To determine Planning Application 06/00670/OUT.

1.2 Members are reminded that this Planning Application was to be considered at Planning Panel dated 11 September 2007 with a recommendation to Refuse. The Application was withdrawn from the agenda following submission of the information previously requested.

1.3 Planning permission is being sought in principle to erect a dwelling house, polytunnels and form a contractors yard. The Planning Issues arising from this Application are that the Applicant has failed to demonstrate that the proposed enterprise is dependent upon the proposed countryside location, and there is a need to be living on the site. Furthermore, the Applicant has failed to demonstrate that this proposal will not have an adverse impact upon the landscape as the site chosen sits within ancient woodland and is visually prominent.

1.4 Councillor Colin O’Brien referred this Application to Planning Panel on the 11 September as further information appeared to be at hand, and some of the Reasons for Refusal were contentious, in particular in terms of reasonable locations for rural businesses. The Application is now being brought back to Planning Panel as the further information submitted has been considered.
2 RECOMMENDATION(S)

2.1 To Refuse this Planning Application subject to the following reasons:

a) In the opinion of the Planning Authority the Proposed Development is contrary to Policy ENV3 (1) and (3) and ED4 1 a) b) of the Clackmannanshire and Stirling Structure Plan Approved March 2002, and policy E7 of the Adopted Stirling Council Local Plan (as altered) August 2007 as the Applicant has failed to demonstrate that the proposed enterprise or activity is dependant upon a countryside location, and is essential to the proper functioning of the primary rural activities and cannot be located within a rural centre. Furthermore the Applicant has failed to demonstrate that this form of development is suitable for this Site, and will not adversely impact upon features (trees) contributing to local character.

b) In the opinion of the Planning Authority, the Proposed Development is contrary to Policy ENV1 (2) of the Clackmannanshire and Stirling Structure Plan Approved March 2002, and policy E54 (b) of the Adopted Stirling Council Local Plan (as altered) August 2007, as the Applicant has failed to demonstrate that this development will not adversely impact upon a site of local importance for nature conservation, which is identified as an Ancient Woodland. Also that the reasons for development clearly outweigh the desirability to retain features on the site such as trees which offer natural wildlife habitat.

c) In the opinion of the Planning Authority, the Proposed Development is contrary to Policy H6 of the Clackmannanshire and Stirling Structure Plan Approved March 2002, and Policy H10 of the Adopted Stirling Council Local Plan (as altered) August 2007. As the Applicant has failed to demonstrate that there is a genuine housing need on the site, and that the development is necessary in connection either with the use of the land in the vicinity for agriculture, horticulture or forestry, or for the management of an established rural business.

d) In the opinion of the Planning Authority, the Proposed Development is contrary to Planning Advice Note 72 Development in the Countryside as the Applicant has failed to demonstrate that the development of a business and a house on this site will fit into the landscape and will not adversely impact upon the landscape character of the area as a whole.

e) In the opinion of the Planning Authority, the Proposed Development is contrary to Environment Services, Transport Development Policy as the erection of a dwelling where there are no footways, or lighting provision compromises road safety.
3 CONSIDERATIONS

The Site

3.1 The Site lies within the countryside abutting the C21 to the south of the Meikle Camohill Farm Road forming a triangular shaped site. The site comprises the Southeast corner of a field, which is heavily wooded and the trees are classified as Ancient Woodland. There is an existing access off the farm road into the site.

The Proposal

3.2 The proposal is in Outline and is for the erection of a dwelling, and the formation of contractors yard and erection of polytunnels. The Applicants business, Careth Landscaping, has been operating for 8 to 9 years in the local area. Currently the business operates through the use of several locations, including a storage yard at Dalfoil Farm and greenhouses spread throughout Balfron area. The Application will consolidate the business within a single site rather than scattered across the Balfron area. The site will be used to expand the business including the growing of Orchids, plants for hanging baskets, and a variety of mushrooms. In order to ensure the expansion of this existing business is successful the Applicant states that the site requires 24-hour supervision for the security of the Orchids, and the safety of the business as a whole.

Assessment

3.3 As the Application proposes the erection of a new dwelling in the Countryside and the creation of the landscaping business on a sensitive site, it requires to be tested against the following relevant Development Plan Policies. These are Policies ENV3 (1) (3), ED4 1 (a) (b), ENV1 (2) and H6 of the Approved Clackmannanshire and Stirling Structure Plan and Policies E7, E54 (b) and H10 of the Adopted Stirling Council Local Plan (as altered) Aug 2007.

3.4 In summary these Policies state that this form of development will only be allowed where it can be demonstrated that an occupant of the house has a genuine need to live in the countryside to manage land in the vicinity for agriculture, horticulture or forestry or an established rural business. The Policies seek to concentrate businesses within rural centres and only allow them in the countryside where they are essential and where there are not detrimental to areas of sensitive natural habitat. In this instance, the Applicant has stated that the purpose of the proposed development is as per paragraph 3.2 of this report.

