

Perth and Kinross Council
Planning & Development Management Committee – 16 February 2022
Report of Handling by Head of Planning & Development (Report No. 21/32)

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| PROPOSAL: | Part change of use from agricultural building to form stables, siting of a temporary caravan, 2 camping pods/holiday accommodation units and formation of equestrian centre comprising outdoor riding arena, boundary treatments and associated works (in part retrospect) |
| LOCATION: | Land NE of Garden Cottages, Dunkeld |

Ref. No: [21/00700/FLL](#)

Ward No: P5- Strathtay

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is a large triangular area of land within the former Dungarhill Estate, to the east of Dunkeld. The site extends to 9.3 hectares and comprises approximately 3.2 hectares of native woodland on the south, east and west sides of the site. The land slopes downwards from north to south and has been split by fencing to form numerous fields/paddocks for horses. To the north of the site is a large Dutch Barn style agricultural building which is 7.8m x 32m in footprint. It is clad in blue metal profiled sheeting and the south elevation is partially open. The Dutch Barn is located on a hardstanding area which is positioned adjacent to a rural access track which runs along the north boundary of the site in an east/west direction which provides access onto the public road to the south west and access to other properties within the former Dungarhill Estate to the east and north. The hardstanding area is used for vehicle parking and general equestrian based use. The application seeks retrospective permission for the installation of six stables within the Dutch Barn. To the west of the hardstanding is a 40m x 40m outdoor arena for which retrospective permission is also sought. This is made up of carpet fibre and surrounded by a wooden post and rail fence. The land upon which the arena is sited has been engineered to have a flat surface.
- 2 A static caravan has also been sited on an elevated part of the site, approximately 60 metres to the south east of the Dutch Barn. This is served by an access track extending from the hardstanding area. However, the current siting is not considered to be acceptable and the applicant is now applying for an alternative site closer to the Dutch Barn. Due to the exposed nature of the caravan and its unacceptable siting the plans show the caravan being relocated to the south east of the Dutch Barn adjacent to the existing hardstanding area. The site of the existing caravan and the access track to it is to be removed and made good/re-seeded. The caravan is occupied by the applicant and planning permission for

this is sought for a temporary period with a future application for a dwellinghouse associated with the business proposed to follow at a later date.

- 3 To the immediate north of where the static caravan is proposed to be relocated is a former horsebox which has been sited adjacent to the access track and is proposed to be utilised as a “camping pod” and available as holiday accommodation. To the east of the Dutch Barn is a small lean to building identified as “The Bothy” in the submission which is also to be utilised a “camping pod” and used as holiday accommodation.
- 4 The site is served by a private access which extends to the west and links with the A984 public road between Caputh and Dunkeld at Newtyle. The private access was recently upgraded with a new surface and passing places. The access track is approximately 2km in length from the A984 public road to the site and also serves a number of residential properties both along its length and further up the hill beyond the application site
- 5 The land was purchased by the applicant in April 2020 and it was previously part of the larger Dungarhill Estate which was subdivided and sold into separate lots. The submission indicates that the development will provide a different offering to a “normal” equine facility in that the applicant encourages natural horsemanship where a horse is kept in the most natural way possible, outside, barefoot and ridden without the use of spurs, whips and bits in the mouth. The site offers up to eight liverys and the outdoor arena will be available to hire for individuals, groups or equine teachers. Professionals such as equine podiatrists, dentists and body workers will run courses on the site. Four “outdoor corrals” to the immediate south of the Dutch Barn have been created for horses attending day courses.
- 6 The submission also indicated that overnight “saddle tramping” will be offered from September to April each year where the applicant will guide horses and owners into the hills to allow to wild camping remote from the application site. The two holiday accommodation units are proposed to allow stays overnight before a course or before a saddle tramping trip.
- 7 The submission also indicates that the site is “off grid”. Electricity is provided through a series of solar panels which charge batteries and provide power for the static caravan and holiday accommodation units. These also provide power for lighting of the barn, arena and stables area. The fields have access to a stream which runs through the site and the static caravan is served by a borehole. Water to the holiday accommodation units is provided by a water butt which is filled by the applicant.
- 8 The proposal also includes a CCTV system and security lighting in the barn and yard.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 10 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 11 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

