

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 2 March 2021

Not Exempt

Erection Of A Passive House To Assist The Day To Day Management, Breeding And Expansion Of A Flock Of Rare Breed Sheep (Ryeland) And Erection Of Building To House A Dog Training School At Land Adjacent To North Of Ashley, Auchinlay Road, Dunblane - Ms Dawn Green - 20/00368/FUL

Purpose & Summary

Detailed planning permission is sought erect a house and a building for a dog training school on land north east of Dunblane to the south of the A9.

This application is a local planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and has received in excess of five letters of objection.

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

Planning & Regulation Panel is asked to:

1. approve the application subject to conditions set out in Appendix 1.

Resource Implications

Not applicable.

Legal & Risk Implications

Not applicable

1. Background

- 1.1. The applicant is seeking to erect a house and expand her existing dog training business on land outwith, but close to, the settlement boundary of Dunblane.

2. Considerations

The Site

- 2.1 The site extends to approximately 0.38 hectares and encompasses an area of agricultural land to the west of Auchinlay Road. The site is therefore bounded on the east by Auchinlay Road, to the north and east is the A9, to the south is land within the applicant's ownership which extends to a point close to the defined settlement of Dunblane (Grant Drive).
- 2.2 The site is accessed by Auchinlay Road which also serves a number of nearby residential properties. The applicant proposes to establish a new access off Auchinlay Road to serve the development and the existing access will be closed off. The site slopes from west to east with ground levels of 88 Above Ordnance Datum (AOD) at the west to 82 AOD midway through the site, where the house is proposed, and 75 AOD at the proposed access road with Auchinlay Road. Despite its proximity to Dunblane, the site has the appearance of a countryside location.
- 2.3 The site contains an agricultural shed, owned and used by the applicant, with agricultural consent to erect a further shed.

The Proposal

- 2.4 The proposal is for the erection of a two-storey dwellinghouse and a single storey kennel building accommodating 8 dog kennels/pens. The applicant had proposed to erect the kennel building in 2 phases: phase 1 for 4 kennels and phase 2 would accommodate a further 4 kennels.
- 2.5 It is proposed that the external wall finish of both the house and kennel building will be horizontal boarding (Forest grey, which is a dark grey, cement T&G weatherboarding – timber effect finish) with the roofs of both structures finished in grey trapezoidal roof panels.
- 2.6 It is proposed that the house will be orientated on a north/south axis with the entrance on the northern elevation within minimal openings and a covered terrace over full height glazing at ground floor level running the length of the southern gable.

Previous History

- 2.7 A previous planning application for planning permission in principle (19/00844/PPP) for the same proposal, but a different site, was withdrawn in May 2020. The site was a short distance south west of this application site: to the west of the nearby houses Auchinlay House and Ashley. This site was also within the applicant's landholding. The Planning Officer assessing the application supported the business case for a house but considered that the siting would have an adverse impact on the setting and character of the Green Belt and that it may result in noise issues due to its proximity to nearby residential properties.
- 2.8 An existing shed (17/00109/NAG) has been erected on the site under permitted development related to the erection of an agricultural building and the agreement of a further permitted development notification was achieved to extend this shed and erect an additional shed (18/00298/NAG) - though the extension and shed have not been constructed.

Consultations

Roads Development Control:

- 2.9 No objection but recommended the inclusion of conditions to address access and sightlines. Consideration to the provision of a passing place at a point along the private access track.

Environmental Health:

- 2.10 Recommend conditions covering: Traffic noise; On-site barking noise; Evidence of compliance with standards; Off-site barking noise; Water supply; Land quality; Lighting; Air source heat pumps; and, Wood burning stoves.

