

TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND

INDEX

- (a) Papers submitted by the Applicant (***Pages 329-356***)
- (b) Decision Notice (***Pages 359-360***)
 - Report of Handling (***Pages 361-371***)
 - Reference Documents (***Pages 373-377***)
- (c) Representations (***Pages 379-422***)

TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	Dollar Equestrian	Company Name	RT Hutton Planning Consultant
Building No./Name		Building No./Name	The Malt Kiln
Address Line 1		Address Line 1	2 Factors Brae
Address Line 2	Blairingone	Address Line 2	Limekilns
Town/City	By Kinross	Town/City	Fife
Postcode	FK14 7ND	Postcode	KY11 3HG
Telephone		Telephone	01383 872000
Mobile		Mobile	07881097659
Fax		Fax	N/A
Email		Email	hutton874@btinternet.com
3. Application Details			
Planning authority		Perth and Kinross Council	
Planning authority's application reference number		17/01337/FLL	
Site address			
Dollar Equestrian Blairingone Dollar FK14 7ND			
Description of proposed development			
Erection of stable buildings (in retrospect).			

Date of application

07.08.2017

Date of decision (if any)

09.10.2017

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate statement attached

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

The reasons for refusal refer to odours, noise and visual impact, and the applicants' documents address these matters.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. Statement from acoustic consultant
2. Manure plan
3. Landscape proposal

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

R T Hutton

Date:

09.11.2017

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**STATEMENT IN SUPPORT OF THE APPLICATION FOR REVIEW OF
THE DECISION TO REFUSE PLANNING PERMISSION FOR THE
ERECTION OF 4 TIMBER STABLES PLUS STORAGE FOR THE NON
COMMERCIAL USE OF MR & MRS C MCLEISH AT DOLLAR
EQUESTRIAN, BLAIRINGONE.**

COUNCIL REF: 17/01337/FLL.

**R T HUTTON PLANNING CONSULTANT
NOVEMBER 2017.**

1.0 Background to the application for review.

1.1 The planning application to which this application for review relates concerns 4 wooden stable buildings which have been on site for some 7 years. They were granted planning permission retrospectively under reference 14/00278/FLL, and a condition was imposed limiting the permission to 2 years. The condition was to allow the Council to review the traffic position once the adjacent commercial equestrian business became operational. Prior to the expiry of this temporary permission the applicants applied to have the permission granted on a further temporary basis, (16/00878/FLL). PKC subsequently after taking (and not refunding) the registration and advertising fees advised a further temporary period could not be considered. This was withdrawn 16/06/2016. The applicants were then further advised to make a new application (16/01743/FLL), attracting new full fees, for the permanent retention of the buildings. This application was refused 31/01/2017. The applicants did not seek a review of this decision as they had sought information from the Council which was not made available within the timescale required to seek a review. The current further application (17/01337/FLL) was submitted following discussion with a Council planning officer. This application was subsequently refused, with 2 reasons being given for that decision. On both applications the reasons for refusal are stated as Policy EPB "Noise Pollution" and Policy PM1 "Placemaking".

1.2 The applicants consider that these reasons contradict previously stated views of Council planning officers and express subjective opinions that have no justification. Mr and Mrs McLeish therefore now seek a review of this decision, and in support of their application they ask that members of the Local Review Body consider the information detailed in this report along with the landscape and manure plans now submitted plus the report from their acoustic consultant.

1.3 When dealing with this application for review it is appreciated that the members of the Review Body will have a copy of the delegated report that was prepared when the planning application was refused. The applicants therefore wish to detail the factual errors and misinformation that is contained within this report in order that members of the Review Body are aware of these when making their decision.

2.0 Misinformation contained within the delegated report.

2.1 Photographs.

The bottom left and top right photographs are taken from the adjoining U213 public road and are dominated by the excessive weed growth which is in fact within the Council's roadside verge. This unsightly weed growth is not within the application site, neither are the trailers which feature in this picture. Clearly by

including these pictures of unattractive features which are not within the site, the report author is seeking to give a false impression of the condition of the site.

2.2 Background information.

In the fourth paragraph of the report there is clear confusion where it is stated firstly that the stables are temporary and are to be removed, then later when landscape issues are being considered it states that the intention is for the stables to be retained on a permanent basis. It has always been the applicants' intension that the stables should be retained permanently for their own personal use.

2.3 The adjacent commercial equestrian centre.

There is an equestrian centre to the east of the timber stables, this was erected by Mr and Mrs McLeish following the grant of planning permission (11/01839/FLL). It was in order to assess the likely impact on traffic from this development that a temporary permission was originally sought for the timber stables. However, the delegated report states that this equestrian centre is no longer operating. This is clearly incorrect as the centre has been fully operational since 2013, either by the applicants or, more latterly, their tenants. This is an important point as it has a bearing on the issues of both traffic and residential amenity.

2.4 Traffic matters.

In the section of the delegated report relating to roads and access it states in the first paragraph:

“as the equestrian centre has never really become fully established it has not been possible to draw any conclusions in terms of traffic generation”.

The concerns raised by this incorrect statement are referred to in 2.3 above, but the fact is that the centre has been full to capacity for the majority of the time it has been open, and has in fact operated beyond capacity since March 2017.

The report also avers that there will be an increase in traffic as a result of the applicants travelling to tend their horses. In fact this has always been the situation since the applicants stabled their horses on site in 2011. On each and every application relating to the timber stables (14/00278/FLL, 16/01743/FLL and 17/01337/FLL) Perth & Kinross Transport Planning Department reported having no concerns and no objections.

2.5 Residential amenity.

Concerns are raised in the report about the impact the stables will have on local residential amenity in terms of noise and odours. These are matters which are highly subjective and not substantiated. However, as they are referred to specifically in one of the reasons for refusal, they are matters which will be

addressed in the section below which contains the applicants response to the reasons for refusal.

3.0 Comments on the reasons for refusal.

3.1 The first reason given for refusal concerns the impact the operation of the 4 timber stables may have on the amenity of the house plot, and it states that there is a potential for noise and odours to cause annoyance to future residents. In support of this position Policy EP8 "Noise Pollution" is quoted.

3.2 The house plot in question was approved as part of the application for the equestrian centre, but as is explained in the delegated report, it has now been separated from that development and may be occupied by people with no association with the centre. Anyone buying this plot does so in the full knowledge that a large, commercial equestrian centre is operating within 9 metres of their house. In the delegated report planning reference 16/01879/FLL to convert the partially built garage into a dwelling house, the case officer stated:

"I am also satisfied that the applicant is well aware of the potential issues in terms of noise and odours associated with the equestrian operations."

The nearest of the timber stables is 60 metres from the house. It is therefore difficult to understand why the operation of 4 timber stables at that distance away is seen as a potential problem when a commercial operation involving stabling for 24 horses and an indoor arena much closer, at 9 metres, is acceptable.

3.3 Turning first to Policy EP8 which the Council rely on to justify the first reason for refusal, it is necessary to consider its wording. The policy states:

"There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses close to sources of noise generation".

Firstly, we would point out the obvious, that this policy has nothing to do with odour control. And refers only to noise. We can therefore assume that there is no policy backing for the reference to odour in this reason for refusal. We would also wish to highlight that the policy seeks to prevent uses which will generate high levels of noise, and would make the point that the stabling of 5 horses in 4 timber stables are not what would normally be considered to be a generator of a high level of noise. The timber stables have been in place since 2011 without any concerns being reported in regards to noise. However, rather than rely on a subjective view as seems to have been the case with the planning case officer, the applicants have engaged the services of an acoustic consultant. His assessment of the situation is summarised very succinctly in his email message which is submitted with this statement as the applicants' Document 1. He explains that having carried out acoustic work involving planning applications

over a 34 year period, he has never heard of or read of anyone complaining about the noise from horses. He has personal experiences with horses, and this when allied to his acoustic knowledge, leads to the conclusion that there is no need to carry out a noise impact assessment of the sound that may emanate from the stables.

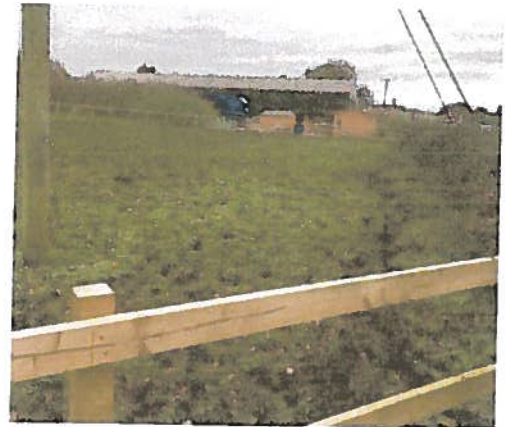
3.4 In order to address the potential odour issue referred to in this reason for refusal, the applicants have commissioned the Scottish Agricultural College to prepare a manure plan, and this is now submitted as the applicants' Document 2. This explains that within the stables rubber matting will be used to minimise the amount of straw or wood shavings used for bedding, and that this will be cleared to an area to the rear of the stables, the furthest point from the nearest house. Thereafter, the report shows how, using established standards and methodology, Dollar Equestrian have more than sufficient land to deal with the manure produced.

3.5 When considering issues of noise and odour as potential impacts on residential amenity, the Council planners are usually advised by their Environmental Health colleagues who have a specialist knowledge of these matters. It is clear from the delegated report that Environmental Health were in fact consulted on this application both in terms of the water supply and the issues of noise and odour. They forwarded no objection on any of these points suggesting conditions that could be imposed to ensure satisfactory standards are maintained. Whilst noting this point, the report then fails to give any reason as to why this specialist knowledge was ignored, and noise and odour raised as a reason for refusal. It is appreciated that planning officers are free to accept or reject advice from consultees, but in this case they have not only ignored the advice but gone on to actively disagree by including these issues as a reason for refusal with no evidence on which to base that view.

3.6 The first reason for refusal shows a great inconsistency and lack of any objective evidence to substantiate the point made. Planning permission has been given to the house plot in question close to a large scale equestrian business to which it may have no connection, where the potential for impact on amenity from noise and odours are much greater than from the 4 timber stables. Specialist advice has been ignored, and no evidence presented to support what is a subjective opinion.

3.7 The second reason for refusal is concerned with the visual impact the timber stables have on the surrounding area, and quotes Policy PM1 "Placemaking" to support this position. This is a very general policy which, whilst applicable to all developments, is generally aimed at larger scale projects than that the subject of this application. However the general aim behind the policy which can be applied to this proposal is that it should respect the character and amenity of the area. In light of this it is surprising that the reason for refusal refers to the affect on residential amenity which is not really the subject of this policy which is concerned with visual amenity.

3.8 When seeking to assess impact on local character and amenity it is necessary to establish the context within which the proposed development is set. In this case the area is essentially rural, though adjacent to the application site are a number of houses and a large shed building which houses the equestrian business, and a large agricultural shed to the east. This type of grouping of private timber stables are existing (around 1 mile away) at Easter Muirhead Equestrian Centre adjacent to the indoor arena.



