

TCP/11/16(293)

**Planning Application 13/01546/FLL - Removal of condition
No 2 from planning consent 13/00159/FLL to enable
agricultural unit to be used to house livestock**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(submitted as part of
applicant's submission, see page 37)*

PERTH AND KINROSS COUNCIL

W Shortreed And Son
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FAO Derek Scott
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Dunfermline
KY11 3BZ

Pullar House
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PERTH
PH1 5GD

Date 28th November 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/01546/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd August 2013 for permission for **Removal of condition No 2 from planning consent 13/00159/FLL to enable agricultural unit to be used to house livestock Cairnfold Farm Blairingone** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. Removal of condition 2 would be detrimental to residential amenity contrary to Policy 2 of the Kinross Area Local Plan 2004.

Justification

2. The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

13/01546/FLL

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/01546/FLL
Ward No	N8- Kinross-shire

PROPOSAL: Removal of condition No 2 from planning consent 13/00159/FLL to enable agricultural unit to be used to house livestock

LOCATION: Cairnfold Farm, Blairingone

APPLICANT: W Shortreed & Son

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 6 February 2013



OFFICER'S REPORT:

Site description:-

A Prior Notification application (12//00490/PN) was approved 3 April 2012.

Subsequent enlargement of the building increased its size to over the PN limit (465sqm). A planning application was submitted.

The planning application (13/00159/FLL) was approved subject to 2 conditions imposed on the planning consent, these being:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided by conditions imposed on the planning consent.
2. The agricultural store, hereby approved, shall not be used for the housing of livestock.

The proposal is:-

To remove condition 2 from the above consent.

Appraisal

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan applicable to this area comprises the TAYplan Strategic Development Plan 2012 and the Kinross Area Local Plan 2004. The Local Development Plan - Proposed January 2012 is viewed as a material consideration.

The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which was prepared in 2005 by the Scottish Executive recommends that new livestock buildings should not be within 400 metres of residential properties and where possible should be downwind of residential areas. Given that there are 9 residential properties, including the applicants within 100m of the proposed development, there is potential for odour and noise nuisance to arise.

To protect the residential amenity of neighbouring residential properties I recommended that the condition be attached to any given consent.

Conclusion

In conclusion, the proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan. On that basis the application is recommend for refusal.

DEVELOPMENT PLAN

TAYplan Strategic Plan 2012

The strategic plan has set down three key principles, which it seeks to achieve through targeted objectives:

Ensuring effective resource management and promoting an accessible, connected and networked region;
Supporting sustainable economic development and improving overall regional image and distinctiveness;
Enhancing the quality of place through better quality outcomes.

No relevant strategic policy in this case.

Kinross Area Local Plan 2004

Policies Applicable to Entire Plan Area/General Policies/Development Criteria

Policy 2 All developments within the Plan area will be judged against the following criteria:

C The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.

Landward Area/Rural Land Uses/Agriculture

Policy 50 The Council will support agriculture remaining as a major land use and a source of employment in the Plan area.

Perth & Kinross Council Local Development Plan - Proposed Plan January 2012

On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan has undergone an Examination following which a report was published on 11 October 2013 containing the Reporter's recommendations. The Council has a three month period to consider the Reporter's recommendations and the modified Plan will be published by 11 January 2014. This will be the Plan that the Council intends to adopt, subject to agreement by Scottish Ministers. Prior to adoption, the Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

Policy PM1: Placemaking

Policy PM1A

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

SITE HISTORY

11/01839/FLL Erection of an indoor horse arena building for equestrian business and erection of a dwelling house and garage 25 April 2012 Application Permitted

12/00490/PN Erection of an agricultural building 3 April 2012 Application Permitted

13/00105/FLL Modification of existing consent (11/01839/FLL) change position of house and garage on site 11 March 2013 Application Permitted

CONSULTATIONS/COMMENTS

Scottish Water	No objections.
Environmental Health	I re-consulted Environmental Health having been made aware that the housing of livestock was within 400 metres of residential properties which may give rise to concern. Environmental Health had no objection in principle to the application <u>provided the site was not used for housing livestock.</u>
Transport Planning	No objections.
The Coal Authority	No objections.

TARGET DATE: 21 October 2013

REPRESENTATIONS RECEIVED:

Number Received: 1 valid planning objection from 2 different household addresses and 1 from Fosway & District Community Council.

Summary of issues raised by objectors:

- New livestock buildings should not be within 400 metres of residential properties.

Response to issues raised by objectors:

- Dealt with in report.

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

Legal Agreement Required:

Summary of terms - not required.

Direction by Scottish Ministers - not required.

Reasons:-

- 1 Removal of condition 2 would be detrimental to residential amenity contrary to Policy 2 of the Kinross Area Local Plan 2004.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