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

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Supporting Business and Employment: paragraphs 32 – 108
- Managing Flood Risk and Drainage: paragraphs 254-268

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60: Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 1/2011: Planning and Noise
- PAN 2/2011: Planning and Archaeology

Creating Places 2013

- 14 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and

contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 15 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 17 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 18 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice For Investment
 - Policy 4: Homes
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019)

- 20 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification

- Policy 15: Public Access
- Policy 19: Housing in the Countryside
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

- 24 **20/01099/FLL** Full Planning Permission application submitted on 13 August 2020 for Erection of a dwellinghouse, change of use from agricultural buildings to form a holiday accommodation unit and stables, formation of equestrian business comprising outdoor riding arena(s), tracks and associated works (in part retrospect) – Application Returned on 17 March 2021 as insufficient plans received to allow validation of application.

CONSULTATIONS

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

External

Perth And Kinross Heritage Trust

- 26 The development does not raise any significant archaeological issues.

Scottish Water

- 27 No objection.

Internal

Environmental Health (Noise Odour)

- 28 No objection as development is considered to be compatible with countryside location subject to conditions relating to waste management, control of lighting and noise from any plant or machinery.

Transport Planning

- 29 The upgraded access track is considered to be sufficient to accommodate the level of traffic associated with the development. There is an appropriate connection onto the A984 public road and there is adequate parking and turning facilities on the site for the development.

Environmental Health (Private Water)

- 30 The proposal is not considered to impact on existing private water supplies subject to conditions.

Structures And Flooding

- 31 No objection. The site is not at risk from flooding.

REPRESENTATIONS

- 32 A total of 97 letters of representation have been received in respect of the current application over two advertisement and neighbour notification periods which catered for the submission of additional information. 34 of the representations have objected to the application and 63 have supported the application.

- 33 The issues raised in the letters of objection may be summarised as follows:

- Contrary to Development Plan
- Traffic generation
- Unsustainable travel patterns and impact on road safety, Lack of passing places & car parking
- Impact on shared maintenance of private track
- Impact on residential amenity
- Noise

- Odours
- Lack of infrastructure
- Visual Impact and Layout
- Impact on landscape character
- Unauthorised nature of development
- Run off and water contamination
- Lack of toilet facilities for visitors
- Incorrect neighbour notification
- Lack of justification for accommodation/static caravan
- Impact on private water supplies
- Lack of drainage proposals
- Animal welfare
- Lack of robust business plan and justification
- Out of character with area
- Over intensive development
- Waste disposal
- Failure to meet climate change objectives
- Impact on health and safety
- Full extent of development not included in original submission
- Impact on River Tay SAC

34 The issues raised in the letters of support may be summarised as follows:

- Employment provision
- Enhances character of area
- Results in environmental improvements
- Supports economic development
- Supports demand
- Educational
- No other similar facilities nearby
- Need for development
- Exploits market
- Accords with Development Plan
- Offgrid/environmentally friendly/low carbon
- Supported by Scottish Government policy
- Access has been upgraded with passing places installed
- For equestrian education rather than commercial equestrian centre
- Unique development
- Supports off road riding
- Supports rural community
- Limited traffic increase
- No impact on residential amenity
- Well screened and limited visual impact
- Improved bio diversity

35 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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| 36 | Screening Opinion | EIA Not Required |
| | Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| | Appropriate Assessment | Habitats Regulations Appraisal AA Not Required |
| | Design Statement or Design and Access Statement | Not Required |
| | Report on Impact or Potential Impact | Supporting Statement |

APPRAISAL

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

Equestrian Use and Holiday Accommodation

- 38 Policy 1 of the Tayplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.
- 39 The implementation of this principle has been translated into the LDP2 with Policy 6 - Settlement Boundaries stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 40 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of Tayplan and Policy 6 of LDP2, there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy 8: Rural Business Diversification
- 41 This policy is supportive of new rural businesses and whilst there is a preference that this will generally be within or adjacent to existing settlements, sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. As such, in this instance, an application requires to adequately demonstrate that

this particular site presents a site-specific resource or opportunity for the creation of an equestrian business.

