

Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/99)

**PROPOSAL:** Erection of indoor equestrian facility

**LOCATION:** Riding Establishment, Netherton Farm, Aberargie, Perth, PH2 9NE

Ref. No: [20/00217/FLL](#)

Ward No: P9 – Almond and Earn

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is at Netherton Farm, Aberargie, where a fire in October 2019 destroyed a previous indoor horse riding facility. That facility was originally an agricultural building but saw planning permission granted in 2014 for its partial use as an indoor riding arena (14/01304/FLL). It is now proposed to develop a new indoor equestrian facility to the north of where that earlier building was positioned, including an area currently used as an outdoor horse riding arena. The existing outdoor arena received planning permission in 2015 (planning permission 14/02230/FLL). This area is fenced and measures 30m by 65m (1,950 sqm). An area adjacent to the east is also used as an open horse riding facility and is of the same size (65m x 30m) as the fenced arena. This area is unfenced and has a sand surface and was not considered to require planning permission. Both the fenced and unfenced areas will now be incorporated into the new indoor arena. The proposed new indoor arena has a larger footprint than the existing outdoor arenas and measures 72m x 60m, (4,320sqm) and is around 3x larger than the previous indoor arena (25m x 42m (1,050 sqm) and will be of a size capable of delivering competition standard training and coaching. The land to the west of the new facility is partly occupied by an existing agricultural building and partly by a vehicle parking area. The River Farg is around 50m to the north of the proposed new building. The site of the former indoor arena as well as a paddock area is located to the south of the proposed new building.
- 2 The building is of a utilitarian agricultural style, appearing as two conjoined sections each with a low dual pitched roof. Elevations would be clad in profiled sheeting (olive green) although the upper 2m would be translucent, other than an open half of the southern elevation. The two roof ridges are c.9.3m high, whilst eaves are c.6m. Roof faces would be clad in fibre cement profile cladding coloured olive green, with a line of roof light panels along each.

- 3 Access is via Aberargie by means of a private track that also serves a number of residential properties. Due to the Coronavirus COVID 19 pandemic it has not been possible to visit this site and photographs of the access track/road and site have been provided by the agent and representors. In addition, the property is also visible on satellite photography images. Beyond this, the Case Officer visited the site in 2015, in relation to the planning application for the outdoor arena.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 4 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **PRE-APPLICATION CONSULTATION**

- 5 No pre-application consultation has been undertaken, as the proposed development is not classed as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

### **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **National Planning Framework**

- 7 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

#### **Scottish Planning Policy 2014**

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: Paragraphs 24 – 35
- Placemaking: Paragraphs 36 - 57

### **Planning Advice Notes**

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **DEVELOPMENT PLAN**

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

#### **TAYPlan Strategic Development Plan 2016-2036**

- 12 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area, as set out in the plan, states that:

*“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

#### **Perth and Kinross Local Development Plan 2019**

- 13 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions

- Policy 8: Rural Business and Diversification
- Policy 39: Landscape – All Landscapes
- Policy 52: New Development and Flooding
- Policy 53: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements – New Development Proposals

## **SITE HISTORY**

- 15 [14/01304/FLL](#) Change of use of agricultural buildings to equestrian facilities (in part retrospect) Netherton Farm, Aberargie PH2 9NE. Approved by Development Management Committee – 19.11.2014. Decision Notice issued 22.10.2014
- 16 [14/02230/FLL](#) Formation of an outdoor riding arena (in retrospect) at Netherton Farm, Aberargie PH2 9NE. Approved under delegated powers on 25.03.2015.

## **CONSULTATIONS**

- 17 As part of the planning application process the following bodies were consulted:

### **External**

- 18 **Scottish Water** – No objection. Capacity in Glenfarg Water Treatment Works. No public Scottish Water, Waste Water infrastructure within the vicinity.

### **Internal**

- 19 **Environmental Health (Noise Odour)** - No objection, subject to condition relating to waste management and delivery times.
- 20 **Transport Planning** - No objection, subject to condition requiring provision of passing places.
- 21 **Development Negotiations Officer** - No objection, note the proposal will not increase the overall area used for equestrian purposes and will largely move existing out-door paddocks indoors. As such no contribution towards transport infrastructure is required.
- 22 **Structures and Flooding** - No objection as long as no land raising occurs in the floodplain. Recommend the use of flood resilient and resistant design.