Easter Muirhead Bothy has timber stables.



Easter Muirhead Farm House also has timber stables.



Timber stables at 5 Tethyknowe.



It is also worth noting that at Cairnfold House, the next group of buildings to the west of our site, there are large stable buildings with a similar finish to those under review which were granted a permanent planning permission in 2013, 13/00117/FLL.

Cairnfold House:



All the aforementioned including my client's application, are sited within 1 mile off the same U213 unclassified road. Therefore whilst the area is open countryside it does accommodate a series of buildings. Is it then appropriate to site 4 small,

timber stables within this context. Clearly the planning officer who dealt with the original application (14/00278/FLL) for the timber stables thought so. In his report to committee at the time he stated:

“the stables that have been constructed on the site have no significant detrimental impact on the visual character of the area. Small scale timber stables such as the type built by the applicant are relatively commonplace throughout rural Kinross, with open fields and paddocks and generally form part of the character of the landscape,”

There have been no changes in the area since that was written which would cause anyone to have a different opinion, yet that is what has happened. No explanation is given as to why what was regarded as acceptable visually in 2014 is now seen as unacceptable. Also the permission granted for stables at Cairnfold House indicated that timber stables are appropriate in this area. Such inconsistency in decision making leaves potential applicants for planning permission unable to take a view on what will be acceptable in any given situation, and can only bring the system into disrepute.

3.9 The delegated report explains that a landscape plan was approved as part of the permission for the equestrian centre, and these works have not yet been completed. The report avers that the landscape proposals impinge on the current application site, though no view is given on the relevance of this. On the approved landscape plan most of the area occupied by the stables was shown as either hard standing or grassland. However, the applicants have commissioned the same landscape architect to revise proposals incorporating the timber stables into the design, and his revised scheme is submitted as the applicants' Document 3. From this it can be seen that new tree planting to the north and south of the stables will provide an effective screen of the buildings when viewed from these directions. This when added to the earth mounding on the west side of the site will ensure that the stables buildings have no significant impact on the local landscape.

4.0 Additional considerations:

4.1 Animal Welfare:

Prevention of the applicants carrying out their Duty of care obligations as defined by the Scottish Parliament:

Under the Animal Health & Welfare (Scotland) Act 2006 anyone who is responsible for an animal has a legal duty to take reasonable steps to ensure its welfare.

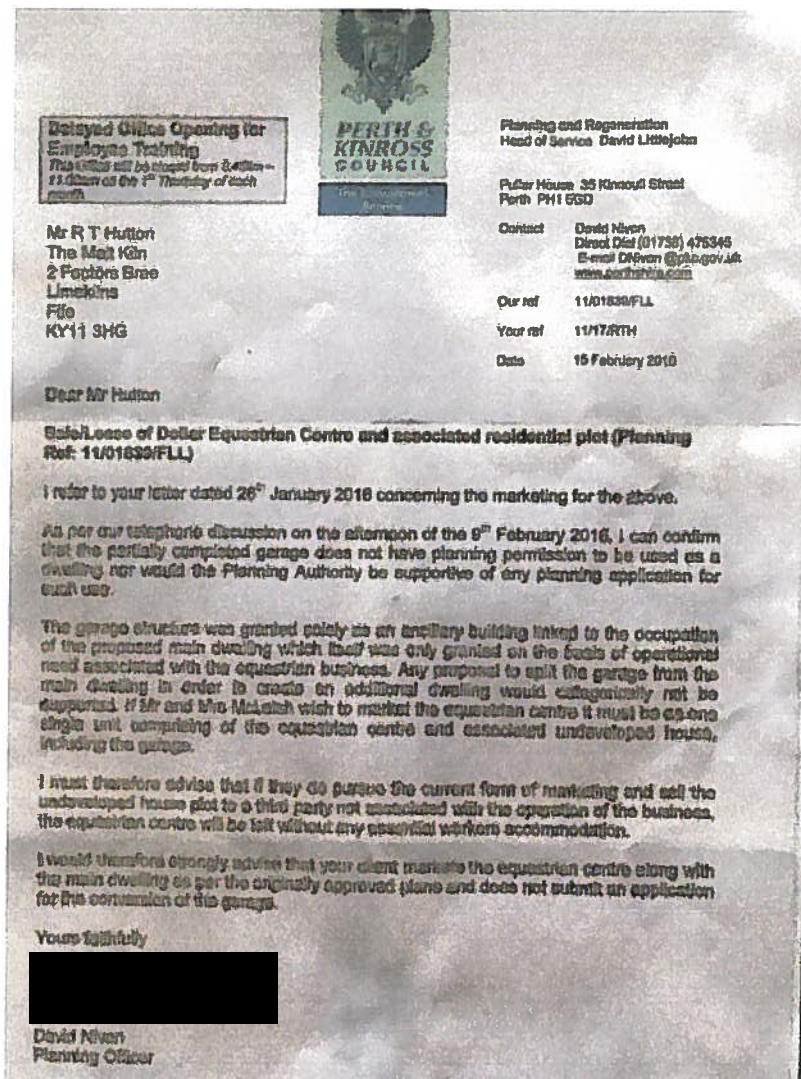
Codes of Practice for the Welfare of Animals: Equidae This Code which has been prepared following consultation, is issued with the authority of the Scottish Parliament pursuant to section 37 (Animal welfare codes) of the Animal Health and Welfare (Scotland) Act 2006. The Code applies in Scotland and has been issued by the Scottish Ministers (following approval by the Scottish Parliament). THIS CODE OF PRACTICE FOR THE WELFARE OF EQUIDAE WAS MADE ON 19 FEBRUARY 2009, AND WAS APPROVED

BY RESOLUTION OF THE SCOTTISH PARLIAMENT ON 25 MARCH 2009 AND COMES INTO EFFECT ON 29 APRIL 2009.

This document is also available on the Scottish Government website:

www.scotland.gov.uk

4.2 The applicants sought to convert the partially built garage into living accommodation to be associated with the business and obtained the necessary Building Warrants. PKC contacted myself as their agent advising it would not be possible to convert this building into a dwelling. This conversation was confirmed by an official letter dated 15/02/2016:



My clients then sold the building plot and partially built garage. The purchaser then sought and gained planning permission to convert the garage into a dwelling.

5.0 Conclusions

**Delayed Office Opening for
Employee Training**

*This Office will be closed from 8.45am –
11.00am on the 1st Thursday of each
month*



Mr R T Hutton
The Malt Kiln
2 Factors Brae
Limekilns
Fife
KY11 3HG

Planning and Regeneration
Head of Service **David Littlejohn**

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Contact David Niven
Direct Dial (01738) 475345
E-mail DNiven@pkc.gov.uk
www.perthshire.com

Our ref 11/01839/FLL

Your ref 11/17/RTH

Date 15 February 2016

Dear Mr Hutton

**Sale/Lease of Dollar Equestrian Centre and associated residential plot (Planning
Ref: 11/01839/FLL)**

I refer to your letter dated 26th January 2016 concerning the marketing for the above.

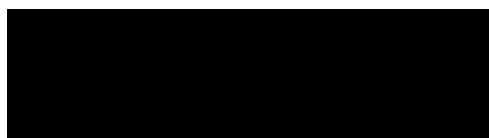
As per our telephone discussion on the afternoon of the 9th February 2016, I can confirm that the partially completed garage does not have planning permission to be used as a dwelling nor would the Planning Authority be supportive of any planning application for such use.

The garage structure was granted solely as an ancillary building linked to the occupation of the proposed main dwelling which itself was only granted on the basis of operational need associated with the equestrian business. Any proposal to split the garage from the main dwelling in order to create an additional dwelling would categorically not be supported. If Mr and Mrs McLeish wish to market the equestrian centre it must be as one single unit comprising of the equestrian centre and associated undeveloped house, including the garage.

I must therefore advise that if they do pursue the current form of marketing and sell the undeveloped house plot to a third party not associated with the operation of the business, the equestrian centre will be left without any essential workers accommodation.

I would therefore strongly advise that your client markets the equestrian centre along with the main dwelling as per the originally approved plans and does not submit an application for the conversion of the garage.

Yours faithfully



David Niven
Planning Officer

5.1 The timber stables at Dollar Equestrian have been in place for 7 years and have not caused any nuisance or problems for neighbours. The Council planners are concerned that the stables will cause noise and odour nuisance to the occupants of the nearest house, and will be out of character with the area. In concluding on the residential amenity issue the planners have ignored the advice of their specialist advisors and made a subjective assessment that cannot be supported by fact. They also appear to have ignored the fact that this nearest house is very much closer to a significantly larger commercial livery operation where the potential for nuisance must be greater. This demonstrates a clear inconsistency which should not happen when planning decisions are being made.

5.2 The second reason for refusal states the planning officer's view that the stables are out of character with this area and will not contribute positively. This view runs directly counter to an earlier view on the stables expressed in the committee report when the stables were first approved. It is also inconsistent with the view taken when larger timber stables were approved on a nearby site. The stables under review are well screened, and this will be improved when the landscape scheme now submitted is implemented.

DOCUMENT 1

[REDACTED]
Date: 19/10/2017 20:06

Subject: Planning Application for Stables, Near Tethyknowe, Near Blairingone
y Dollar

**CHARLIE FLEMING ASSOCIATES**

ACOUSTICAL CONSULTANTS

NOISE CONTROL ENGINEERS

Good evening Charlie,

I refer to your email of 16th October 2017 and would like to thank you for inviting me to quote for carrying out an assessment of the sound emanating from your stables.

Having conducted over a thousand noise impact assessments for planning applications I have a great deal of general experience in this field. In 34 years of practice as an acoustic consultant, I have never been asked to consider the sound horses make with respect to a planning application. One can take this as an indication in itself that there is no sound of any significance. Furthermore, I have never read or otherwise heard anyone complaining about the sound of horses. I used to ride regularly and so am familiar with horses. The sounds they make, such as neighing, occur infrequently and for the vast majority of the time the animals are quiet. I see no need whatsoever to carry out a noise impact assessment of the sound that might emanate from the stables.

MANURE PLAN
For
DOLLAR EQUESTRIAN LIMITED

This report has been prepared exclusively for the use of Dollar Equestrian Ltd on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he does, then he relies upon it at his own risk. No responsibility is accepted for any interpretation which may be made of the contents of the report.

Report prepared by:

James Buchanan
Farm Business Services
SAC Consulting
Sandpiper House, Ruthvenfield Road
Inveralmond Industrial Estate
Perth, PH1 3EE

E. Mail: [REDACTED]

November 2017

Table Of Contents

1. Waste Management Production, Handling & Storage
2. Quantities of Slurry FYM & Silage Effluent Produced
3. Land available for Spreading of Slurry, FYM and Silage Effluent.

Waste Management Plan

Soiled Bedding from Stables

Bedding is either straw or propriety wood shavings specifically produced for horses with no plans to change these. Rubber matting will be in place to help minimise bedding usage and therefore waste.

