

Stirling Council

Agenda Item No.5

Planning & Regulation Panel

Date of Meeting: 1 October 2019

Not Exempt

Erection Of Farmhouse And 2 No. Eco Pods At Land 185M West Of Cairnston Steadings, Dunblane - Ms Bitney MacNab - 19/00482/FUL - Hearing

Purpose & Summary

Planning permission is sought for the erection of a farmhouse and 2 eco pods.

This item has been referred to panel at the request of Councillor Douglas Dodds to allow Members to review this application against Policy 2.10 and the revised Supplementary Guidance (SG): Housing in the Countryside.

Councillor Dodds and Tollemache have requested a Hearing.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Recommendations

Panel is asked to:

1. refuse the application for the following reasons:
 - 1.1. the proposed development is contrary to Policy 2.10 of the Stirling Local Development Plan 2018 as the principle of the house is not supported by any of the 6 criteria listed in under this policy.
 - 1.2. the proposed development is contrary to Policy 15.1 of the Stirling Local Development Plan 2018 as the siting and design of the tourist accommodation (eco pods) will result in development that is visually prominent and not in keeping with existing and proposed development.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

- 1.1. Not applicable.

2. Considerations

The Site

- 2.1. The site lies within the Countryside but outwith the identified Greenbelt, to the east of Ashfield. The site is currently agricultural grazing use and is an undulating site. The site is bounded to the west along the B8033 by a low stone wall and post and wire fence.

The Proposal

- 2.2. The proposal seeks to establish a new dwelling house in connection with the use of the land and the erection of 2 eco pods for tourist development. The application proposes a new access for the site.

Previous History

- 2.3. 18/00543/NAG – Erection of shed for livestock and storage.

Consultations

Dunblane Community Council

- 2.4. Dunblane Community Council do not object to the application as they do not have all the information necessary to make a policy judgement. The applicant's agent and a number of objectors attended a Community Council meeting on the application and the Community Council make the following points:
 - 2.4.1. The proposals appear to pass a number of tests relating to policy.
 - 2.4.2. The agent has confirmed that income from the tourism element would be more than 50% of total income and does not appear to show that the land will be capable of meeting the requirement to be the main source of income.
 - 2.4.3. The design and site layout are out of keeping with the area and visually prominent.
 - 2.4.4. There is concern about the cumulative nature of development in the area.
 - 2.4.5. Significant change to the character of the area as a result of the development.
 - 2.4.6. Concern over increased traffic and impact on road safety.
 - 2.4.7. Question the viability of the development due to the location and lack of facilities.
 - 2.4.8. The applicant has made no attempt to consult with or inform the community.
- 2.5. The Community Council request that if the application is approved that the height of the overall developments are decreased by 1 metre, the eco pods are replaced by something less visually intrusive and that the Council enter into a legally binding agreement to prevent further development in the future.

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- 2.6. The Community Council also raise a general concern over the pressure of cumulative development in the area.

P & P (Archaeology):

- 2.7. As there is no impact to the battlefield core no objection is offered or mitigation recommended.

Historic Environment Scotland:

- 2.8. No objection but suggest further work to assess impact.

Roads Development Control:

- 2.9. Transport Development Team have no objection to the proposal, subject to the following conditions being applied to any consent granted:
- 2.10. Vehicular Access: The proposed access shall be constructed at right angles to the B8033 public road, and formed as a bellmouth comprising 6m entrance radii, leading to a minimum 5.5m throat width. The throat width shall be maintained for a minimum distance of 6m before tapering down to the width shown on the submitted drawing. All works shall be carried out to the required specification of Stirling Council.
- 2.11. Driveway Construction: The private access shall not exceed a gradient of 1:10 and shall be suitably surfaced and drained to ensure no surface water is discharged or loose material carried from it out onto the public road. Should the access fall towards the public road, a surface water interceptor drain shall be provided across the access with a positive drainage connection discharging into the plots surface water drainage system.
- 2.12. Visibility Sightlines: Visibility shall be provided and maintained by forming visibility splays of 2.4m x 160m, which are measured in either direction from the centre of the proposed access, within which there should be no obstruction to visibility more than 1.05m above carriageway level.
- 2.13. Waste Pick-up: Collection vehicles will not enter private driveways to collect domestic waste. Provision shall be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith the required visibility splay sightlines.
- 2.14. Access Gates: Any access gates shall be set back a minimum 6m from the carriageway edge, and open inwards only.
- 2.15. Consent: The applicant will require to apply to this Service for Road Opening Permit for the formation of the new access and any associated works.
- 2.16. Whilst not being requested as a planning condition, it is recommended that the applicant consider the provision of a passing place at a point along the private driveway, in order to provide sufficient space for two vehicles to safely pass.