## **REPRESENTATIONS**

- 23 19 representations have been received: 12 in support and 7 objecting. The objections are summarised as follows:

- Access – poor condition of the track/road, which should be re-surfaced and upgraded, not just repaired.
- Road safety – speed of vehicles is a danger to other users, and single file traffic is not suitable for the high volume of vehicles.
- Noise and disturbance, through: delivery hours and increases in traffic,
- Ecological issues – impact on River Farg, from debris and discharge from the equestrian centre.
- The proposal is a new larger facility, not a replacement.

24 The 12 representations of support are summarised as follows:

- Good facility for teaching and competitions
- Asset to the area
- Economic benefit – bring employment and revenue to local area
- Good facility for Scottish riders
- Need indoor facility for year round use to keep horses fit in winter and provide safe facility for riders

25 The point that relates to the fact that the application description refers to a 'replacement' facility is noted and agreed. The new building is larger and is in a different position to that which existed previously. The application description has been amended to reflect this. The agent has confirmed that there is no plan to build on the site of the previous sheds that were destroyed in the fire.

26 The other matters raised are considered in the Appraisal section below.

## **ADDITIONAL STATEMENTS**

27	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, including the Developer

## Contributions Supplementary Guidance and Placemaking Supplementary Guidance.

### **Principle**

- 29 Placemaking policies 1A and 1B seek to ensure that any new building contributes positively to the quality of the built and natural environment and that new development respects the character and amenity of the place. A range of criteria should also be met, the most relevant being c) that the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 30 Policy 8: Rural Business and Diversification is also relevant. Stating that favourable consideration, subject to criteria, will be given to the expansion of existing businesses and the creation of new ones in rural areas. Although there is a preference that this will generally be within or adjacent to existing settlements. However, locations beyond these parameters may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. This proposal relates to such a site-specific resource, being an existing business which this proposal seeks to consolidate.
- 31 In this case it is considered that the principle of the expansion of the equestrian centre is acceptable, given that a countryside location is generally required for such a use and the fact that equestrian uses are well established at the location and a similar facility at Netherton Farm has previously been supported.
- 32 It is therefore considered that the main issues to consider in the assessment of this application are: design and layout; visual impact; roads and access; drainage and flooding; and, impact on neighbouring residential amenity. These matters are taken in turn below.

### **Design and Layout**

- 33 Policies 1A and 1B, as 8 c) require proposals to be compatible with surrounding land uses. In this case the building is of a common agricultural design, thus appropriate in this context. Particularly there is another large agricultural building immediately adjacent and west of the proposed new facility and the new indoor arena building will be read along with this building. The design and layout is therefore considered to be appropriate for the context and proposed use.

### **Landscape**

- 34 Policy 39: Landscape, requires proposals not to conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The context here sees the new building set close to an existing similar large building and the footprint of the former buildings which influence the appearance of the local landscape, together with features such as the woodland/hedges along field boundaries and the route of the River Farg. The impact of the proposal is

therefore relatively well absorbed in the context and localised such that it will not impact on the qualities of the wider Perth and Kinross landscape.

### **Residential Amenity**

- 35 Policy 8 c) also requires proposals not to impact detrimentally on residential properties, within or adjacent to the site. In this instance the closest residential property, not associated with the equestrian facility, is some 164m from the proposed new building. Consultation with Environmental Health colleagues has seen them advise that no complaints regarding noise from the centre have been received to date and no objection raised. As such it is considered that noise from the daily operations of the proposed building should not adversely affect residential amenity.
- 36 It is noted that there are residential properties on the access road to the site and that several residents have objected to the proposals. It is also accepted that there is potential that noise from vehicle movements would be audible at these properties. To address impacts from some of the larger vehicles a condition was previously attached to planning permission 14/01304/FLL, controlling delivery times. A similar condition to maintain the status quo will be attached to this proposal (Condition 3) as recommended by Environmental Health.