Representations

- 2.11 Thirty four letters of representation have been submitted. Of this figure, 27 were in support and 7 were objections with Dunblane Community Council listed as an objector.
- 2.12 The reasons for objecting to the application included:
- 2.12.1 The proposal lies within an area of Green Belt and beyond the defined boundary of Dunblane.
 - 2.12.2 Query whether sufficient on-site parking.
 - 2.12.3 Concerns regarding the private water supply, its capability to serve the development and subsequent reduction in water pressure.
 - 2.12.4 Concern that proposed access may be over a private water supply pipe.
 - 2.12.5 Issues raised with regard to the Land Reform Act(s).
 - 2.12.6 The size of house and associated business premises do not respect the sparse pattern of existing buildings in the vicinity.
 - 2.12.7 Negative impact on area as a result of dogs in terms of both noise and smell.
 - 2.12.8 Increase in air and noise pollution and decrease in pedestrian safety as a result of increase in vehicles along Auchinlay Road.
 - 2.12.9 Local wildlife, their habitats and biodiversity of the area threatened as a result of increased human and animal (dog) presence.
 - 2.12.10 Concern regarding uncontrolled and dangerous dogs.
 - 2.12.11 The applicant has neither demonstrated that the land management activity will be capable of supporting the occupier as her main source of income nor that she has a genuine need to be housed on this site for an agricultural, horticultural or forestry requirement.
 - 2.12.12 The applicant's sheep are kept for novelty - The flock is not a business, and the very small size of the applicant's holding severely limits the potential size of the flock and its capacity to generate the main income of the occupier.
 - 2.12.13 The applicant's sole business activity is a peripatetic dog training service provided in clients' homes. A house and kennels are not essential to the sustainability of the business.
 - 2.12.14 Approval of this application will establish an unacceptable precedent.
 - 2.12.15 Impact of sewage from domestic tank and business.

2.12.16 Concern regarding safety of proposed access.

Local Development Plan

- 2.13 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:
- 2.14 Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Policy 1.3: Green Infrastructure and Open Space; Policy 1.5: Green Belts; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.9: Economic Development in the Countryside; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Primary Policy 4: Greenhouse Gas Reduction; Policy 4.1: Low and Zero Carbon Buildings; Primary Policy 8: Conservation and Enhancement of Biodiversity; Policy 8.1: Biodiversity Duty; Primary Policy 9: Managing Landscape Change; Policy 9.3: Landscaping and Planting in Association with Development.
- 2.15 Supplementary Guidance: Housing in the Countryside and Design Guidance.

Other Planning Policy

- 2.16 Non-statutory Supplementary Guidance including SG01: Placemaking; SG03: Green Belts; SG17: Low and Zero Carbon Buildings; SG26: Biodiversity Conservation; SG28: Landscape Character Assessments; SG29: Landscape and Planting Requirements in New Developments.
- 2.17 Scottish Planning Policy (2014).
- 2.18 Planning Advice Note (PAN) 1/2011: Planning and Noise.

Assessment

- 2.19 The two principles of this proposed development that require initial assessment are: 1) whether there is a demonstrative housing need; and 2) whether the application site is appropriate.
- 2.20 Demonstrative Housing Need: Policy 2.10 (Housing in the Countryside) (a) supports new houses of a scale, layout and design suitable for their intended location outwith existing groups or infill situations when the proposal is for a single house for a specific purpose. Criterion (b) of that policy supports single houses in the Green Belt for specific purposes where consistent with Policy 1.5 and Supplementary Guidance on 'Housing in the Countryside' and 'Green Belts'. The Supplementary Guidance 'Housing in the Countryside' provides support for a new house within a Green Belt location where the applicant has demonstrated a genuine need to be housed in the vicinity to manage a established rural business where there is a clear operational need. Long-term viability must also be demonstrated.