Both types of bedding are biodegradable and suitable for "muck spreading" after a period of time.

Storage and Removal-

An area to the rear of the stables has been cut out of the bank to act as a muck heap. This is three sided and although open to the top and front, will help minimise odour.

There is an agreement with a local farmer to remove the muck heap weekly.

Quantities of Slurry, FYM and Silage Effluent currently produced.

Dollar Equestrian does not lie within a NVZ area and standard figures used in the NVZ plan have been used to calculate the amount of FYM produced. All manure is collected as PYM. All winter feed is hay therefore no effluent is produced.

Proposed Numbers

FYM Production Calculator CURRENT SYSTEM

Type of Livestock	Number Hd	Body Wt Kg	Occupancy (Days)	Daily Excreta Production Tonnes	Actual Production Tonnes	Straw T/1d/6 Months Tonnes	Straw Total Tonnes	Total Estimated FYM Tonnes
Horses	5	500	365	0.03	54.75	1.5	15.0	70
Calf	0	100	0	00008	0	0.5	0	0
Finishing Cattle		400	330	0.019	0	1	0	0
							15.0	70

Land Available for Spreading of Slurry, FYM and Silage Effluent

The business owns 27 ha of land before development. As already stated the business does not lie within the NVZ area. Assuming the 70 tons of manure were spread in one application at 50 tons/ha the business would need 1.5 ha of land. In reality the manure would be spread over a bigger area at a lower rate, however the calculation shows that Dollar Equestrian has enough land to dispose of the manure it produces.

LANDSCAPE PLAN

Scale Bar

PLANTING SCHEDULE:

MIXED FEATHERED TREES PLUS SHELTER AND STAKEPLANTED INDIVIDUALLY AS DETAILED

PLANTING METHOD 8

DESCRIPTION	SIZE	MIX	PV	QTY
ai ALNUS INCANA	1200-1500MM	58%	BR.	11
ps PINUS SYLVESTRIS	600-750MM	42%	10L	8



CHARLIE FLEMING ASSOCIATES LIMITED

5 Saltpans, Charlestown, Fife KY11 3EB

Registration Number 477555

[REDACTED]

[REDACTED]

[REDACTED]

<http://www.charriefleming.co.uk>

Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Dollar Equestrian
c/o RT Hutton Planning Consultant
The Malt Kin
2 Factors Brae
Limekilns
Fife
KY11 3HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 9th October 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01337/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 7th August 2017 for permission for **Erection of stable buildings (in retrospect)** Dollar Equestrian Blairingone Dollar FK14 7ND for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy EP8 'Noise Pollution' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour.
2. The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

Justification

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

17/01337/1

17/01337/2

17/01337/3

17/01337/4

17/01337/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01337/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	06.10.2017	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of stable buildings (in retrospect)

LOCATION: Dollar Equestrian Blairingone Dollar FK14 7ND

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 5 October 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to the recently constructed equestrian development known as 'Dollar Equestrian' on land to the north of Cairnfold Farm. In March 2012 the Development Control Committee granted planning permission for the development of a commercial equestrian centre on the site (Ref: 11/01839/FLL). The permission comprised of the erection of a large steel portal framed building containing 24 stables and an indoor riding arena. The permission also included the erection of a large dwellinghouse with a detached double garage which was justified on the basis of operational need.

To date the applicant has completed the construction of the building containing the stables and arena. However, whilst the applicant did initially operate an equestrian business for a brief period, unfortunately due to personal circumstances the applicant has ceased operating the equestrian facility and this is now leased to a third party.

In July 2014 the applicant was granted consent for the removal of the occupancy condition (Ref: 14/00705/FLL) that tied the house to the equestrian business. The justification for the removal of the occupancy condition was based on the difficulty in obtaining the funding from banks due to the occupancy restriction. The applicant has since sold the house plot to a third party who is not associated or connected in any way to the operation of the equestrian facility or the timber stables. This house is currently under construction.

In 2011, prior to gaining planning permission for the equestrian centre, the applicant constructed four timber buildings containing 7 stables and storage space for hay and tack on an area of land close to the entrance of the site. These stables were initially constructed as a temporary measure for housing

the applicants own horses in advance of the equestrian centre becoming operation. At that time the applicant was not aware that the stables required planning permission and they advised that it was their intention to remove the stable upon completion of the equestrian centre.

In 2014 the applicant was granted planning consent to retain the stable buildings for a temporary period of two years (Ref: 14/00278/FLL). The justification for the timber stables was largely based of the use being restricted to the applicants own horses and given that the original permission envisaged that the applicant would be developing the house plot, this seemed reasonable.

The conditions of the consent restricted the use of the stables to the applicants own personal use and the two year period was to enable the Council to review the traffic situation once the applicant's main equestrian business was fully operational. Unfortunately, as outlined above, the equestrian business is no longer operating and the house plot has been sold to a third party.

In 2016 an application was made to retain the timber stables on a permanent basis (16/01743/FLL). This application was refused in January 2017. The applicant chose not seek a review of the decision.

This current application is very similar to the 2016 application and again seeks to retain the stable buildings.

SITE HISTORY

14/00278/FLL Erection of stable building (temporary for two years) (in retrospect) 27 June 2014 Application Permitted

14/00705/FLL Removal of condition 3 (occupancy) of permission
11/01839/FLL (Erection of an indoor horse arena building for equestrian business and erection of a dwellinghouse and garage) 18 July 2014
Application Permitted

16/00878/FLL Renewal of permission 14/00278/FLL (erection of stable building) (for a temporary period) (in retrospect) for a further temporary period
30 June 2016 Application Withdrawn

16/01743/FLL Erection of stable buildings (in retrospect) 31 January 2017
Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

None.

CONSULTATION RESPONSES

Internal

Environmental Health (private water)

No objection but recommend informative note relating provision of an adequate and consistently wholesome water supply.

Environmental Health

No objection but recommend that conditions with regard to noise and odour are attached to any consent.

Transport Planning

No objection.

External

Fossway Community Council

Object to application. Concerns, as before, with increased traffic and road safety on the shared access road. No new information to support the application. The stables were always meant to be temporary and should remain temporary.

The Coal Authority

Not within a High Risk Area in terms of Coal Authority consultation.

BP Consultations

No impact on pipeline. No comment.

REPRESENTATIONS

9 representations, including one from Fossway Community Council, have been received and include the following concerns:

- Previously refused and nothing has changed
- Increase in traffic / impact on road safety
- Lack of justification / requirement for timber stables
- Unclear as to relationship to the equestrian centre
- Visual impact
- Lack of proper waste management
- Landscaping not completed in accordance with 2011 consent
- No parking for the stables

The above points are addressed the report below.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Supporting statement submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The main relevant policies of the local development plan are placemaking policies PM1A and PM1B and policy EP8 'Noise Pollution'.

Policies PM1A & B seek to ensure that all development respects the character and amenity of the place and contributes positively to the quality of the surrounding built environment.

Policy EP8 outlines that there is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

The information submitted as part of the application seeks to respond to some of the reasons for refusal previously given however the nature of the proposal has not changed and it is still considered that the retention of the existing stable buildings cannot be supported due to the impact on neighbouring residential amenity which has arisen primarily due to the site being broken up into separate plots creating irreconcilable issues. The position of the stable buildings also impacts on the approved landscaping scheme for the wider site, approved under the 2011 consent and creates issues with visual amenity. This is discussed in greater detail below.

Design and Layout

The application relates to four existing stable buildings that were constructed as temporary buildings. The buildings are constructed in timber and measure 3 metres to the top of the ridge. Three of the buildings (Type 1 stable) contains two stalls. One building (Type 2 stable) contains one stall plus space for straw. Both types of design measures around 7.5 metres in length by around 3.6 metres wide. They are enclosed by timber post and wire fencing. Land around the site is not within this application site but is used for parking horse boxes and cars associated with the stables.

Residential Amenity

As noted above, the neighbouring house plot was granted on the basis of operational need associated with the development and ongoing operation of the equestrian facility which has been completed and is fully functional, albeit presently vacant. Had it not been for the operational requirements associated with the equestrian use the house plot would not have been granted consent due to the inherent issues in relation to residential amenity given its proximity to the main stable and arena building.

The same issue also applies to the temporary stable buildings that were only approved for the use of the applicants own horses, which during the assessment of the 2014 application seemed reasonable and did not raise any concerns in relation to residential amenity given that the applicant was intending on the living the proposed house.

The decision to sell this house to a third party raises some substantial concerns in relation to the residential amenity of the occupants. The proposed house plot has been purchased by the third party who will have no involvement in the operation of the stables and I have quite significant concerns regarding the living environment for the occupants should the equestrian centre become fully operation given that the stables and arena building will be just 9 metres from the proposed house. That said there is little that can be done to prevent this as the occupancy condition has been removed but in my view the temporary timber stables located directly opposite the entrance to the site further compounds matters. If these stables were approved on a permanent basis the occupants of the proposed house would not only be affected by the noise and odours from the operation of the main equestrian centre but also from the 7 stables sited just 60 metres to the west. It is also noted that concerns have been raised by objectors regarding the handling and disposal of manure and the fact that the equestrian centre and timber stables will be run by different parties also further exacerbates matters.

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the neighbouring house plot is required and in this case cognisance of the surrounding land uses has to be taken into account. As such it is considered that whilst the original intention of the timber stables may have initially been supported the substantial change in circumstance, namely the sale of the adjacent house plot to a third party, means that the retention of the stables on

a permanent basis would not be acceptable due to the impact that it will have on the amenity of the neighbouring plot.

Visual Amenity / Landscaping

A number of concerns have been expressed regarding the visual impact of the timber stables and the lack of structured landscaping as per the approved plans for wider site.

The stables were initially constructed as a temporary measure for housing the applicants own horses in advance of the equestrian centre becoming operational. The applicants were then granted a temporary consent with a view to becoming permanent once the business was established and house completed.

Unfortunately the stables have been erected within an area of the site which under the approved landscaping scheme for the wider site is to be planted with trees. Whilst the applicant is yet to fully implement the landscaping for the site it still forms a critical part of the approved plans given the exposed nature of the site and the Council would not be supportive of any proposals which reduce or impact on the approved landscaping strategy for the site. This point has been raised with the applicant who has suggested that it is their intention to alter the landscaping plans for the site to take account of the timber stables but in the absence of any revised planting scheme concerns still remain regarding the impact that the permanent retention of the stable could have on structured landscaping for the wider site.

In regards to the outward appearance of the stables I note concerns were previously expressed about the condition of the stables. However at the time of my site visit the stables appeared to be in a reasonable condition. However the area round the site was unkempt with long grass and weeds. The numerous parked horse boxes around the stables also added to the general clutter around the site detracting from the wider visual amenity of the area.

Roads and Access

A number of objections have been received which raise concerns that the existing road is not suitable for the type of traffic generated by the equestrian business and that the retention of the timber stables will further increase traffic on the road.