### **Visual Amenity**

- 37 The arena building will be sited on flat ground visible in distant views from the A913 public road near Aberargie. The building is around 2 metres higher than the buildings destroyed by fire but seen alongside an existing large scale building of similar colour and style the impact on visual amenity is not considered significant. Policy 55: Nuisance from Artificial Light and Light Pollution, seeks to limit light pollution – particularly in rural areas. Further the building is designed to minimise the requirement for lighting, with rooflights and opaque sheeting, however it is recommended that a condition is attached to ensure any external lighting is appropriate (Condition 6).

### **Roads and Access**

- 38 Policy 8 g) requires the local road network to be suitable. In this regard the previous approval (14/01304/FLL) included conditions to upgrade the access track and provide suitable passing places. A further condition, mentioned above, controlled the timing of delivery and collection of goods and horses was also applied. These required improvements to the track were undertaken, however further improvements to the surface of the access road are now proposed.
- 39 A number of the objections relate to the condition of the track and road safety. However, the application proposes that the road will be upgraded and finished with a tarred surface. Transport Planning raise no objection, subject to the provision of an additional passing place, which is covered by a recommended condition also including an upgrade to the road surface (Condition 5).

- 40 Policy 8, b) supports proposals that do not result in suburbanisation of the rural area or encourage unsustainable travel patterns. The operation of the equestrian centre is well established at the site and, whilst the indoor facility proposed is larger than previously existed, it is not expected to significantly increase traffic volumes, particularly as it replaces an outdoor arena. The agent has also confirmed that there is no plan to build on the site of the previous sheds. It is also close to existing settlements such as Abernethy, from which access via the existing footway along the A913 public road is available. Part of this footway is also a Core Path (ABNY/119) which crosses the southern end of the access road to Netherton and continues to the junction with the A912 at Baigle straight.

### **Drainage and Flooding**

- 41 Policy 52, New Development and Flooding, states that there will be a general presumption against proposals for building, development or land raising on a functional flood plain and in areas where there is a medium to high risk of flooding from any source. In this context the site is identified as within a low to medium flood risk area. SEPA's flood map shows that land either side of the River Farg, including the equestrian centre and large areas of land between the access road and the A912 to the south-east, are potentially at risk of flooding. However, the Council's Structures and Flooding team has advised that it would be prohibitively costly to require a flood risk assessment to accurately establish the full extent of the floodplain in this area. Rather as the application is for a 'replacement' facility that is simply to cover two existing outdoor riding areas, with no landraising proposed, as such risks are considered minimal. The Council's Structures and Flooding team have therefore raised no objection but recommend that flood resilient and resistant design measures are incorporated within the site. A condition is recommended to cover these matters (Condition 4).
- 42 It is indicated in the Design Statement that the existing riding arenas feature specialist sub-surface drainage and that the surface water drainage for the building will be discharged to the River Farg. An informative note will be added to direct the applicant to SEPA's regulatory advice.

### **Waste Management**

- 43 In their consultation response Environmental Health note that a complaint with regard to manure storage was received in 2018. Whilst this was resolved and no formal action taken, it is appreciated that odours from the storage and removal of manure from the equestrian centre has the potential to adversely affect residential amenity, if good husbandry and procedures for storage and removal are not in place. It is therefore recommended that a condition be attached requiring a waste/odour management plan, which should include a procedure for: cleaning of the equestrian centre; the storage and removal of waste from the site; and, proposed mitigation for the prevention of odours and infestation from flies and rodents (Condition 2).



## **Conservation Considerations**

- 44 The site is not within a conservation area and is not close to any listed buildings, thus there will be no impact on any built heritage assets.