- 2.21 The applicant currently farms 3.84ha (9.5acres) of land breeding Ryland sheep (40 sheep) to show and sell. This business is registered as 'Green Farm'. The applicant bought the sheep in 2017 and erected a shed on site around that time. She also operates a dog training business which trains dogs to be obedient around livestock. This business has been running for 8 years and is called 'Dogs at Dawn'. This application will seek to not only provide an on-site presence for the livestock but will allow the applicant to take dogs overnight for training. The applicant is proposing to construct the dog kennels on a two phase approach: phase one would result in 4 dog kennels and phase two would provide for a further 4 kennels. Once fully constructed, the 8 dog kennels would be capable of boarding up to 10 dogs at any one time.
- 2.22 In order to ensure that the business is of a sufficient scale to justify a house on the site, as set out in the applicant's business case, a condition has been recommended in Appendix 1 to ensure that 8 kennels are constructed prior to, or commensurate, with the construction of the house.
- 2.23 As set out in Supplementary Guidance on 'Housing in the Countryside', Scottish Planning Policy state that occupancy restrictions should be avoided but also highlight that the designation of Green Belts may be appropriate where areas are particularly pressured from unsustainable growth. This is based on the Scottish Government Chief Planner's advice that occupancy restrictions are rarely appropriate and should generally be avoided however he went on to state that in areas such as green belts, where due to commuter and other pressure there is a danger of suburbanisation of the countryside, there is a sound case for a more restrictive approach. Stirling Council (Planning & Regulation Panel - 26 January 2012) has been of the opinion that due to its location and increasing pressure for new housing in the countryside, such restrictive occupancy conditions are relevant throughout the Council area. Such an approach is given greater weight here since the site is within the Green Belt. A restrictive occupancy condition has therefore been included within Appendix 1.
- 2.24 It is considered that the applicant has demonstrated that there is a genuine need for a house in connection with the agricultural and dog training business. The proposal therefore complies with Policy 2.10 (Housing in the Countryside) and Supplementary Guidance on 'Housing in the Countryside'.
- 2.25 Appropriateness of Site: The site lies within an area designated in the Local Development Plan as Green Belt. As well as designating such areas in order to direct planned growth to the most appropriate locations, it also protects and enhances the quality, character, landscape setting and identity of towns. SG03 (Green Belts) recognises that due to the small scale of the Green Belt around Dunblane, any built development is likely to have a significant impact. The Green Belt to the north of Dunblane plays an important role in maintaining the distinct identity of Dunblane from Ashfield whilst also maintaining Dunblane's nucleated and secluded character.
- 2.26 The farming business operates from an area of land owned by the applicant. This is the extent of her landholding therefore the applicant only has the option of seeking a development within the Green Belt. The site already contains a level of development with an existing agricultural shed and permission for a further shed. The site is visually separated from the land to the north by a rise in ground levels to the A9 with planting between the A9 and the site. This means that the development will not be viewed against the skyline but will sit down within the landscape thereby limiting the visual impact

of the development when viewed from the south. When viewed from the north, the development will be screened due to the A9 and an existing planted belt. Furthermore, the difference in ground levels will be utilised within the development to set the footprints of the buildings at a lower level than the surrounding land. This will result in an area of bunding to the west, southwest and northwest of the site and will seek to further reduce the visual and landscape impact of the proposal. It is considered that this development will preserve the openness of the Green Belt and will not undermine its core role and function. Moreover, this development is partly for an agricultural use (sheep farming) and also a use (dog training) that will assist in achieving the diversification of the rural economy thereby complying with Policy 1.5 (Green Belts).

- 2.27 Design and Siting of Buildings: Supplementary Guidance on 'Housing in the Countryside' seeks to ensure that new houses are designed and sited in a manner appropriate to the countryside and sympathetic to their setting. A high quality of design will be expected and use of traditional and sustainable materials will be encouraged. Primary Policy 1 (Placemaking) seeks to ensure that development is designed and sited in relation to the character and amenity of the place where it's located. Also, that development is located so as to reduce the need to encroach onto greenfield sites whilst having minimal impact on air quality.
- 2.28 Policy 1.1 (Site Planning) requires all new development to contribute to the quality of the surrounding built and natural environment. Proposals should respect, complement and connect with their surroundings. New development should consider and respect site topography, and any surrounding important landmarks (built or natural), views or skylines. The design should be appropriate to both any buildings to which it relates, and the wider surroundings in terms of appearance, position, scale, height, massing and should use materials, finishes and colours which complement those prevalent.
- 2.29 The house and kennel building proposed will be erected alongside an existing shed and where there is also consent for a further agricultural shed. The existing shed has timber walls and a metal sheet roof. The proposed buildings will have horizontal timber effect walls finished in a dark grey colour and the roof will be dark grey trapezoidal panels. It is considered that such finishes will give the buildings a rural/agricultural appearance. Whilst the appearance of these buildings will be different from the existing nearby houses, it is not considered that the design will appear incongruous in this setting. Moreover, by grouping the buildings adjacent to the existing and proposed structures they will form an appropriate and similar agricultural grouping. The foundations for the buildings will be cut out of this sloping site and landscaped bunds will be placed around the buildings. This will further assist in setting the buildings appropriately within the landscape. It is noted that this site is a greenfield site but due to the scale of development proposed will have little impact on either the loss of greenfield land or air quality. It is considered that, on balance, the proposal complies with the Supplementary Guidance on 'Housing in the Countryside', Primary Policy 1, Policy 1.1.