As per the conditions of the consent for the main commercial equestrian business, the applicant has formed three passing places along public road on the western approach to the site. In addition, Perth & Kinross Council has also undertaken improvement works on the local road network to add a further three passing places on the western approach to the site. It is also noted that a further single passing place has been formed on the public road to the east of the site which is within the Fife Council boundaries. This passing place was

required as part of a separate application for private stables on neighbouring land at Cairnfold House (Ref: 13/00117/FLL).

As such, a total of seven passing places have been formed along the public road that the serves the application site. The Transport Planning Officer has been consulted and has no objections to this application. However the stables were originally approved on a temporary basis in order to assess the situation once the equestrian centre was fully operational. As the equestrian use has never really become fully established it has not been possible to draw any conclusions in terms of traffic generation. Furthermore, now that the applicant is no longer going to operate the equestrian centre or live on site it is only reasonable to conclude the traffic will increase to some extent given that they will need to travel to tend to their horses.

Another matter relates to the multiple parties now sharing the existing access onto the public road. The original consent intended that the site would be used solely for the purposes of serving the equestrian centre and the associated accommodation. Now there will effectively be three different parties using the same access which could potentially create issues in future and certainly was not a scenario that had been envisaged when the original consent was granted in 2011.

Drainage and Flooding

There are no known issues in relation to drainage or flooding associated with this site.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The refusal of this application will not result in any significant economic impact.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1 The proposal is contrary to Policy EP8 'Noise Pollution' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour.

2 The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01337/1

17/01337/2

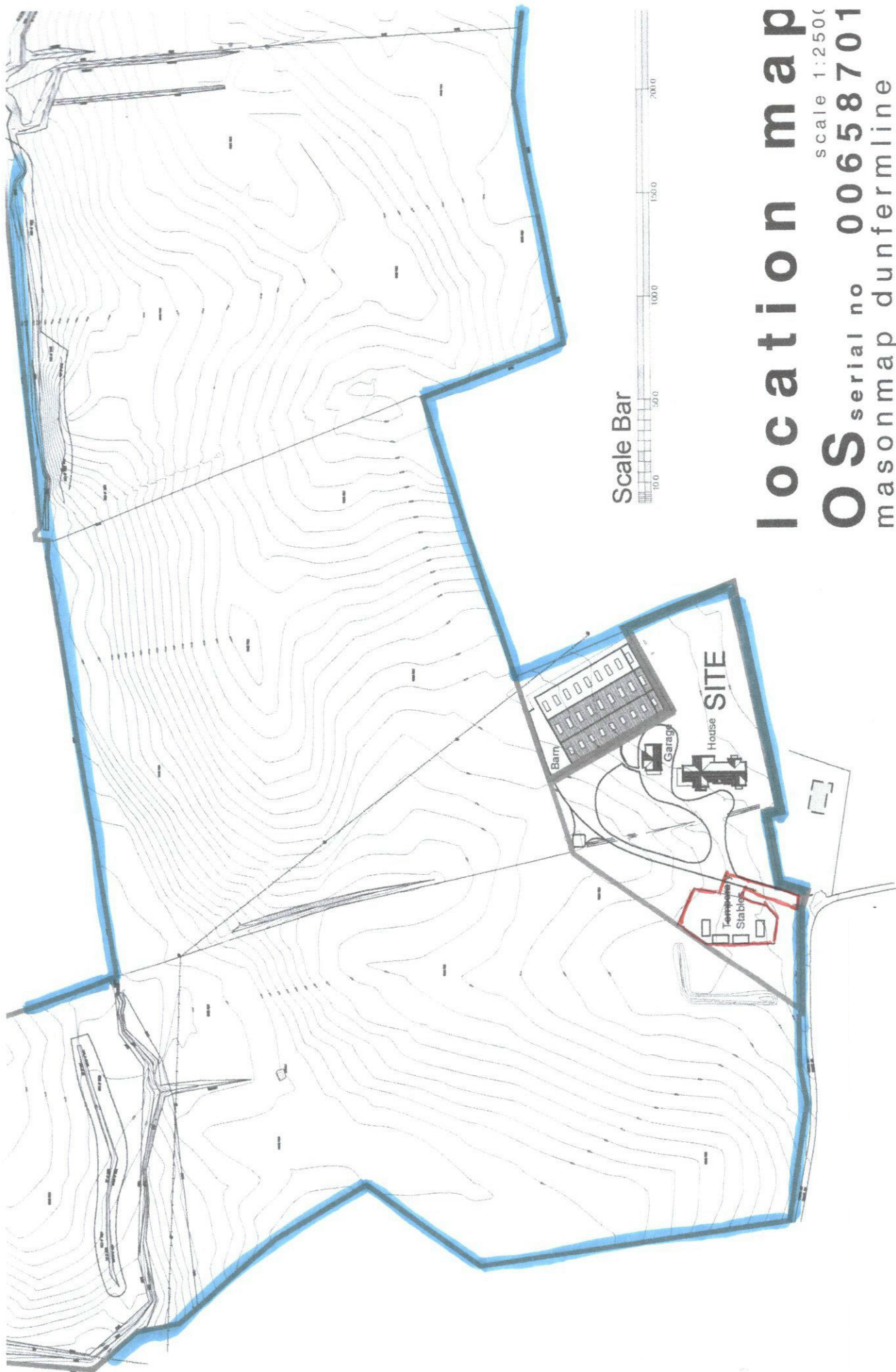
17/01337/3

17/01337/4

17/01337/5

Date of Report

6 October 2017



Scale Bar

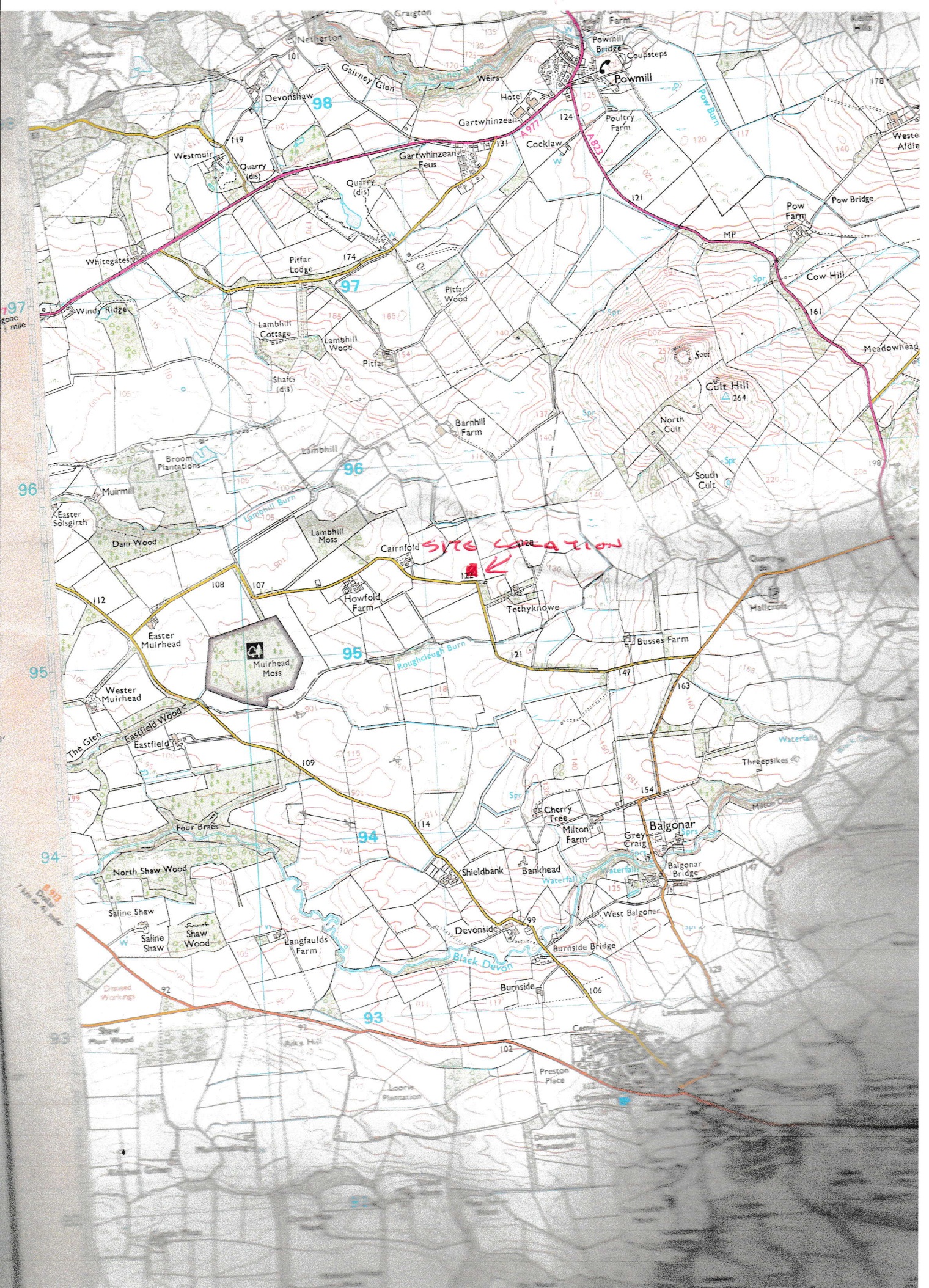
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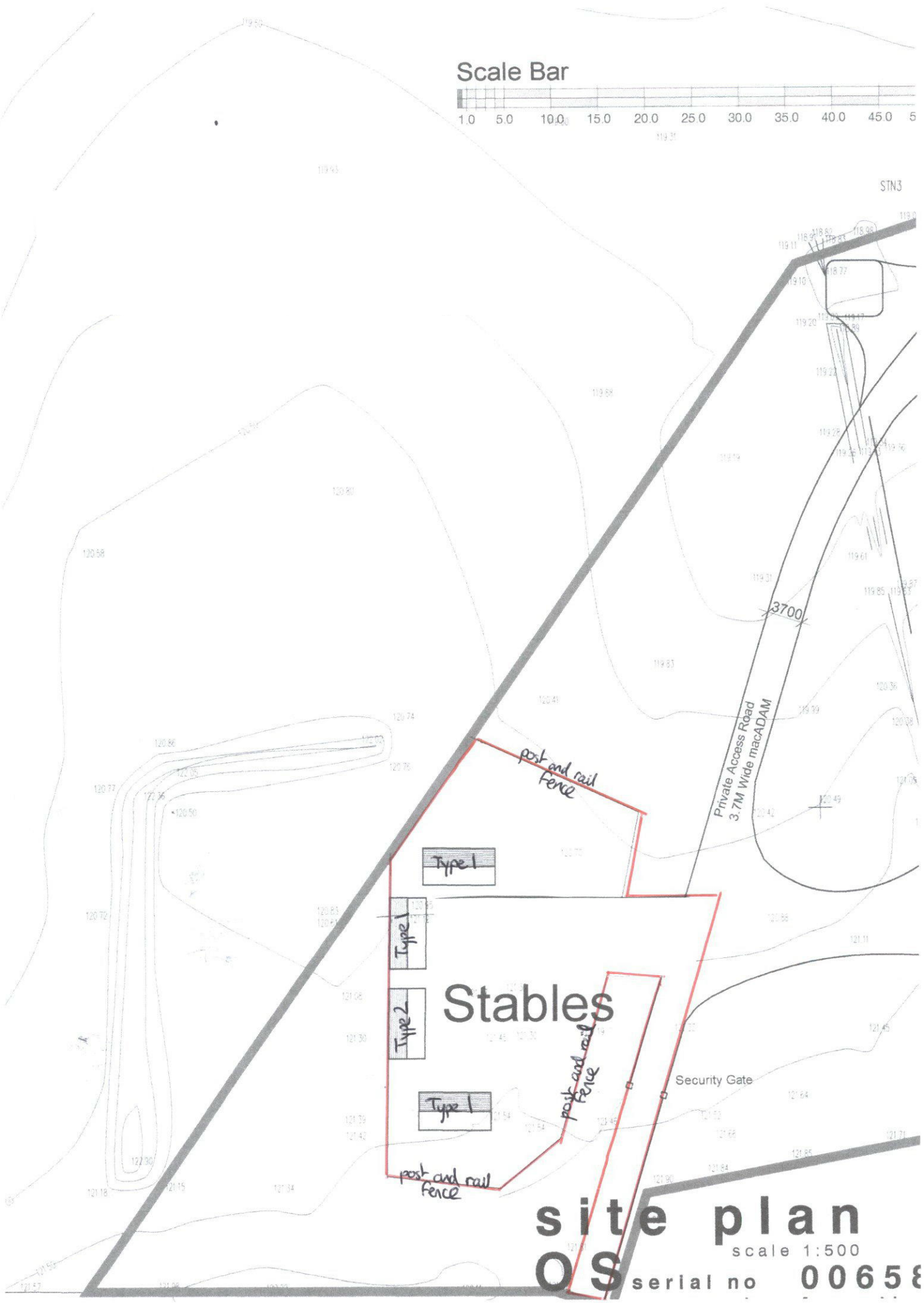
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mason map dunfermline