42 In addition to the above, the policy also requires that all the following criteria are met:

- a) *The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.*
- b) *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.*
- c) *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.*
- d) *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.*
- e) *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.*
- f) *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.*
- g) *The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.*

43 It is acknowledged that an equestrian business will normally be located in a rural area and this type of use cannot be suitably located within a settlement given the need for outdoor grazing, fields and access to the countryside for riding and hacking.

44 There is an existing building on the site which has been historically used for agricultural purposes, management and maintenance associated with the Dungarthill Estate. This is considered to be a "site specific resource" as required by Policy 8. Given that the estate has now been sold off in lots, there is no longer a need for this building and therefore this alternative use for equestrian purposes is sought. The Supporting Statement indicates that the proposed business is a unique offering and provides alternatives to regular livery by encouraging natural horsemanship where a horse is kept in the most natural way possible. As previously stated, the site offers up to eight liveries and the outdoor arena will be available for hire with the opportunity for professionals in the equine business to run courses.

45 The submission also indicated that overnight "saddle tramping" will be offered from September to April each year where the applicant will guide horses and owners into the hills to allow to wild camping remote from the application site. The two holiday accommodation units are proposed to allow stays overnight before a course or before a saddle tramping trip. The provision of visitor accommodation meets the requirements of criteria (a). The site also employs the applicant as the business owner and two part time posts to local residents also meeting criteria (a).

- 46 The proposal also involves the re-use of the existing Dutch Barn on the site meeting the criteria outlined in (a) above. The proposal does not result in the suburbanisation of the area and the proposed development is associated with a rural use which are common in countryside locations. The caravan and holiday accommodation units are small scale ancillary elements in terms of their physical appearance and can be accommodated on site without significant detriment to the visual amenity and rural character of the area. The proposal is not considered to create unsustainable travel patterns which is referenced in more detail below in paragraph 83. The proposal is therefore considered to meet the criteria outlined in (b) above. In terms of criteria (c) there are residential buildings close to the site given that the former estate has been split into lots and sold off. Assessment of this issue is outlined in paragraphs 60-64 below and concludes that the use of the land for equestrian purposes is not considered to be of detriment to residential amenity and can be adequately controlled through the use of conditions relating to odour and waste management, lighting and noise from plant and machinery. The proposal is therefore considered to meet criteria (c). The proposal can be successfully accommodated within the landscape of the area as identified in paragraphs 56-59 below and therefore meets criteria (d).
- 47 Criteria (e) requires a development to meet a specific need by virtue of its quality or location in relation to existing business or tourism facilities. The supporting information and letters of support for the application sufficiently demonstrates that there is a market for the intended use.
- 48 Criteria (f) requires development to be of a high quality design. The area is rural in character and is characterised by the large scale agricultural Dutch Barn building. As mentioned, the other structures on site are relatively small in scale and whilst they are not of any significant quality in terms of design, they are seen in the context of the Dutch Barn and small historic agricultural grouping. The scale of the structures on site and their relationship to the landscape is acceptable as outlined within paragraph 56-59 below. The proposal is therefore considered to meet the criteria outlined in criteria (f).
- 49 Criteria (g) requires the local road network to be capable of accommodating the development. This is considered in more detail in paragraphs 70-83 below. Based upon the assessment below the local road network is considered to be capable of accommodating the traffic associated with this development.
- 50 As such the proposal is considered to accord with the criteria contained within policy 8 of LDP2.