Representations

- 2.17. 30 objections to this application have been received and can be summarised as follows:
- 2.17.1. Principle of housing: The housing is not consistent with Local Development Plan (LDP) Policies and does not comply with the Spatial Strategy. It is not necessary for the applicant to live on site as previous tenant did not and the submitted information is not sufficient to meet the demonstrative need criteria in guidance. There are settlements nearby where housing need can be met. The size of the field and business does not warrant a need for housing on site. The proposed house and eco pods will detract from current open views. The house should be used only for the use of the land and not be allowed to be used for residential accommodation or tourist accommodation.
 - 2.17.2. **Response:** Please see the Assessment section below.
 - 2.17.3. House design: It is not an appropriate size. The design of the house is out of character for the area. The house is isolated and does not align with criteria in 2.10. Velux windows and dormers are against policy.
 - 2.17.4. **Response:** Please see the assessment section below.
 - 2.17.5. Principle of Eco Pods: They are not appropriate for the area. The site is not a Rural Activity Area and not appropriate for the visitor experience. They are not appropriate on agricultural land. They are not located in a sustainable area and rely on private car access the area has a restricted bus route. The site is not currently used for tourism purposes and does not comply with Primary Policy 15, Policy 15.1 or SG: Chalets and Huts.
 - 2.17.6. **Response:** Please see the assessment section below.
 - 2.17.7. Eco Pod Design: The design of the pods are out of character for the area and will be visually prominent. The pods are of an inappropriate design and are incongruous and intrusive to the area. There is an excessive number of car parking spaces on the site.
 - 2.17.8. **Response:** Please see the Assessment section below.
 - 2.17.9. Existing farm infrastructure: The erection of the shed was not necessary and should not constitute existing farm infrastructure. No neighbour notification was made as part of the consent for this (18/00543/NAG).
 - 2.17.10. **Response:** This is not relevant to the consideration of this application. A NAG application is not a planning application and is a Prior Notification of Agricultural works, no neighbour notification is required for these types of consents.
 - 2.17.11. Landscaping on site: This will take time to establish and will not help to incorporate the development into the landscape.
 - 2.17.12. **Response:** Please see the Assessment section below.
 - 2.17.13. Rural Economy: The proposed development does not support diversification of the rural economy. The business will not support or create local jobs. The proposals do not comply with Policy 2.8 or 2.9.
 - 2.17.14. **Response:** Please see the Assessment section below.

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- 2.17.15. Neighbour notification: Ashfield and Kinbuck residents not neighbour notified of development. The applicant separately informed Cairnston Steading owners of development and the application does not match what was previously proposed.
- 2.17.16. **Response:** The Council is required to directly notify all properties within 20 metres of an application site. The settlements of Ashfield and Kinbuck are more than 20 metres away from the site and no neighbour notification is required. There is no requirement on the applicant to notify individual property owners and has done so of their own intention. The Council is not responsible for the content of any such correspondence and it is a matter for the applicant.
- 2.17.17. Impact on Ashfield Conservation Area: The development will affect the setting of the Conservation Area which is characterised by being surrounded by open fields.
- 2.17.18. **Response:** It is not considered that the proposal is of a scale or massing that will have a negative impact on the setting of the Conservation Area due to its distance from the Conservation Area boundaries.
- 2.17.19. Impact on Green Belt: The house is not in accordance with the pattern of development in the Green Belt.
- 2.17.20. **Response:** The application site is outwith the designated Dunblane Green Belt and Green Belt Policies are not applicable.
- 2.17.21. Impact on Road Safety: The proposed access to the development will attract increased traffic and visitors to the area. More traffic on the B8033 will lead to an unsafe environment for pedestrians and cyclists due to existing developments on other areas of this road which have already increased traffic numbers. The proposed access would impact access from the road to Cairnston Steading and would be contrary to their planning consent requiring visibility splays. Visibility from the road to Ashfield onto B8033 is poor and a new access nearby raises concern for users of this road. Speeding is already an issue on this road and there have been previous accidents.
- 2.17.22. **Response:** A revised access was sought from the applicant in the interests of Road Safety. The revised access is considered acceptable to Roads Development Control subject to the inclusion of conditions. Roads Development Control have not raised any concern over the proposed development's impact on the private Cairnston Access Road. It is noted from the site plan that hedging is proposed for parts of the north east and north west boundary, however no further information relating to the type of hedge or its height has been submitted. Should Council be minded to approve this application a condition should be considered to ensure further details of all proposed landscaping on the site are submitted to and approved by the Planning Authority to ensure there is no impact on road safety.
- 2.17.23. Impact on private Cairnston Access: The proposed development will increase traffic on this road.
- 2.17.24. **Response:** The proposed development does not show access on to this road.