12 Apr 2013 © Crown Copyright 2013



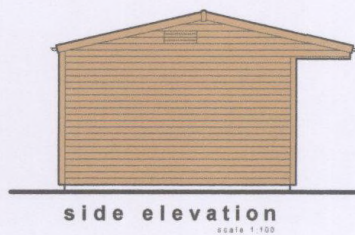
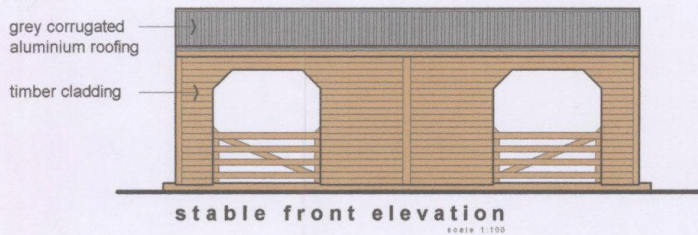
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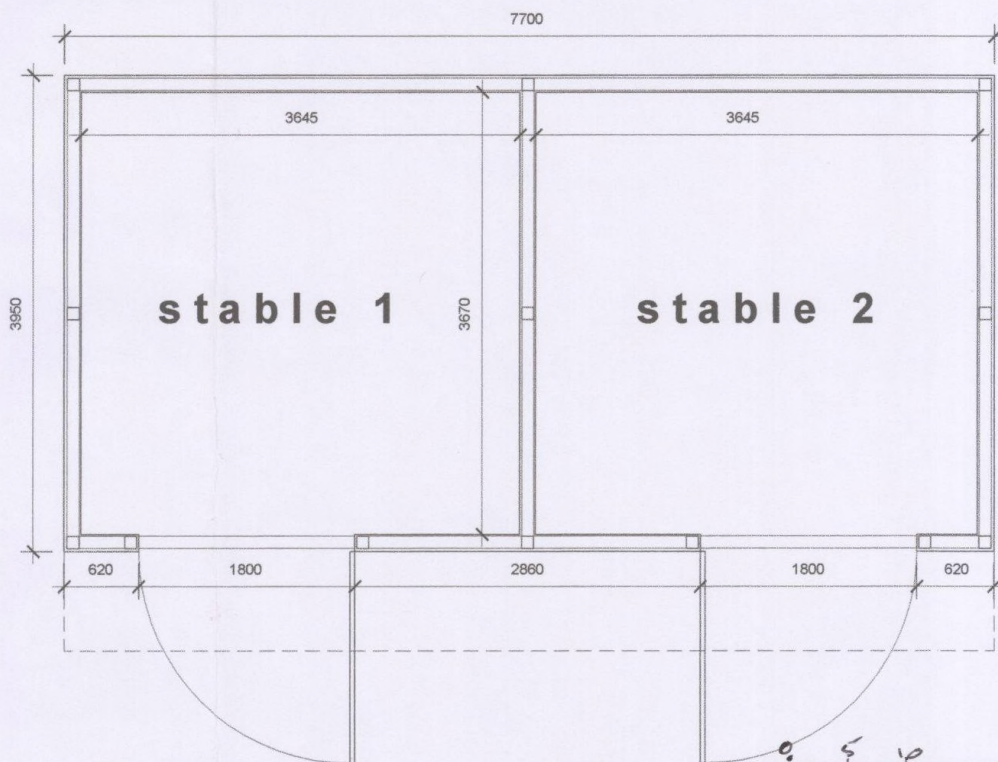
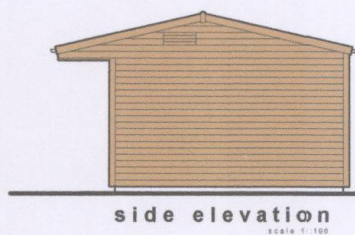
site plan

scale 1:500

OS serial no 00658



NOTES
This drawing is copyright protected and remains the property of FINE DESIGNS ARCHITECTURE.
All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately to the Architect.
Use only figured dimensions.



stable block type 1 - layout plan
scale 1:50



job no	1103 Stab	drawing number	ts 01
date	Feb 14		
project			
temporary stables at Cairnfold Farm, by Blairingone for Mr & Mrs McLeish			
drawing			
temporary stables			
13 park avenue, dunfermline, fife, ky12 7hx tel + fax: 01383 720320 mob: 07811129689 e-mail : info@finedesignsarchitecture.com www.finedesignsarchitecture.com			



scale 1:50



scale 1:50



FINE
DESIGNS
ARCHITECTURE

TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND

REPRESENTATIONS

C R Johnson

Wayleaves Team Leader
Midstream



BP Exploration Operating Company Ltd
Antonine House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Tuesday, 08 August 2017

Nick Brian
Development Quality Manager
Perth & Kinross Council

Direct +44 1324 320258
Mobile +4407511532524
Christopher.johnso@uk.bp.com
www.bp.com

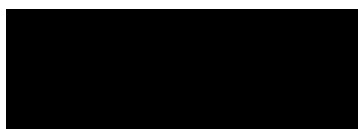
Dear Mr. Brian

Application Ref. APP/2017/1402 - Erection of stable buildings (in retrospect)
Address: Dollar Equestrian Blairingone Dollar, FK14 7ND
Grid Reference: 301371. 695448

Thank you for your email of 8th August, 2017 from Perth & Kinross Council in connection with the application above.

We advise you that our position remains the same as outlined in our response to the previous related consultation, ref: 16/01743/FLL, whereby as the safety and engineering integrity of our BP Forties Pipeline will not be affected by the proposed development, we have no comment to make on the application.

Yours sincerely,



C R Johnson C. Eng, MChemE
Wayleaves Team Leader
Midstream

BP Exploration Operating Company Ltd
Registered in England & Wales No. 305943
Registered Office: Chertsey Road,
Sunbury on Thames, Middlesex TW16 7BP

Amoco (U.K.) Exploration Company, LLC
a company formed with limited liability under
the laws of the State of Delaware, USA
and registered as an overseas company in
Scotland under Registered No. BR005086 and
its registered branch office at 1 Wellheads
Avenue, Dyce, Aberdeen AB21 7PB

ARCO British Limited, LLC
Inc. with limited liability in
Delaware, USA, No. 722013007
Branch Reg. In England No. BR001713
Branch Address: Chertsey Road,,
Sunbury on Thames, Middlesex TW16 7BP



C R Johnson
Wayleaves Team Leader
Midstream

BP Exploration Operating
Company Limited
Antonine House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Direct: +44 1324 320258
Mobile: +4407511532524
christopher.johnson@uk.bp.com
Web: www.bp.com

Monday, 05 December 2016

Nick Brian
Development Quality Manager – Perth & Kinross Council

Reference: **16/01743/FLL**

Dear Mr Brian

Proposal: Erection of stable buildings (in retrospect)
Address: Dollar Equestrian, Blairingone, Dollar, FK14 7ND
Grid Reference: 301371 695448

We thank you for your recent consultation regarding the above planning application and advise you that, as the safety and engineering integrity of our BP Forties Pipeline will not be affected, we have no comment to make on the proposal.

Please note that your letter states that the proximity of this development to the BP Forties Pipeline is approx. 23m. Examination of the documents available via www.pkc.gov.uk/publicaccess, shows that the development is actually approx. 470m to the west of the BP Forties Pipeline.

The Developer should ensure that access and operations during construction and the routes for any services for the site take account of the BP Forties Pipeline servitude.

Sincerely,



C R Johnson C. Eng, MChemE
Wayleaves Team Leader
Midstream



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Ms Persephone Beer

Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

17 August 2017

Dear Ms Persephone Beer

PLANNING APPLICATION: 17/01337/FLL

Erection of stable buildings (in retrospect); DOLLAR EQUESTRIAN, BLAIRINGONE, DOLLAR, FK14 7ND

Thank you for your consultation notification of the 08 August 2017 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01337/FLL

Our ref ALS

Date 11/08/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of stable buildings (in retrospect) Dollar Equestrian Blairingone Dollar FK14 7ND for Dollar Equestrian

I refer to your letter dated 8 August 2017 in connection with the above application and have the following comments to make.

Water (assessment date – 11/08/17)

Recommendation

I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.

Comments

The development is for stables in a rural area with private water supplies known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water for any human consumption please note the following informative. No public objections relating to the water supply were noted at the date above.