Caravan

- 51 The submission includes information to support the provision of permanent residential accommodation on the site. There was initially some discussion regarding a proposal for a new build dwellinghouse on the site but the applicant has chosen to seek permission for the business first, whilst also seeking permission for the siting of a caravan for a temporary period to allow the business to become established. In the future, permission will then be sought for a permanent dwelling. Whilst the proposal is not for a permanent dwellinghouse it is considered prudent in this instance to assess the provision of a static caravan

which is to be occupied by the applicant year round, under the Housing in the Countryside Policy.

52 Through Policy 19 - Housing in the Countryside and the associated Supplementary Guidance (SG) it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within one of the six identified categories below will be supported.

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the SG
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

53 Category 3 is applicable which allows for the development of housing where there is an identified need and relates to economic activity. The SG states that housing must be essential to the continued operation of a farm/estate for animal welfare reasons. In this case, the submission indicates that there is a requirement to be located onsite to care for the horses and provide security and evidence of recent security incidents have been provided. This justification is considered to be sufficient given the nature of the business operation on site, however given the temporary nature of the caravan, a condition is recommended to ensure it is sited for a temporary period only and that the caravan is removed and the site returned to its original condition upon expiry of the permission (Condition 6).

Design, Layout and Visual Amenity

54 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance. The site has a rural character and it is clear, given the position of the Dutch Barn, hardstanding and associated small ancillary buildings that this part of the former estate has been in agricultural use for some time. There are a series of small-scale buildings located adjacent to the Dutch Barn and they are visible in context with the barn. It is common for small scale ancillary buildings to be located adjacent to larger scale agricultural style buildings in countryside locations. The outdoor arena is built into the rising hillside and does involve some underbuilding. However, the trees surrounding the site mean that the arena will not be significantly visible from longer views and the impact on more localised views is considered to be moderate and therefore acceptable. Whilst the site does not have the same visual appearance as the more managed and well kept new housing developments on the former estate, the overall use of the site has not moved away significantly from the historic agricultural use of this land. The development is considered to be a logical small scale redevelopment and re-use of an existing agricultural barn and associated fields with limited impact on the visual amenity of the area. Furthermore, the caravan which is referenced above is proposed to be relocated to a more suitable location as the existing location on the brow of a hill, is considered

to have a significant impact on the visual amenity of the area. The caravan is to be relocated adjacent to one of the holiday accommodation units close to the Dutch Barn. This will ensure it is viewed in association with the Dutch Barn as part of a small grouping. The relocated caravan, for a temporary period, is acceptable.

- 55 As such, the proposal is considered to be of an appropriate scale and design and is considered to be conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

Landscape

- 56 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 57 The criteria contained within this policy seek to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Policy 39 also mentions the requirement to consider the Tayside Landscape Character Assessment prepared by Scottish Natural Heritage.
- 58 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the Highland Foothills and states that development in this landscape character type is fairly limited, comprising mainly of scattered farmsteads and a few small hamlets.
- 59 The localised landscape is relatively undulating and is characterised by small groupings of buildings, together with pockets of woodland as part of the former Dungarhill Estate. The majority of these small groupings are now in residential use. The proposed development retains the landscape character of the area by focusing the built development towards the north end of the site adjacent to the existing Dutch Barn. It is not uncommon for there to be outbuildings located adjacent to larger farm buildings in countryside locations and that is what is proposed here. The presence of extensive woodland around the site means that the development will not be seen from any extensive views. The site is more visible from the rising land to the north but given the development is grouped together at the northern end of the site, it is considered to relate successfully to the established landscape character of the area. The new buildings respect site topography, particularly as the caravan is now to be relocated, and will not have any adverse impact on surrounding local landmarks, views or skylines. The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

Residential Amenity – Noise and Odour Management

- 60 Policies 7A and 56 of LDP2 relate to residential amenity and noise pollution and seek to ensure that residential amenity is maintained and that there is a presumption against the siting of development proposals which will generate high

levels of noise in the locality of existing noise sensitive uses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Cognisance of the surrounding land uses has to be taken into account. The land is surrounded by agricultural land, but there are dwellinghouses located in the area.