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- 2.17.25. **Safety:** The proposed eco pods raise security and safety concerns as the tourist element will bring more people into the area. Guests should be screened to show if they have violent crimes on their records.
- 2.17.26. **Response:** This is a civil matter and not a material planning consideration for this application it would be unreasonable to refuse this application on those grounds.
- 2.17.27. **Waste:** The proposed eco pods raise concerns that there will be an increase in litter and dog poo in the area.
- 2.17.28. **Response:** This is a civil matter and not a material planning consideration for this application. It would be unreasonable to refuse this application on those grounds.
- 2.17.29. **Precedent:** The proposed development will set a precedent for future larger expansions on other areas of the site.
- 2.17.30. **Response:** All planning applications are considered on their own merits and assessed against the Development Plan in force at the time of the application. This application is for the erection of a house and 2 eco pods and it would be unreasonable to refuse this application on those grounds.
- 2.17.31. **Viability:** The farm business is not sustainable or viable without the eco pods. This should not be supported as there is no existing business at the site and the proposals will not improve the business as it does not yet exist. The proposals are not sited in a location that will attract sufficient visitors and adjacent to the A9 is not an appropriate location. Concerns raised that if the development is not viable, how will the site be restored. The approach to viability is questioned as the proposal shows that an eco pod will be constructed first before the farm business is established and therefore the need for a house.
- 2.17.32. **Response:** Please see the assessment section below.
- 2.17.33. **Redaction of the Business Case:** It is difficult to assess the business case as it is redacted.
- 2.17.34. **Response:** The Business Case contains sensitive personal financial data and there is no requirement for the Council to publish this information. At the applicants request a redacted version has been published for public viewing.
- 2.17.35. **Impact on Sheriffmuir Battlefield.** The application suggests that it is not within the designated battlefield while OS maps suggest it is. HES should be consulted. The applicant does not propose any archaeological mitigation.
- 2.17.36. **Response:** The application site is within the designated Battlefield. The Council's archaeologist and Historic Environment Scotland were consulted on this application and no objection was raised. The Council's archaeologist has not considered it necessary to suggest any conditions relating to archaeological mitigation.
- 2.17.37. **Amenity:** The development will create noise and light where there are none presently and the principle of the development will affect the peace and tranquillity of the countryside location.

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- 2.17.38. **Response:** Neighbouring dwellings are located sufficiently away from the application site that a direct impact on lighting from the development is not considered to introduce a material impact on amenity. The site plans do not show outdoor lighting, however, should Council be minded to approve this application a condition should be considered to request further details of external lighting on the site.
 - 2.17.39. Impact on local flora and fauna: The development will have a negative impact on species and the proposed planting for animals etc. is weak. An Environmental Impact Assessment should be carried out.
 - 2.17.40. **Response:** The site is not of a size and scale that would warrant an Environmental Impact Assessment.
 - 2.17.41. Construction period: Concern that during construction the private Cairnston Access will be used and is not suitable for larger vehicles.
 - 2.17.42. **Response:** This is a civil matter and outwith the scope of this planning application. It would be unreasonable to refuse the application on these grounds.
 - 2.17.43. Phasing of development: The applicant states the eco pods will be built before the house and is inconsistent with other claims that the eco pods are to support the farming business.
 - 2.17.44. **Response:** Please see the Assessment section below.