- 2.30 Access/Transport: The site will be accessed via Auchinlay Road which serves a number of residential properties. The applicant currently travels daily to and from the site to maintain her sheep flock so the number of these trips will be reduced. There will be a level of additional traffic associated with the dog training business however Roads considered this slight increase to be negligible over the course of the working day and did not raise any objection to the proposal. The proposal includes the provision of a new access with suitable sightlines. The existing access will be closed off once the new access is formed. The applicant has also included planting along the access track to ensure that it assimilates into the landscape.
- 2.31 Noise: Noise is a material planning consideration and must be given due weight when determining an application. The application site is adjacent to the A9 where occupants of the proposed development could be adversely affected by traffic noise. The house has been designed to minimise openings on the north elevation which faces towards the A9. It is noted that, due to the current Covid-19 restrictions, suitably qualified consultants are unable to undertake site visits to carry out necessary noise assessments. A condition requiring the submission of a noise survey has been included within Appendix 1.
- 2.32 This proposal includes a facility that will house dogs overnight. It is therefore important to ensure that the amenity of any nearby residents is not adversely affected as a result of the noise from barking dogs. The kennel facility has been set into the slope with bunds around it which will, to some extent, contain any noise. The design of the building and the external pens contain acoustic boarding which will further assist in mitigating any noise. It should be noted that the nearest residential properties are 'Glenorchard' which lies approximately 131 metres to the south east of the site and 'Ashley' which lies approximately 144 metres to the south of the site (both measurements from the dog kennels to the properties).
- 2.33 Additional Issues: Water supply – a number of third parties have raised concerns over the adequacy of the private water supply to serve the development and the effect that the development may have on the existing supply. The applicant has indicated on the application form that the development is to be served by the existing water supply arrangements. It is understood that the site is currently served by a private water supply and the applicant has confirmed that she has a legal right to access this. The applicant has therefore set out her method of achieving an adequate supply of water to serve the development which is considered sufficient for the purposes of a planning application. The adequacy of supply or rights of access to this supply are civil issues that lie outwith the scope of this planning application.
- 2.34 Land Reform Act(s) – The granting of planning permission will not alter the rights and duties established under the Land Reform Act(s).
- 2.35 Fear from dangerous dogs – This application will not introduce uncontrolled dogs to this area. The applicant runs a business training dogs ('Dogs at Dawn') therefore the results from this service will assist to improve the behaviour of dogs and will help reduce the likelihood of dogs being a nuisance to livestock. The dogs will be trained in a fenced paddock under full supervision.

- 2.36 Smell arising from proposed use – It is not considered that there will be any malodorous smell arising as a result of this development.
- 2.37 Impact of sewage – The foul drainage will be dealt with by means of a treatment tank and soakaway. Details regarding these matters are outwith the scope of the planning application. For the purposes of the planning application the general means of drainage and the fact that the applicant has sufficient space to accommodate these features is sufficient information for planning purposes.
- 2.38 Precedence – Each application is assessed on its individual merits. It is not considered that approval of this application will result in the establishment of an unacceptable precedent.
- 2.39 Impact on wildlife and habitats – The site is already utilised for an agricultural use. It is not considered that the proposed use would have an adverse impact on the local wildlife or habitats. Moreover, the applicant is proposing to undertake planting with native species which may be beneficial to wildlife and increase the local biodiversity.
- 2.40 In reviewing all the elements of this development it is considered that the proposal complies with the Development Plan, there are no material considerations that would weigh against it and the application is therefore recommended for approval subject to conditions.

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.

Fairer Scotland Duty

- 3.2 This section is not applicable.

Climate Change, Sustainability and Environmental Impact

- 3.3 An Environmental Impact Assessment is not required

Other Policy Implications

- 3.4 All relevant policies have been set out in the Considerations section of this report.

Consultations

- 3.5 As set out in the Considerations section of this report.

4. Background Papers

- 4.1 Planning Application file 20/00368/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	70/001
02A	Site Plan	70/007 Rev B
03A	Elevations	70/011 Rev A
04	General	70/009
05A	Sections	70/010 Rev A
06A	Elevations	70/012 Rev A
07A	Floor Plans	70/0008 Rev B
08	Details	70/013

4.3 Planning & Regulation Panel, 26 January 2012.

5. Appendices

5.1 Appendix 1 – Conditions and Reasons.

Author(s)

Name	Designation	Telephone Number/E-mail
Michael Mulgrew	Development Management Team Leader	mulgrewm@stirling.gov.uk

Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	3 February 2021

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager – Infrastructure	17 February 2021

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Councillor Alasdair MacPherson Councillor Danny Gibson
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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

Erection of a passive house to assist the day to day management, breeding and expansion of a flock of rare breed sheep (Ryeland) and erection of building to house a dog training school at Land Adjacent To North Of Ashley, Auchinlay Road, Dunblane - Ms Dawn Green - 20/00368/FUL