- 61 The proposed development is not considered to result in any issues relating to overshadowing or overlooking given the layout of the site and its proximity to neighbouring dwellings. The closest residential property to the site is located to the east, approximately 150 metres from the Dutch Barn.
- 62 There is potential for odour complaints unless waste is managed appropriately. Unless manure is stored and removed correctly from site and good husbandry and procedures for storage are in place, the equestrian centre has the potential to affect residential amenity. The applicant has indicated that manure is currently taken from the site and used by a local farmer as fertiliser. To ensure proper management, a condition is recommended that a waste and odour management plan is submitted for approval. This includes procedures for cleaning of the equestrian centre, the storage and removal of waste from the site and proposed mitigation for the prevention of odours and infestation from flies and rodents (Condition 2).
- 63 The events which are proposed to be hosted on occasion at the site may have some impact on residential amenity with increased traffic and activity at the site but given the numbers involved, these are not considered to be significant and would be in keeping with the location. Environmental Health have been consulted on the application and offered no objection.
- 64 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwelling and therefore in accordance with the placemaking policies 1A and 1B and Policy 17 of LDP2.

Trees and Landscaping

- 65 Policy 40B of LDP2 relates to trees and woodland and states that a tree survey should accompany any proposal where there are existing trees on the site. Furthermore, the placemaking policies of LDP2 (Policies 1A and B) require that development must contribute positively to the surrounding natural and built environment.
- 66 Policy 40B notes the Council will follow the Scottish Government Policy on Control of Woodland Removal (PCWR) which states that there is a presumption in favour of protecting woodland resources.
- 67 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which is capable of absorbing the development proposed. It is considered that the site has a suitable landscape framework in the form of the existing hedging, trees and landscape bunds.
- 68 The application site is contained by woodland and the proposal does not involve any felling or impact on the existing woodland resource.

69 Overall, the proposal in terms of landscaping and impact on trees is considered to be acceptable. Appropriate existing mature landscaped boundaries exist around the site which help to provide the site with some landscape containment. The proposal is therefore considered to comply with policies 39 and 40 of LDP2 regarding landscaping and trees.

Roads and Access

70 Policy 60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. It also requires the development site to be adequately served by sustainable means of transport. Access to the site is via a privately maintained access track connecting to the A984 Old Military Road to the east of Newtyle Cottage as shown on the red line boundary of the application.

71 Recent works have been undertaken to upgrade sections of the private access. The access to the site provides access to the development, existing properties and a number of other currently under construction dwellinghouses and other approved developments which are yet to commence construction. Materials for these developments will be delivered along the access track.

72 The track provides a number of locations to allow two vehicles to safely pass each other. The track is considered capable of accommodating the traffic associated with the development which is referenced in more detail within the traffic section below.

73 The upkeep of the private access is a private civil matter between the parties who have a right of access to the track. Nevertheless, the current condition of the track is considered to be capable of accommodating the additional traffic associated with this development.

Traffic

74 The submission provides an estimation of the likely traffic levels associated with the site. As noted above, there are a total of eight liveries available on site with four horses already on site and enquiries from persons who want full livery who wish to care for their horse themselves. Those on full livery are unlikely to visit their horse every day and the others are likely to visit once or twice a day. This equates to approximately 15 car visits per week.

75 There are also proposed to be annual courses and the submission provides a summary of the traffic generation for these courses:

- 2 x barefoot trimming course; max 8 people each course, no horseboxes, 6 cars.
- 2 x positive reinforcement training course; max 20 people each course, 2 horse boxes, 12 cars.

76 There are also proposed to be events throughout the year and a summary of the traffic associated with these is also included in the submission:

- 3 x horse riding taster sessions, 6 horses max per session, 4 horse boxes.