Local Development Plan

- 2.18. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.19. Policy 1.1, Policy 2.10, Policy 3.2, Primary Policy 7, Policy 7.8, Primary Policy 9, Primary Policy 15.1.

Other Planning Policy

- 2.20. SG Historic Environment: Battlefields, SG10: Housing in the Countryside and Design Guidance, Draft SG: Housing in the Countryside and Design Guidance, SG28: Landscape Character Assessments, SG: Chalets and Huts.

Assessment

- 2.21. The key determining issue for the principle of this application is assessment against Policy 2.10: Housing in the Countryside and associated supplementary guidance. The policy sets out that the principle of housing in the Countryside, will be supported where:
 - 2.21.1. They are within or closely and cohesively visually related to existing building groups and clusters.
 - 2.21.2. Where they occupy infill sites relative to existing rows of houses.
 - 2.21.3. Outwith existing groups or infill situation when the proposal is for a single house at a specific type of site or for a specific purpose.
 - 2.21.4. When the replacement or renovation of a single house is proposed.

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- 2.21.5. When the proposal is for the conversion, redevelopment or replacement of a farm steading or other range or cluster of Non-Domestic Buildings.
- 2.21.6. When the proposal will result in the beneficial re-use of a brownfield site.
- 2.22. SG10: Housing in the Countryside is non-statutory guidance and the Council has issued a new Draft SG Housing in the countryside, currently out for consultation. Given that SG10 (adopted 2014) is no longer a statutory part of the Development Plan, have fallen to non-statutory guidance when the current Local Development Plan was adopted in 2018, and that the revised Draft Supplementary Guidance represents the most up to date view of the Council's interpretation of Policy 2.10, having been approved by Environment and Housing Committee on 11 April 2019, significant weight is attached to the draft guidance as it is the most up to date of the non-statutory guidance for this policy. The draft guidance expands further on the above criteria and taken in turn:
- 2.22.1. The proposed dwelling is not considered to be closely related physically and visually to the nearest residential properties at Cairnston Steading. The steading complex is a self-contained steading conversion and will not share a contiguous building or curtilage with the proposed dwelling. The proposal would be unable to demonstrate a close proximal relationship. There is therefore no policy support under this criteria.
- 2.22.2. The proposed development cannot be considered infill development as the proposal is not sited between 2 houses fronting the B8033 that would be seen as being closely related visually or physically. There is therefore no policy support under this criteria.
- 2.22.3. The proposal is not located within a substantially intact walled garden and there is no established rural business on the site.
- 2.22.4. Under the demonstrative housing need criteria the guidance notes that for newly established businesses long term viability must be established. Whilst the submitted business plan is comprehensive in terms of proposals for the management of the site, the submitted business plan does not clearly demonstrate that a clear operational need for a house in relation to the use of the site for farming exists. It is noted from the submitted business plan that the cashflow summary does not include any deductions for salary or income from the business. The Net profit after costs is low and there is no net profit in the early years of the business. The net profit is marked as reinvestment in the business. It would appear that the income from the eco pods will provide the main source of income from the applicant. The income from the eco pods is shown to exceed the income from the farming business, this is consistent with the comments from the agent to the Community Council. Given that the primary source of income would appear to be from the tourist element of the proposals it is not considered that there is a clear operational need for a manager to be housed in relation to an agricultural business.