Informative

The applicant shall ensure the private water supply used for human consumption for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01337/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Erection of stable buildings (in retrospect)		
Address of site	Dollar Equestrian Blairingone Dollar FK14 7ND		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	23 August 2017		

Comments for Planning Application 17/01337/FLL

Application Summary

Application Number: 17/01337/FLL

Address: Dollar Equestrian Blairingone Dollar FK14 7ND

Proposal: Erection of stable buildings (in retrospect)

Case Officer: Persephone Beer

Customer Details

Name: Mrs Sheila Travers

Address: The Millhouse, Eastfield, Saline, Dunfermline KY12 9LW

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Road Safety Concerns

Comment: This application was refused by P&K before. Nothing has changed, no tree planting as stated by P&K has been done. The applicants have not abided by any of the conditions laid down and there is no reason to now reverse P&K's earlier decision. I object. Sheila Travers

Tracy McManamon

From: John Anderson [REDACTED]
Sent: 28 August 2017 10:02
To: Development Management - Generic Email Account
Subject: Fwd: Planning application 17/01337/FLL

Sent from my iPad

Begin forwarded message:

From: John Anderson <[REDACTED]>
Date: 24 August 2017 at 15:40:51 BST
To: development planning
Subject: Planning application 17/01337/FLL



Sheila Anderson
 Wester Cairnfold
 Blairingone
 Dollar
 FK147ND

Dear Sir,

I object to the above application on the following grounds.
 Planting, para.4.

Mr. Sutton says: " this approved plan included tree planting to give an element of screening, planting has been carried out in accordance with this condition."

This is not correct. A few trees were planted on the south boundary, many of which have died otherwise the site is still wide open.

Exposure, para.5.

In the original application 11/01839/FLL for Dollar Equestrian the planning officer acknowledged (para 66)" the site is located within an open field and is quite exposed within the immediate landscape." To this day the site lies exposed and an eyesore in this locale, the shelter belt still unplanted after 5 years, the wooden stables in full view.

Policy PM1, para 12.

The new owner of the building plot on this site had every right to expect the removal of the wooden stables at his entrance their status being "temporary for 2 years". Expired.

Are the stables essential? The applicant owns the adjacent huge barn with stabling for 20 plus horses. This has recently been let. Perhaps the applicant should have retained space in the barn complex for their own use knowing the non permanence of the wooden stables permission.

In the final paragraph of the cover letter Mr. Hutton says " this application is similar to one refused within 12 months." Surely that sums up this reapplication. It is the same as the previously refused one. Nothing has changed.

Yours faithfully,
 Sheila Anderson.

Sent from my iPad

Tracy McManamon

From: Diana Johnson <[REDACTED]>
Sent: 28 August 2017 16:50
To: Development Management - Generic Email Account
Subject: pl application 17/01337/FLL

ENTERED IN COMPUTER

29 AUG 2017

Dear Sir,

Planning Application 17/01337/FLL

I object to the above application for the following reasons:-

1. These stables were granted permission on a "temporary basis" for two years only.
2. The very narrow unclassified road with inadequate passing places has now become very difficult for the local residents and farming traffic to use as a result of the increase in traffic generated by the Equestrian centre. If these wooden stables are allowed to remain they will generate yet more associated traffic. Many local riders do not now use this road as it has become too dangerous due to the volume of traffic.
3. Fife Council roads department originally objected to a large Equestrian business on this unclassified narrow road unless full sized passing places were installed on the Fife side of the boundary to cope with the increase in horse lorries and trailers and associated traffic. There are still no passing places on the Fife side and we as local residents are now greatly inconvenienced when using this road.
4. The original conditions for the Equestrian shed stated that trees were to be planted to screen the site as it was so highly visible for miles around. No trees have been planted to screen the site where the stables are or to screen the very large equestrian shed. We now have to look at an eyesore.
5. In the original application for the Equestrian shed on this site the area where the wooden stables now stand was drawn as a Parking Area. Where

- is the parking area now to be for the trailers and horse boxes associated with the wooden stables?

Yours faithfully,

David and Diana Johnson

Cults Farm

Saline

Fife

KY12 9TB

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01337/FLL

Our ref LRE

Date 29 August 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK17/01337/FLL RE: Erection of stable buildings (in retrospect) Dollar Equestrian Blairingone Dollar FK14 7ND for Dollar Equestrian

I refer to your letter dated 16 August 2017 in connection with the above application and have the following comments to make.

Environmental Health (assessment date –29/08/17)

Recommendation

I have no objection in principle to the application but recommend that the under noted condition be included on any given consent.

Comments

Previous application 14/00278/FLL for the erection of stable buildings (in retrospect) was approved for a temporary two year period after which time the buildings were to be removed. This Service made comment with regards to noise and odour in memorandum dated 17 March 2014.

A further application 16/01743/FLL for the stable buildings to be retained on a permanent basis at the application site; the application was refused. This Service made comment at the time with regards to Private Water in memorandum dated 8 December 2016.

This application is for the permanent siting of the 4 stable buildings (in retrospect), which will have seven stables in total and storage space.

The application site is in a rural area and there is a dwellinghouse CairnKnowe approximately 65 metres to the closest stable block to the east of this application site. Also to the North East there is a large agricultural building 11/01839/FLL approved for an equestrian with stables and arena building approximately 99 metres away.

To the south east within approximately 62 metres from the closest stable is another residential property Cairnfold bungalow.

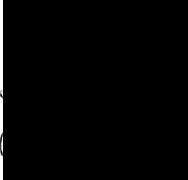
Both these properties are within close proximity to both the stables and the equestrian centre and it is my contention that there is the potential for these existing properties to be affected by odour from the stables and equestrian building which are both owned by the applicant.

Therefore I recommend and reiterate some of the conditions set in previous application 14/00278/FLL

There are three letters of representation at the time of writing this memorandum.

Condition

- An effective waste management plan for the stable building will be in place for the storage and removal of manure, to ensure that odour is kept to a minimum
- The stables shall be restricted to personal use only.
- The delivery and collection of goods and horses at the premises shall take place between 0700 and 2100 Monday to Saturday and 0900 and 1900 on Sunday and at no other time.



Comments for Planning Application 17/01337/FLL

Application Summary

Application Number: 17/01337/FLL

Address: Dollar Equestrian Blairingone Dollar FK14 7ND

Proposal: Erection of stable buildings (in retrospect)

Case Officer: Persephone Beer

Customer Details

Name: Mrs Judith Murray

Address: Cairnfold House, Blairingone, Perth And Kinross FK14 7ND

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Lack or loss Of Car parking
- Road Safety Concerns

Comment: We wish to object to this planning application for the erection of wooden stables in retrospect.

1) Planning Permission was previously granted on this site for the erection of an equestrian centre, garage/ gym and a large residential property. As part of this planning application the area where the wooden stables are erected was to be used for parking. Adequate parking would have been in if the factors considered by planning in granting planning permission for the equestrian centre.

2) The nature of this application and the future use of the stables is unclear. The application is being made by the company who own the equestrian centre but the supporting letter from the agent infers they would be used for personal use.

As the equestrian centre is currently leased to a third party and at full capacity, will these stables subsequently be leased to the third party if planning permission is granted.

The concerns of local residents on the effects on the local infrastructure of an increase in the capacity of the equestrian centre are well documented. There is a potential increase of circa 30% if another 7 stables are leased to the equestrian centre.

3) The garage/ gym had been sold to a third party not connected with the equestrian centre and is currently being converted into a private dwelling. In purchasing this plot, the buyers would have been expecting the wooden stables to be removed as temporary planning permission had been granted while the main equestrian centre business was developed.

Yours faithfully,

John and Judith Murray

Development Quality Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH 1 5GD

5 Tethyknowe Steading
Blairingone
Dollar
FK14 7ND

August 29th 2017

Dear Sir,

Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)

We object to the above planning application.

Taken in isolation this application does not actually read as a planning application because it contains no information on why these stables should be allowed to remain. Instead it reads as a submission of an appeal against the previous application 16/01743/FLL. The time for an appeal to be submitted was within three months of the original refusal i.e. by April 30th 2017. The applicant's agent has stated that an appeal was not submitted because information was requested from the council which was not provided. This is a weak excuse. If information was requested and not forthcoming then an appeal could have been submitted including details of any vigorous attempts to obtain information from the council.

It has also been stated that information was requested about any action the council intended to take. The approval of application 14/00278 was clear on this matter. The decision notice stated *"Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of the 2 years, the stables shall be removed and the land reinstated to the satisfaction of the Council as Planning Authority."* The applicant employs a planning consultant to manage this application on his behalf and he would be well aware that once the next application to retain the stables was refused the council would in due course issue an enforcement notice if the stables were not removed voluntarily, which they have not been.

In the absence of any justification for the stables provided with this application we restate our objections submitted to the last application with further updates.

The documents associated with application 16/01743 contained a significant contradiction:

The application was submitted in the business name of Dollar Equestrian, and the letter dated May 11th 2016 stated that the intention is to lease the business premises to a third party and that *"to have the wooden stables available as part of any lease would be beneficial, and make the development more attractive to potential lessees"*.

However, the applicant's letter of October 11th 2016 stated that the wooden stables are to be used by the applicants for only their own horses. We were advised by PKC planning that this letter describes the situation to which we should respond.

Was this change because they believed that it would be easier to obtain permission to retain them this way rather than a true change of intention?

The applicant made the previous application in the name of their business, rather than their personal names, which seems to contradict with the stated intention to use these stables for their

own horses. In addition the land on which the stables stand is owned by the business and not the applicant personally. The current application is also in the name of Dollar Equestrian so confusion about the intentions of the applicant remains.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the key issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges.

What was originally one site has now become three sites, which will undoubtedly increase the traffic on this small road even more. The applicant has stated that these stables have caused no problems but this arrangement cannot fail to increase traffic as the applicant needs to visit the site every day together with hay and feed deliveries, vet and farrier visits.

Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents caused by cars with horse trailers trying to pass each other. By their own admission PKC Transport Planning only allowed for cars to pass each other when determining the sizes of the passing places. This increase is despite the fact that not all the stables are occupied by client livery as the lessee has her own horses and rescue horses stabled there. Whilst this is in theory a long term let the previous lessee stayed less than three months so the potential for more traffic still exists should a future lessee have more horses in livery.

Associated with this site there is a history of statements by the applicant which have subsequently changed. Therefore this application cannot be considered in isolation of that history.

In the original application for the equestrian business the wooden stables were not mentioned, and that area on the site plan was shown as a parking area. However as soon as the business's website went live advertising their livery business, it specifically included the wooden stables as part of their facilities. In addition the original business plan included costings for 31 horses at livery (24 in the main building plus 7 wooden stables). So there is a wealth of evidence that the applicant always intended using these stables as part of the business, despite their not having planning permission.

If this application is approved there is still nothing to stop the site of the wooden stables and the main equestrian centre being combined again, either for the applicants, a lessee or purchaser. In the original application for the equestrian business it was stated that their own horses would be kept in the equestrian building, as a justification at that time for a limit on the business capacity and hence on the increased road traffic. Retention of the wooden stables, even if only for personal and not business use, would allow an effective increase in the business capacity by the back door and this should be taken into consideration with this application.

These stables have not been built on a solid foundation but simply on compacted ground. We also note that the applicant has stated that there will be no parking spaces. Is it the intention that cars will be parked on our small road?