- 1 x charity fundraising ride, 20 horses max, 14 horse boxes
- 12 saddle tramping trips, 3 horses max per session, 2 horse boxes

- 77 Whilst there are likely to be occasions where the amount of traffic on site is greater than normal, the upgraded track is considered to be capable of accommodating the traffic referenced above. Transport Planning have visited the site and consider the access arrangements onto the public road, surfacing of the access, the provision of passing places and parking and turning facilities on the site to be acceptable and capable of accommodating the horse boxes and car traffic which is referenced above.
- 78 Therefore, normal day to day traffic associated with the livery use is not considered to be significant and will generally be related to the applicant and the livery use of the Dutch barn. The access onto the public road and the recently upgraded access track is capable of accommodating this traffic.
- 79 On the social media page for the site, it is noted that the applicant has hosted a larger event and for this event which is referenced in letters of representation, where the applicant made use of a field for the parking of horse lorries and trailers. The supporting statement advises that the applicant intends to limit the larger events to one or two events per year.
- 80 The site itself has a large yard for visitors, which will provide sufficient space for vehicles travelling to the site.
- 81 It is noted that there is a second access to the site, which connects to the A984 public road network via Pond Cottage to the south east of the site. As this route is outwith the red line application site, no assessment has been made on its suitability to access the site. For the avoidance of doubt, only the route within the red line boundary has been assessed. The applicant has indicated that all adverts and signage for the site will emphasise the need to utilise the access which is included within the red line boundary only.
- 82 As such, the proposal is considered to accord with Policy 60B of LDP2 and the requirements of the National Roads Development Guide.

Sustainability/Travel Patterns

- 83 Policy 8 criteria (b) states that a development should not encourage unsustainable travel patterns. Equestrian based uses are, by their very nature, located in countryside locations and generally can be an unsustainable form of development in terms of governmental policy as they are totally reliant on the car and are likely to be required in rural locations that are some distance from other communities and their attendant services. However, to enforce this policy rigidly would deny a use altogether that public policy has endorsed as having a continuing role to play in the development of recreational and tourism based uses, and therefore lack of sustainability is not often a determining issue. However, the nearer a site is to a settlement and facilities, the shorter car journeys are likely to be which is better in terms of overcoming any objections on sustainability grounds. In this instance, the site is within relatively close proximity to Dunkeld, Caputh and Murthly where day to day users may travel from. Whilst there may be users from further afield when events are held, these are on a less frequent basis. The proximity of the site to

nearby settlements will reduce the distance travelled by car to the site to a certain degree. The proposal is therefore considered to be appropriate in terms of sustainability in travel.

Flooding

- 84 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no known issues or concerns in respect to flooding at the site.

Drainage

- 85 Policy 53B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. In this instance the caravan currently utilises a cassette toilet which is common within static caravans. The waste is emptied locally at any caravan site or campsite.
- 86 The proposed holiday accommodation units will utilise composting toilets and the applicant has indicated that compost would require to be removed from the site on average every 12-18 months but it is noted that this may be more frequent depending on the extent of use. Nevertheless, it does not require frequent emptying or disposal. Neither of these are considered to result in any potential contamination of groundwater or drinking water.
- 87 Whilst there is no septic tank on site at this time the applicant has indicated that the intention is to install one at a later date should planning permission be granted.

Drainage for Events

- 88 During any events it is the intention that any visitors utilise facilities within their own horsebox or that a "portaloo" type facility is rented and provided.

Private Water Supply

- 89 The caravan is connected to an existing bore hole which is located to the north east of the site which provides a water supply. The holiday accommodation units will have a water system whereby drinking water is taken from a water butt under the sink with a pump powered by a battery. There is also grey water systems to provide drinking water for the horses. Letters of representation state that the borehole supply is only legally allowed to serve a domestic use. The legality of the use of the private water supply is a private civil matter between the parties involved and is not material to the determination of this application. Following discussions with the Council's Private Water Supply Team, the use of a cassette toilet within the caravan and the composting toilets within the holiday accommodation is not considered to impact on the existing private water supply. For the avoidance of any doubt, a condition is recommended to ensure that existing private water supplies are identified and protective measures put in place for these supplies if required by the Council's Private Water Team (Condition 8). Informative notes are also recommended to ensure the applicant is aware of the legislation associated with the protection of private water supplies.