## **Natural Heritage and Biodiversity**

- 45 One representation expresses concern over the potential impact on the ecology of the River Farg, which is around 30m to the north of the site, particularly from discharge and waste generated, including litter. The facility replaces existing horse training areas which should already be subject to appropriate waste disposal. Discharge from the new facility is not expected to be significantly different other than with regard to a potential increase in surface water from the building. Once erected any discharge from the new facility should be managed by the owner/operator and comply with environmental protection legislation including SEPA's regulatory requirements. Any waste in the form of litter is the responsibility of the centre to dispose of appropriately, this and other waste should be controlled via measures set out within Condition 2, covering waste management measures. It is however noted that surface water is to be discharged in to the River Farg, and that this may require a licence from SEPA and be monitored in terms of SEPA's environmental protection role. An informative guides the applicant to SEPA in relation to these matters.

## **Developer Contributions**

- 46 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 47 In this case it is proposed to enclose two existing 30x65m or 1950 sqm outdoor riding paddocks (3,900sqm in total) with a facility measuring 72m x 60m or 4,320sqm as a replacement for the 25x42m or 1,050 sqm indoor facility lost in a fire.
- 48 While additional indoor space will be created, this will not result in a significant change to the overall intensity of use of the wider site, and the loss of the existing indoor facility will reduce the overall area of land for riding paddock. Prior to the fire the area of indoor and outdoor arena space available for horse training was a total of 4,950sqm. The replacement of the outdoor areas with the proposed indoor area and loss of the previous indoor area means that there is an overall reduction in overall arena provision of 630sqm.
- 49 It is therefore considered that the proposal will not significantly alter the overall extent or intensity of equestrian use, thus no contribution towards transport infrastructure is required.

## **Economic Impact**

- 50 The proposal is likely to have a positive economic impact both during construction and when in operation. Whilst it is anticipated that the new facilities will primarily be used by previous/existing customers and that no extra livery facilities will be provided the proposals represent a significant upgrade to the existing equestrian centre with horse riding opportunities being available for year round use making it possible for the centre to employ two additional full time members of staff.

## **LEGAL AGREEMENTS**

- 51 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 52 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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**

- 53 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposal is considered to be compatible with surrounding land uses and will be of economic benefit to the rural economy. In this respect, the development proposed is not considered to conflict with the Development Plan and there are no material considerations which would warrant the refusal of planning permission.
- 54 Accordingly the proposal is recommended for approval, subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

2. Prior to commencement of development a Waste Management Plan for the stables shall be submitted for the approval of the Planning Authority. The Plan shall include: the frequency that manure will be removed from the equestrian

building; how waste will be handled and managed; provisions for storage including locations; and any provisions for removing waste from the site, so as to ensure that odour and infestation is minimised. The Plan as approved shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the residential amenity of the area.

3. The delivery and collection of goods and horses at the premises shall only take place between 0630 and 2100 Monday to Saturday and 0800 and 1900 on Sunday and at no other time.

Reason: In order to safeguard the residential amenity of the area.

4. The development hereby approved shall be designed and constructed so as to be flood resilient, in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason: In order to take account of the flood risk from the River Farg.

5. Prior to the development hereby approved being completed or brought into use, the existing private access (unless otherwise agreed in writing by the Council as Planning Authority) shall be in its entirety finished in a bound surface, and provided with a passing place, as per Informative 7, at a suitable point along the existing verge at a point approximately at half distance between the existing passing place located to the north-east of Farndale and the junction with A913. Precise details of the finish of the track and proposed location of the passing place shall be submitted for the prior approval in writing by the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety and free traffic flow.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

## **B JUSTIFICATION**

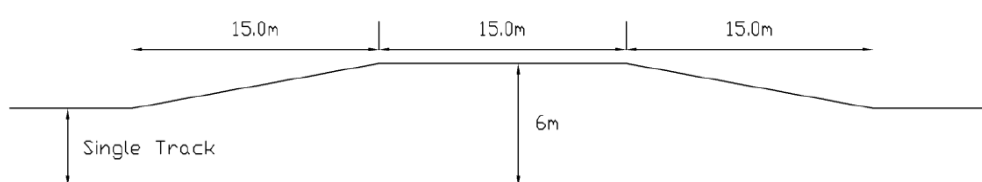
The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
6. Regulatory advice with regard drainage to the nearby River Farg should be sought from the Scottish Environmental Protection Agency (SEPA).
7. Typical detail for HGV passing place



8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

Background Papers: 19 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 21 May 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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