3.5 The applicant submitted information to demonstrate the following:

(a) To demonstrate the need for a house at this location.

(b) To demonstrate the need for the business at this location.

(c) To demonstrate the impact the development would have upon the ancient woodland.
3.6 An external rural consultant and the Council’s Tree Officer Tony Oteniya assessed this information. The following paragraphs discuss the findings.

3.7 The applicant is seeking to establish the business on this particular site as the land has been made available to him and in order to consolidate the business as it is currently spread around the area. The rural consultant has confirmed that the business is currently being run successfully and has indeed expanded over the past few years without any aid from consolidation. Furthermore mushroom production is a high-risk enterprise and the lead in time to generate a reasonable income could be significant. It is accepted that the applicant has identified markets for a third of the mushroom crop, however the rest of the crop could be difficult to sell. The growing of the Orchids could be carried out at locations close to his existing home in Balfron three miles from the site. It is accepted that this type of business requires a rural location, however in this case the applicant has failed to demonstrate that it requires to be consolidated on this site. There is no justification for a contractor’s yard to be located in the countryside.

3.8 The Applicant is seeking a house on the site as part of the Application as security for the Orchids and safety of the business. The rural consultant has confirmed that the business proposal does not appear to require a full time employee and therefore the justification for a house is questionable.

3.9 Finally with regard to the tree survey submitted the following conclusions have been reached. The majority of the trees on this site are mature Sessile Oak, which are in good condition and have a long life span (excess of 20 years plus). Should the proposal be granted permission it will result in heavy tree loss, extensive direct and indirect damage to the Ancient Woodland. Furthermore any increase exposure due to the removal of trees to the Southwest could result in wind damage or wind throw. Therefore the proposal will have an adverse impact upon the Ancient Woodland.

3.10 To conclude, the Applicant has failed to demonstrate that the business is required to be located at this particular site and requires consolidation, and therefore that there is a requirement for a house at the site. The proposal will have an adverse impact upon the ancient woodland and will be visually prominent as stated at (d) in the reasons for refusal. This will especially be the case with the proposed Poly-tunnels and possibly the contractor’s yard.

Previous History

3.11 None.

Objections

3.12 One letter of representation was received detailing the following:-

a) As someone who has planted some 7 acres of trees, I would be very unhappy to see deciduous trees being felled in this area.

Response: The Application is being recommended for refusal as the Applicant has failed to demonstrate that the proposal will not adversely impact upon the trees.
Conclusion

3.13 The proposal does not accord with the Development Plan Policies for the reasons set out in the assessment. The Application should be Refused for the reasons set out at section 2 to this report.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

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<th>Policy Implications</th>
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<tbody>
<tr>
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<tr>
<td>Sustainability (community, economic, environmental)</td>
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<td>Corporate/Service Plan</td>
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<td>Existing Policy or Strategy</td>
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<td>Risk</td>
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<th>Resource Implications</th>
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<td>People</td>
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<td>Land and Property or IT Systems</td>
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Consultations

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<td>Internal or External Consultations</td>
<td>Yes</td>
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Policy Implications

4.1 It is considered that the proposal does not accord with the Development Plan

Resource Implications

4.2 None

Consultations

4.3 Environment Services Transport Development The business element comprises the erection of polytunnels and formation of a contractor yard. If the Developer wishes to omit the dwelling house from the proposal, then the development could be accepted provided that the permission is restricted to personal use only and following conditions imposed.

(a) Vehicular access to site via the Meikle Camohill Farm Road positioned a minimum of 20m north of its junction with the C21.

Existing chevron sign at the west of C21/Meikle Camohill Farm Road should be re-positioned 4.5m to the rear of the public road so as not to interfere with the junction visibility.

There shall be no obstruction to visibility above road level within 2.5m of the edge of carriageway across the entire frontage of the site with the C21.
In order to determine parking levels within the site, the Applicant shall submit details of employee levels, and the number of contractors' vehicles using the yard.

In addition to the parking area, a suitable vehicular turning area shall be provided within the curtilage of the site.

There shall be no signage located on the public road visible from the A81 other than prescribed road signs, the need for which will be considered subject to any written request.

There shall be no public sales.

The junction on the C21/Meikle Camohill Farm Road should be improved with the radii on the West Side of the access increased to 9m radii.

4.4 Balfron Community Council: Balfron Community Council supports new business enterprise and indeed diversification of farmland.

4.5 Service Manager (Environmental Health): Insufficient information to respond as outline, and standard contaminated land conditions requested.

4.6 Rural Consultant (Lawrence Gould): The proposed enterprise does not appear to require a full time employee and therefore the justification for a dwelling on the site. Mushroom production is a high-risk enterprise and the lead in time to generate a reasonable income could be significant.

5 BACKGROUND PAPERS

5.1 Planning Application file 06/00670/OUT.

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Date 6 December 2007 Reference 06/00670/OUT