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- 2.22.5. Further concern is raised regarding the phasing of the development. Supporting information for this application states that the phasing of development will see one eco pod constructed and be lived in by the applicant whilst the house is being constructed. Once this has been done the applicant will move into the house and begin construction on the second eco pod whilst the other points of the business plan are being implemented. As stated above, the business plan does not sufficiently justify the need for a house on site in connection with the use of the land for the agricultural business. With the eco pods to be constructed, and assumed to be operational once the applicant has moved out, there are therefore concerns that the house could be constructed and occupied, and the eco pods operational, prior to the business being established, and therefore against the guidance that there should be a clear operational need for a manager or staff to be housed in the vicinity for agriculture, horticulture or forestry needs under this criteria.
- 2.22.6. Given the scale and type of farming proposed and the location of the site close to the existing settlements of Ashfield, Dunblane and Kinbuck, and the proximity to the A9, it is not considered that the site is within a remote or hard to access location that would have added weight to the need onsite to support the business. It is further noted that the site is currently used as farmland with no requirement for housing on site. There is therefore no policy support under this criteria.
- 2.22.7. Should Council be minded to approve this application conditions should be considered to restrict the sequence of construction and occupation of buildings on site to ensure that the house is completed and occupied prior to the operation of the eco pods and an occupancy restriction placed on the house tying the occupation of the occupants to an agricultural business in line with the guidance. Council should also consider the need for an occupancy restriction to restrict the eco pods to holiday accommodation only.
- 2.22.8. The proposals do not involve the renovation or the replacement of a single house. There is therefore no policy support under this criteria.
- 2.22.9. The proposals do not involve the conversion of existing traditional buildings. There is therefore no policy support under this criteria.
- 2.22.10. The proposals do not involve the reuse of brownfield land. There is therefore no policy support under this criteria.
- 2.23. Overall, when assessed against Policy 2.10 it is considered that there is no policy support for the development.
- 2.24. Notwithstanding the lack of policy support for the principle of the development it is considered that the siting and design of the proposed house is generally in keeping with the provisions of Policy 1.1 as the development considers and respects site topography and can be safely accessed. A revised site plan has been submitted showing a revised site entrance which meets the requirements of visibility splays to ensure road safety. The design of the building is considered to use an appropriate pallet of materials and the use of stone on the front elevation is supported. However, it is noted that the design of the house is of a relatively standard design with little reference to the character of the surrounding area.

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- 2.25. In terms of Primary Policy 9 and SG28 the proposals fall with Landscape Character Area L4 – Allan Water, Rolling Valley Farmland. The settlement pattern in this character area, outwith towns and villages, is primarily one of traditional farmsteads and small houses, some modern, scattered along, or accessed from, public roads.
- 2.26. A particular sensitivity is noted as being development or land use that may detract from the setting of key views and the cumulative effects of development. Given the sites existing use as farmland and its location, the inclusion of the proposals are not considered to alter setting of key views and presently there are not significant other developments in the area.
- 2.27. The site is within the designated Sherriffmuir Battlefield. Historic Environment Scotland, whilst not raising an objection, has commented that the Council should consider the potential for unknown archaeological deposits relating to the battle and that the Council should consider undertaking a cultural heritage assessment. The Council's Archaeologist has reviewed this application and has no objection to the proposals. In line with SG Historic Environment: Battlefields, it is clear that the proposed development is on the fringes of the designated zone, and is effectively a buffer zone which is unlikely to contain objects associated with the fighting. On this basis no mitigation is considered necessary in line with Primary Policy 7, Policy 7.8 and the SG.
- 2.28. Policy 15.1 provides support for tourism accommodation where they are commensurate in scale with their location and setting. The eco pods do not fall within the definition of Chalets or Huts as set out in SG: Chalet and Huts. It is considered that the scale of the tourism element of the proposal is appropriate in terms of numbers in the scale of development has the potential to be accommodated within the wider landscape without detracting from its overall setting in line with SG28. However, the design of the eco pods are not in keeping with the character of the area and introduce design elements not common in the wider area. In shorter views from the immediate area, and the B8033 particularly, the eco pods are considered to be visually prominent and of a design that would be out of character with the proposed and existing buildings due to their steep roof pitch and shape. It is therefore considered that overall, the eco pods are not supported by Policy 15.1(a)(i) as they are not considered to be commensurate in scale with their location and setting within the built and natural environment.
- 2.29. Overall, it is considered that the proposal does not comply with all relevant policies of the Development Plan.

3. Implications

Equalities Impact

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Fairer Scotland Duty

- 3.3. This section is not applicable.

Other Policy Implications

- 3.4. All relevant policies have been set out in section 2.