Approve, subject to the following conditions

- 1, **Extent of Development and Timing of Occupation of House:** The house hereby approved shall only be occupied once the full kennel facility (8 kennels) is constructed and available for use.
- 2, **Restrictive Occupancy Condition:** The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, or last employed, in the operation of the businesses (Green Farm & Dogs at Dawn) or a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, or a dependant of such a person residing with him or her, or a widow or widower of such a person, or the survivor of a civil partnership couple and the survivor (of any sex) of a cohabiting couple of a relationship similar to marriage.
3. **Dog Facility and House Ownership:** The dog facility (8 kennels) and land shown in blue on the approved plan shall not be sold separately from the dwellinghouse hereby approved.
4. **Access:** The access shall be formed to comprise a bellmouth incorporating a 6 metre radii leading to a minimum throat width of 5.5 metres. The bellmouth shall be constructed in accordance with Stirling Council Roads Service specification with the access being suitably surfaced/drained to ensure that no loose material or surface water will be carried or discharged from it onto the public road. Upon formation of the new access, the historic access serving the site shall be permanently closed with the verge reinstated to Stirling Council Roads Service's requirements. The access shall be formed prior to the occupation of the dwellinghouse.
5. **Sightlines:** Prior to construction works commencing on this development, visibility shall be provided and maintained by forming visibility splays of 2.4 metres by 22 metres in either direction from the centre of the proposed access, within which there shall be no obstruction to visibility more than 1.05 metres above carriageway level.
6. **Planting:** Full details of the planting shown on the drawings shall be submitted to the Planning Authority for written agreement. The planting shall then take place within the first planting season following the occupation of the dwellinghouse.
7. **Unsuspected Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

8. **Traffic Noise:** The development shall be designed and constructed to ensure the following noise levels can be met at the site:

Maximum Target Noise Levels	
Trigger Criteria (Free Field)	Compliance Criteria
55 dB $L_{Aeq,16h}(07:00 - 23:00)$	40 dB $L_{Aeq,16h}(07:00 - 23:00)$ (Internal with Windows Closed)
45 dB $L_{Aeq,8h}(23:00 - 07:00)$	30 dB $L_{Aeq,8h}(23:00 - 07:00)$ (Internal with Windows Closed)
	55 dB $L_{Aeq,16h}(07:00 - 23:00)$ (External in private garden areas)

9. **On-site Noise from Dogs:** The house hereby approved shall be designed and constructed to ensure the following internal noise levels are met:

Compliance Criteria
40 dB $L_{Ar,T}$ (Internal with Windows Closed - Day)
30 dB $L_{Ar,T}$ (Internal with Windows Closed - Night)

For the avoidance of doubt, the above criteria relates to noise from barking dogs but excludes traffic noise.

10. **Evidence of Compliance with Standards:** On completion of the development, and at a time agreed in writing by the Planning Authority), a Noise Report undertaken by a suitably qualified person shall be provided to the Planning Authority, demonstrating the above target noise levels are not being exceeded at the site. The assessment shall be undertaken using appropriate methodology and in accordance with the principles described within the Scottish Government's Technical Advice Note: 'Assessment of Noise'. If Trigger Criteria are exceeded, proposals for mitigation which demonstrate that all Compliance Criteria will be met shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the agreed mitigation measures shall be implemented at the site.
11. **External Lighting:** The external lighting associated with the development shall be designed and installed such that it will not cause disamenity due to light intrusion at surrounding residential properties.

Reason:

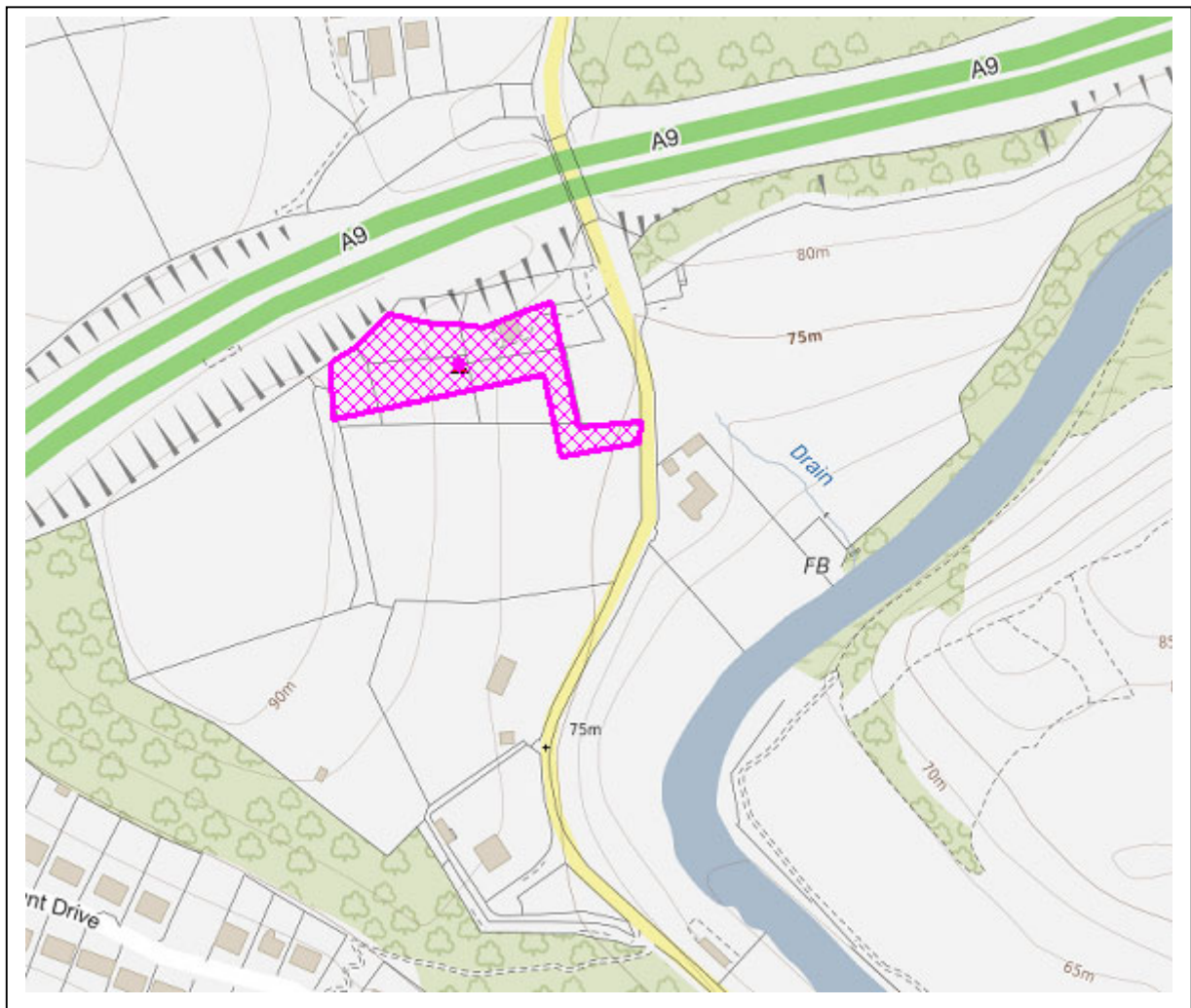
- To ensure that the full facility is provided which justified the business case for the residential unit.
- The site lies within the Green Belt and a rural location where, under general circumstances, a dwellinghouse would not be permitted. The applicant has demonstrated a need to be housed in this location to run her business. This restriction applies to ensure that the house is utilised for the purpose which justified the house.

3. To ensure that the threshold of tolerance with regard to noise emanating from barking dogs is kept within an acceptable level and to ensure that the land, which the agricultural case was based on, remains available for the agricultural business.
4. To ensure that the development is served by an access which takes into account the safe operation of the road network and to ensure that the access is provided at an appropriate stage of the development.
5. Thereby allowing vehicles exiting the site to see and be seen by vehicles on the carriageway and join the traffic stream safely.
6. To ensure appropriate native species are utilised and that the planting takes place at an appropriate stage of the development.
7. To ensure all contamination within the site is dealt with.
8. To ensure that the residents of the dwellinghouse hereby approved are not adversely affected by noise from the A9.
9. To ensure that the residents of the dwellinghouse hereby approved are not adversely affected by noise from the adjacent dog facility.
10. To ensure that the residents of the dwellinghouse hereby approved are not adversely affected by noise.
11. To ensure the amenity of nearby residents is not adversely affected as a result of this development.

Advisory Note:

The applicant should give consideration to the provision of a passing place at a point along the private access track to allow two vehicles to pass safely, should they meet.

Location of Development



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