The application states that agreement has now been reached on the landscaping that was a condition of the original equestrian centre application. This is five years overdue and it is unlikely that this would have been carried out at all without intervention by PKC planning enforcement. Irrespective of this application the planting specified in the original consent should now be carried out immediately, with larger trees to compensate for the missing years of growth, in order to provide the required screening around this site.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented. They have equally done nothing about waste management around the wooden stables and this waste simply runs off into the ground. There is no mention in the application or the site plan of a water supply for the wooden stables but there must be such a supply as it would not be possible to look after horses adequately without water. The roadway that was built for creating drainage for the main site has not been reinstated as it should have been. In summary it is clear that PKC cannot have confidence that any conditions that they might apply to this application would be complied with by the applicant.

This site is an eyesore and contrary to what has been stated these stables can be seen from various houses, not just the new house site. If the new owner of the house site had looked at the planning history he would have seen that those stables only had temporary planning permission which had probably expired by the time he bought the plot so his expectation would have been of an uninterrupted view.

This application puts forward a number of arguments about the need for stabling to be able to use the land that the applicant owns. The simple fact is that the applicant was granted permission for an equestrian centre and in that application they stated explicitly that this would also house their own horses. They were also granted permission to build a house to support that business. Such a house without a business need would not have been allowed under the council's planning policy. They have since chosen to sell the house plot and let the equestrian building so their current situation is of their own making and there is no justification for the council to step outside its own policies in this case.

Yours faithfully

Jason Davey

For the attention of the Development Quality Manager

DATE: 30/08/17

Planning Application 17/01337/FLL

Erection of stable buildings (in retrospect) at Dollar Equestrian Centre, Blairingone, Dollar, FK14 7ND

Fossoway and District Community Council have considered this application by email consultation and the decision taken by Community Councillors is to object. The reasons for this decision are outlined below.

There is a history of planning applications regarding the erection of stables dating back to the original application 11/01839/FLL and then again with 14/00278/FLL whereby Fossoway and District Council objected to the application on the grounds that the application would lead to unacceptable levels of traffic on the shared access road. There have been further planning applications in 2016 and the current application in 2017 and each time FDCC have submitted an objection on the same grounds

There is no justification to differ from the original concerns that were expressed regarding previous applications. The supporting statement from the agent does not bring forward any new information to support the application, rather it argues against the planning departments decision to refuse the last application.

When this application was initially submitted the stables were only ever intended as a temporary solution to the Equestrian Centre's development. We should not lose sight of this; the fact that this was only ever seen as a temporary application should mean they remain temporary.

Fossoway and District Community Council remains opposed to this planning application.

Jennifer Donachie

Fossoway and District Community Council Councillor

Development Quality Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH 1 5GD

2 Tethyknowe Steading
Blairingone
Dollar
FK14 7ND

August 29th 2017

Dear Sir,

Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)

We object to the above planning application.

Taken in isolation this application does not actually read as a planning application because it contains no information on why these stables should be allowed to remain. Instead it reads as a submission of an appeal against the previous application 16/01743/FLL. The time for an appeal to be submitted was within three months of the original refusal i.e. by April 30th 2017. The applicant's agent has stated that an appeal was not submitted because information was requested from the council which was not provided. This is a weak excuse. If information was requested and not forthcoming then an appeal could have been submitted including details of any vigorous attempts to obtain information from the council.

It has also been stated that information was requested about any action the council intended to take. The approval of application 14/00278 was clear on this matter. The decision notice stated *"Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of the 2 years, the stables shall be removed and the land reinstated to the satisfaction of the Council as Planning Authority."* The applicant employs a planning consultant to manage this application on his behalf and he would be well aware that once the next application to retain the stables was refused the council would in due course issue an enforcement notice if the stables were not removed voluntarily, which they have not been.

In the absence of any justification for the stables provided with this application we restate our objections submitted to the last application with further updates.

The documents associated with application 16/01743 contained a significant contradiction:

The application was submitted in the business name of Dollar Equestrian, and the letter dated May 11th 2016 stated that the intention is to lease the business premises to a third party and that *"to have the wooden stables available as part of any lease would be beneficial, and make the development more attractive to potential lessees"*.

However, the applicant's letter of October 11th 2016 stated that the wooden stables are to be used by the applicants for only their own horses. We were advised by PKC planning that this letter describes the situation to which we should respond.

Was this change because they believed that it would be easier to obtain permission to retain them this way rather than a true change of intention?

The applicant made the previous application in the name of their business, rather than their personal names, which seems to contradict with the stated intention to use these stables for their

own horses. In addition the land on which the stables stand is owned by the business and not the applicant personally. The current application is also in the name of Dollar Equestrian so confusion about the intentions of the applicant remains.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the key issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges.

What was originally one site has now become three sites, which will undoubtedly increase the traffic on this small road even more. The applicant has stated that these stables have caused no problems but this arrangement cannot fail to increase traffic as the applicant needs to visit the site every day together with hay and feed deliveries, vet and farrier visits.

Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents caused by cars with horse trailers trying to pass each other. By their own admission PKC Transport Planning only allowed for cars to pass each other when determining the sizes of the passing places. This increase is despite the fact that not all the stables are occupied by client livery as the lessee has her own horses and rescue horses stabled there. Whilst this is in theory a long term let the previous lessee stayed less than three months so the potential for more traffic still exists should a future lessee have more horses in livery.

Associated with this site there is a history of statements by the applicant which have subsequently changed. Therefore this application cannot be considered in isolation of that history.

In the original application for the equestrian business the wooden stables were not mentioned, and that area on the site plan was shown as a parking area. However as soon as the business's website went live advertising their livery business, it specifically included the wooden stables as part of their facilities. In addition the original business plan included costings for 31 horses at livery (24 in the main building plus 7 wooden stables). So there is a wealth of evidence that the applicant always intended using these stables as part of the business, despite their not having planning permission.

If this application is approved there is still nothing to stop the site of the wooden stables and the main equestrian centre being combined again, either for the applicants, a lessee or purchaser. In the original application for the equestrian business it was stated that their own horses would be kept in the equestrian building, as a justification at that time for a limit on the business capacity and hence on the increased road traffic. Retention of the wooden stables, even if only for personal and not business use, would allow an effective increase in the business capacity by the back door and this should be taken into consideration with this application.

These stables have not been built on a solid foundation but simply on compacted ground. We also note that the applicant has stated that there will be no parking spaces. Is it the intention that cars will be parked on our small road?

The application states that agreement has now been reached on the landscaping that was a condition of the original equestrian centre application. This is five years overdue and it is unlikely that this would have been carried out at all without intervention by PKC planning enforcement. Irrespective of this application the planting specified in the original consent should now be carried out immediately, with larger trees to compensate for the missing years of growth, in order to provide the required screening around this site.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented. They have equally done nothing about waste management around the wooden stables and this waste simply runs off into the ground. There is no mention in the application or the site plan of a water supply for the wooden stables but there must be such a supply as it would not be possible to look after horses adequately without water. The roadway that was built for creating drainage for the main site has not been reinstated as it should have been. In summary it is clear that PKC cannot have confidence that any conditions that they might apply to this application would be complied with by the applicant.

The applicant states that the stables do not affect the surrounding properties and cannot be seen easily, however, the stables are visible to the houses to the west, in full view of properties at Tethyknowe Steading and also in full view of the new property being built on the house plot sandwiched between the stables and the equestrian centre which the applicant sold off. Also to state that the new owners of the house plot were aware that the stables would be there after they built their house is incorrect because at the time the plot was being advertised, the stables were only there under temporary permission and the applicant only submitted an application to keep the stables permanently after the sale of the house plot was concluded. Any prospective buyer for the house plot would have been under the assumption from the temporary planning approval (that had expired by this point), that the stables would be removed and that they would certainly not be permanently in front of their property. It should also be noted that the applicant keeps referring to the fact that their temporary stables are nowhere near as bad and would not affect the neighbours as much the large equestrian centre does. This site is an eyesore and even though they are renting it out, the equestrian centre is still also their property and by keeping the temporary stables they are in effect surrounding the house plot with both their stables and their equestrian centre which will certainly affect the amenity of the neighbours.

This application puts forward a number of arguments about the need for stabling to be able to use the land that the applicant owns. The simple fact is that the applicant was granted permission for an equestrian centre and in that application stated explicitly that this would also house their own horses. They were also granted permission to build a house to support that business. Such a house without a business need would not have been allowed under the council's planning policy. They have since chosen to sell the house plot and let the equestrian building so their current situation is of their own making and there is no justification for the council to step outside its own policies in this case.

Yours faithfully

Jan and Graham Pye

Development Quality Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH 1 5GD

6 Tethyknowe Steading
Blairingone
Dollar
FK14 7ND

September 1st 2017

Dear Sirs,

Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)

I object to the above planning application.

The application is little different from previous applications which have been rejected.

The objections from the previous application remain.

- There is some confusion about who has applied and why. As lessees or individuals.
- Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party!
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the biggest issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges. Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented.

This site is an eyesore.

Yours faithfully

Mark O'Bryen

Tracy McManamon

From: Cathy Kiernan (O'Connell) <oconnell.clan@talk21.com>
Sent: 01 September 2017 08:52
To: Development Management - Generic Email Account
Cc: Home
Subject: Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)



Development Quality Manager

Ochil Lodge

The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH 1 5GD

Blairingone
Dollar
FK14 7ND

Sept. 1st 2017

Dear Sir,

Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)

We object to the above planning application.

1. The wooden stables were erected on a temporary basis (without planning) pending construction, by the applicant, of an equestrian centre & associated residential dwelling. Since then the Equestrian business & residential house have been 'decoupled' & the house sold separately to a third party. The equestrian business has been leased & now rentention sought for the two wooden stables. Essentially what was a contained single unit has now been split into potentially 3 separate entities.
2. This is expansion by stealth & makes a mockery of the planning laws. The concerns of the local community expressed at the outset, specifically the inability of the surrounding road network to support the increase of traffic, remain and the increase in traffic clearly evident as is the significant damage to the verges.
3. The site is very poorly maintained, has been an eyesore from the outset and we have zero confidence that any assurance provided by the applicant can be relied upon.

We respectfully request that you reject this application.

Dan and Cathy O'Connell

Local Review Body
Corporate and Democratic Services
Perth and Kinross Council
2 High Street
PERTH
PH1 5PH

2 Tethyknowe Steading
Blairingone
Dollar
FK14 7ND

November 22nd 2017

Dear Sirs

TCP-11-16(501) Review of 17/01337/FLL Wooden Stables (in retrospect)

Please find below our additional comments on the review requested in relation to the refusal of the above application.

The applicant's agent Mr Hutton has sought to challenge elements of the delegated report which refused permission for these stables. However he should consider elements of his report which are not supported by the facts from the previous history of applications relating to the equestrian centre as a whole.