Consultations

3.5. As set out in section 2.

4. Background Papers

4.1. Planning Application file 19/00482/FUL. File can be viewed online at: [View Application](#)

4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Landscaping	1484-01-01
04	Floor Plans	1484-01-04
05	Floor Plans	1484-01-05
06	Floor Plans	1484-01-06
07	Elevations	1484-01-07
08	Sections	1484-01-08
09	Floor Plans	1484-02-09
10	Floor Plans	1484-02-10
11	Elevations	1484-02-12
03A	Site Plan	1484-01-03 Rev01
12	Details	1484-01-03 Rev01

5. Appendices

5.1. None.

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Date: 9 September 2019

Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report

Councillor Alasdair MacPherson

Wards affected:

Ward 3 Dunblane & Bridge Of Allan

Key Priorities:

N/A

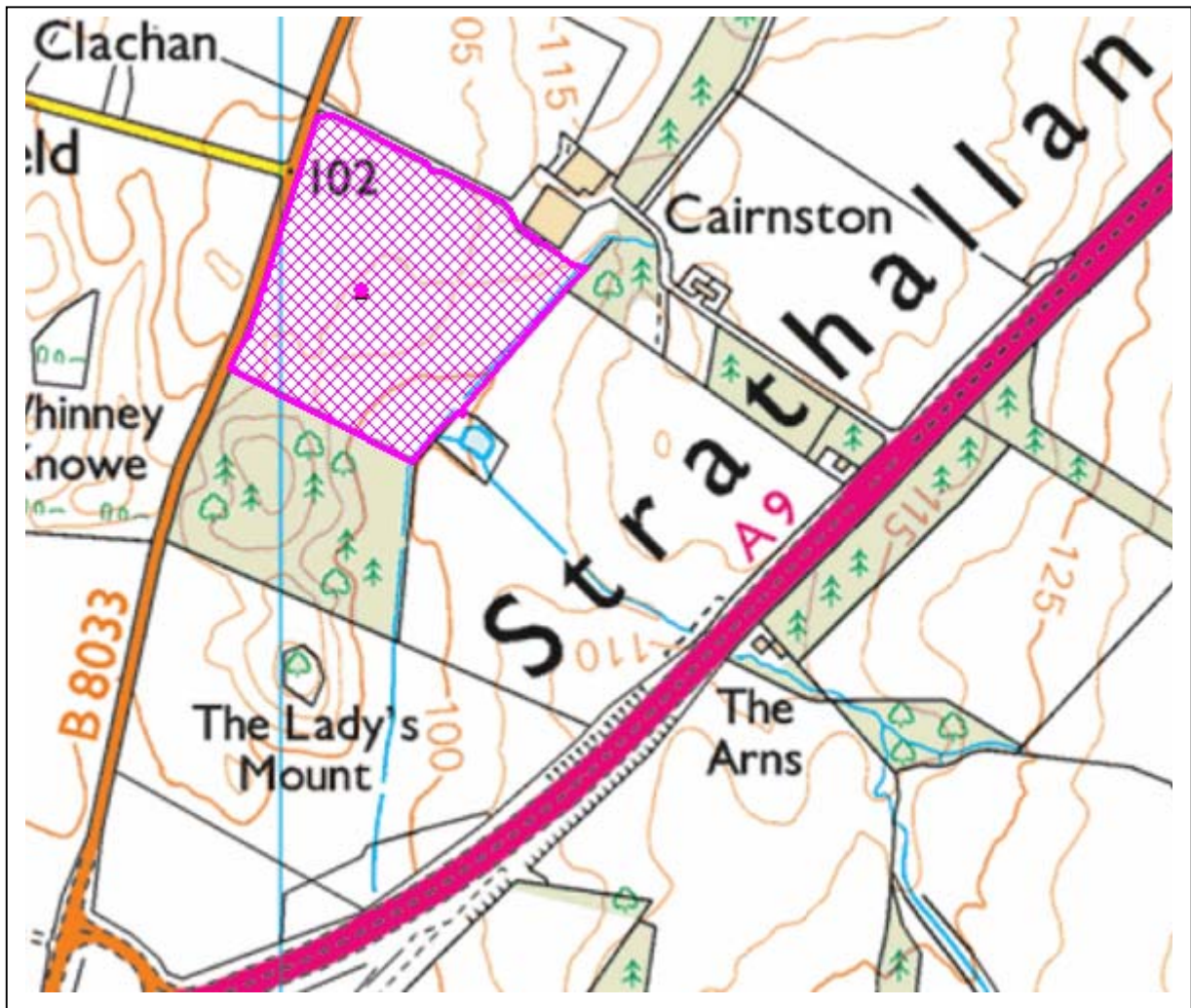
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan:

N/A

Location of Development



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