Site area

It is very disingenuous to say that the trailers shown in the photographs in the Report of Handling are not part of the site. That is because the site plan is very restrictive. It is limited to the very small area surrounding the stables. The rest of the land behind/west of the wooden stables belongs to the applicants and is still under their management. They regularly use that area for the horses, presumably when they are cleaning out the stables and they also store hay in that area. Indeed the document goes on to refer to the 27 acres available to the applicants, which are not shown on the site plan but which are necessary to support elements of their proposal and indeed for the overall welfare of the horses. One must assume that it is unlikely that Mrs McLeish owns six trailers and hence they must belong to livery clients at the equestrian centre. Consequently this land is also being used for business purposes and not solely for Mrs McLeish's own use.

Original intentions for the stables

Paragraph 2.2 states that it has always been the applicants' intention that the stables should be retained for their own personal use. I would refer Mr Hutton back to the original planning application for the 24 stables equestrian centre and his own letter of December 1st 2011 where he said '*with a maximum 24 horses under livery at any one time, (4 of which are owned by Mrs McLeish)*' and if he looks at the site plan submitted with that application he will see that there is no sign of any wooden stables and the area where they are currently located is shown as '*hard core parking and turning area*'. At that time, Mr and Mrs McLeish also advised PKC that they intended removing the wooden stables once the equestrian centre was built. So it may well have been their intention to retain the wooden stables but it was an intent they sought to hide from PKC Planning and the members of the Development Management Committee who considered the original equestrian centre application.

Traffic

Mr Hutton states that the equestrian centre has been fully operational since 2013. It may have been operational but under the applicant's management it was never full. The maximum number of horses was 11 (including Mrs McLeish's). The building is now full but not 100% livery because the

current lessee has a number of rescue horses. The increase in traffic has been exacerbated by the applicant splitting up the site for which they received planning permission – which was to run an equestrian centre with a house for themselves on the site in order to manage the business. They have since sold the house site which will generate its own traffic. The equestrian centre is leased but has no permanent living accommodation so that results in additional traffic in addition to that generated by the livery clients. The wooden stables then generate a third traffic element with at least daily visits to look after the horses. As residents we have seen a significant increase in traffic on this small road – from cars, horse transport, delivery lorries and horses being ridden on the road. The latter partly resulting from the applicants not having built the all-weather off road hacking trail that was promised. The passing places are inadequate for the traffic as evidenced by the fact that there are now big drops on either side and behind where vehicles have had to go off the road to allow another vehicle to pass.

Noise

The report states that horses themselves do not generate noise. In themselves that is correct but it is rather the comings and goings around a stable and the additional traffic which generate noise and disruption. The new owners of the house plot bought the plot knowing that the equestrian centre was there however at that time the wooden stables only had temporary permission and that permission clearly stated that they were to be removed at the end of that period. It was only after the sale of the plot was completed that the applicants applied for permanent permission to retain the wooden stables. There is a significant difference between having stables at one side of one's property to being surrounded by them - which would result from the retention of the wooden stables. Mr Hutton has made reference to other wooden stables such as those of Mr and Mrs Murray. In that situation the stables were built by the owners of the house to which they belong and they are a significant distance from any other house from which they are visible and Mr and Mrs Murray have undertaken significant tree planting on their land. He has also referred to the wooden stables at Easter Muirhead farm but in fact those stables do not actually have planning permission to be there.

Waste management plan

In paragraph 3.4 Mr Hutton refers to the manure plan which the applicants have commissioned from the Scottish Agricultural College. If he refers back to the original equestrian centre application, 11/01839, he will find that the applicants submitted exactly the same plan in April 2014. A plan which they never implemented, so why should we believe that they would do so now. However, if Mr Hutton would like to look at Mr and Mrs Murray's application for their wooden stables, 13/00117, he will find that in October 2013 (six months before the plan submitted by Mr and Mrs McLeish) they also submitted a waste management plan as required under their planning approval. Mr and Mrs McLeish's plan, relating to bedding, storage and removal, is a word for word copy of the plan written, not by the Scottish Agricultural College, but by Mrs Murray herself. Mr and Mrs Murray have implemented their plan and were able to do so as they do have a bank behind the stables to cut into to act as a 'muck heap, enclosed on three sides to minimise odour'. The equestrian centre has no such bank. Ever since this equestrian centre started operation and to this day all that has ever happened is that the muck is just dumped on the ground in heaps. The plan also contradicts itself – stating that there is an arrangement with a local farmer to remove the muck heap weekly and then says that it will be spread over the 27 acres of land. As Dollar Equestrian never implemented its waste management plan, nor was it offered in either of the two applications to retain the wooden stables, why should we have any expectation that they will do so now.

Animal welfare

We are somewhat mystified by the section relating to animal welfare. Mr Hutton appears to be suggesting that by refusing to allow Mr and Mrs McLeish permission to convert the garage to living accommodation associated with the business this was in some way inhibiting them from providing appropriate welfare to their horses. He appears to forget that they had received permission to build a large house to enable them to run their business of looking after horses. He then intimates that having sold the house plot and partly completed garage PKC contradicted that decision by allowing the new owner of the house plot to convert the garage into a house. He completely misses the point that this latter planning permission removes the right to build the original separate house. What PKC have ensured is that there is still only one dwelling on this site. Mr and Mrs McLeish were trying to have two separate dwellings.

Landscaping

Mr Hutton refers to a photograph showing excessive weed growth on the south side. Whilst part of the weeds visible are on the verge it is equally clear that some are on the applicants' side of the fence.

A landscaping plan has been submitted with this appeal. A condition of the original equestrian centre approval (11/01839) was that the landscaping plan that was included should have been implemented within the first planting season following commencement of development. This plan included significant tree planting around the boundary of the whole of the original site area. This landscaping is now five years overdue so yet again, why should any credence be given to a landscape plan being submitted now. Some limited planting was carried out, after pressure from PKC, but what little that was done has failed to thrive and should have been replaced – again a condition of the original planning permission. The boundary planting would have included the area to the south of the wooden stables (referred to above) so had that planting been undertaken there would already be five years of growth. So all that is actually being offered now is an additional 11 trees to the north, which provides no screening benefit to any nearby properties. No planting is proposed to the east, because there is no room to do so, which might in years to come provide screening from the nearest properties such as the new house and the Tethyknowe houses.

Summary

In summary, these wooden stables were originally built without planning permission. PKC planning decided to take no action in relation to this whilst the equestrian centre planning application was being considered and then whilst the stables were being built. At that point the wooden stables should have been removed. Instead temporary permission was given for two years. Since then a permanent application to retain the stables has been refused twice. These stables have been in place for seven years and for only two of those years have they had (temporary) permission to be there. Their status throughout that time has therefore been temporary and hence no specific comments, other than via the planning process, have been made by local residents about their impact as we have been waiting patiently for their removal.

In previous applications they have contradicted themselves about whether these stables were for personal or business use and the fact that this application is made in their business name only adds to that confusion. Added to all the other contradictory and misleading information as detailed above it is difficult to have faith in this application or the appeal documents.

Mr and Mrs McLeish still own stabling for 24 horses which they have chosen to rent out. That is their choice. Had they not done so they would have adequate space for their own horses. They have created all their own problems by selling the house plot separately from the business as was pointed out to them, in writing, by PKC.

Yours faithfully

Jan and Graham Pye

CHX Planning Local Review Body - Generic Email Account

From: John Anderson [REDACTED]
Sent: 26 November 2017 11:06
To: CHX Planning Local Review Body - Generic Email Account
Cc: Councillor Callum Purves; Councillor Michael Barnacle; Councillor Richard Watters; Councillor William Robertson
Subject: Fwd: LRB reference 17/01337/FLL and TCP-11-16(501) Dollar Equestrian.

Sent from my iPad

Begin forwarded message:

From: John Anderson [REDACTED]
Date: 26 November 2017 at 10:53:21 GMT
To: planninglrp@gov.co.uk
Cc: Willie Robertson <wbrobertson@pkc.gov.uk>, Richard Watters <RWatters@pkc.gov.uk>, Callum Purves <CPurves@pkc.gov.uk>, Mike Barnacle <mbarnacle@pkc.gov.uk>
Subject: LRB reference 17/01337/FLL and TCP-11-16(501) Dollar Equestrian.

We objected to this application 17/01337/FLL when it was refused and see no change in the circumstances despite the lengthy submission complete with inaccuracies from the applicants agent. Any hardship here is of the applicants own making. 24 excellent quality loose boxes belonging to the applicant exist right alongside the 3 rather tired stable buildings being considered in this review. The 24 have been let to a tenant. As the status of the 3 stables has always been temporary perhaps the applicant should have looked ahead and retained a portion of the main building for their own use.

There appears to be no coherent policy being applied here. The stables have been let, the house site has been sold off, tree screening should have been planted in the 1st planting season and is still outstanding some years later. Frankly, the site is a mess and should have been landscaped as required by the planning conditions. Removing the 3 stable blocks would be the first step towards improving the situation. I believe the new owner of the house site has every intention of landscaping and screening and it only seems fair to him to tidy the surrounding area. Please support your planning officer and confirm the application refusal. John and Sheila Anderson.

Wester Cairnfold,
Blairingone,
FK147ND

Sent from my iPad

CHX Planning Local Review Body - Generic Email Account

From: Diana Johnson [REDACTED]
Sent: 26 November 2017 18:29
To: CHX Planning Local Review Body - Generic Email Account
Subject: Review of 17?01337/FLL Wooden Stables (in retrospect)

Dear Sir,

TCP-11-16 (501) Review of 17/01337/ FLL Wooden Stables (in retrospect)

Additional comments to the above application are as follows:-

1. The delegated report Refused permission for these stables.
2. These stables have remained for 7 years despite only ever having been granted "temporary permission" for 2 years.
3. The applicant stated that these stables were for their own private use while the large equestrian shed was built and would be removed upon completion of the shed.
4. If these wooden stables remain it represents a growth in the horse related business in the area which the local access road, already inadequate, cannot support without even more inconvenience to other local residents. All previous debate on this matter assumes that the maximum capacity for equestrian activity was represented solely by the capacity of the 24 stables within the large shed without any additional capacity as is now being proposed.
5. Any increase in traffic on the single track road generated by more traffic from an extra equestrian business will impact on the amenity of all local residents who use this road. The passing places are inadequate in size to cope as it is.
- 6 This appeal has submitted a landscape plan. A condition of the original Equestrian Centre "approval" was that the submitted landscape plan should be implemented within the first year. We are now 5 years on and this has not happened. This large shed has no screening whatsoever and is highly visible and impacting within the landscape to all neighbouring properties.

Diana and David Johnson
Cults Farm
Saline
Fife
KY12 9TB

CHX Planning Local Review Body - Generic Email Account

From: R HUTTON <hutton874@btinternet.com>
Sent: 06 December 2017 16:26
To: CHX Planning Local Review Body - Generic Email Account
Cc: Charles McLeish
Subject: Re: TCP/11/16(501)

Thank you for forwarding the third party comments which I have discussed with my clients. Having discussed the matter with Mr and Mrs McLeish we feel that no new issues of any relevance to this application are being raised, and we therefore wish to offer no comment.

I look forward to hearing when the application will be considered by the LRB.

R Hutton