Light Pollution

- 90 Policy 55 of LDP2 states that consent will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The submission includes details of solar security lighting at the yard mounted on the Dutch Barn and remote controlled solar lighting in the arena for use during winter evenings. The type of lighting proposed is considered to be acceptable and will help to limit light pollution as much as possible whilst ensuring the safety of patrons during night time hours. The proposed lighting will also be seen in the context of the existing lighting at other building groupings within the former estate. The proposal is therefore not considered to generate any significant light pollution.
- 91 It is noted that ambient night levels in the area are low but that the overall landscape is characterised by small groups of built development where lighting is apparent. The tree cover around the site will serve to provide some screening to light associated with the development from longer views. Control of light spill from the site can be addressed through a suitably worded condition (Condition 3). This will ensure the Planning Authority maintains control over light spill and brightness. Given the position of the site relative to residential properties light pollution is not considered to be significant. The proposal therefore complies with Policy 55 of the LDP2.

Bio Diversity

- 92 Policy 41 of LDP2 relates to biodiversity and seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated.
- 93 The development is not considered to have any impact on local bio diversity interests.

River Tay Special Area of Conservation

- 94 The River Tay Special Area of Conservation (SAC) is located approximately 600 metres to the south east of the site. There is a watercourse to the east of the site within the woodland which eventually connects into the SAC.
- 95 There are watercourses located close to the site which flow into the River Tay SAC located to the south of the application site at approximately 165m from the nearest point of the site. The watercourses do not form part of the River Tay Special Area of Conservation (SAC). Concerns have been expressed in letters of representation regarding the impact which the proposal may have on the ecological interests of the SAC. The concerns indicate the potential for surface water to drain above ground or through underground aquifers downhill towards the SAC. Given the distance between the application site and the River Tay SAC, the proposal is not considered to impact on the qualifying interests of the SAC and the proposal therefore complies with Policy 38A of LDP2. Whilst no formal consultation was undertaken given the distance between the site and the SAC, the opinion of NatureScot has also been obtained and they have advised that they are satisfied with the proposed arrangements and conclude that there will be no likely significant effect on the protected interests of the SAC.

Agricultural land

- 96 The north area of the site has been identified as Class 4.2 agricultural land which is capable of producing a narrow range of crops and the southern half is identified as Class 5.2 agricultural land meaning this part of the site is capable of use as improved grassland. Policies 50 and 51 of the LDP2 seek to ensure that developments on good quality soils are restricted to avoid the loss of these quality soils for crop production. Policy 51 defines good quality soils as Classes 1, 2, 3.1 and 3.2. As the soil on site sits below these classes the site is therefore not considered to have substantial agricultural value in terms of soil classification. Further, it is clear that the site is relatively undulating which would limit its viability for significant crop production. It is therefore considered that the proposed site is appropriate and would not impact significantly on the use of land for crop production and therefore complies with policies 50 and 51 of LDP2.

Cultural Heritage

- 97 There are no listed buildings in the vicinity. The site is not within a conservation area. The development will not have any adverse impact on cultural heritage assets.

Developer Contributions

- 98 The proposed site is located out with any area where financial contributions towards roads infrastructure and it would not be reasonable to require an education contribution for the temporary accommodation. As such, the Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance. However, it should be highlighted that any future proposals for a permanent house will be subject to assessment against the Developer Contributions and Affordable Housing Supplementary Guidance 2020, with particular regard to education infrastructure.

Camping

- 99 Some letters of representation raise concerns regarding the applicant offering camping on site on their social media sites. The applicant has clarified that it is not the intention for any part of the site to be formalised as a camp site and that any camping will only be offered on an occasional basis and on no more than 28 days in any one calendar year. Provided the camping does not take place any more than 28 days per year this would not require formal planning permission and the applicant has been made aware of this.

Embedding Low & Zero Carbon Generating Technologies

- 100 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.

- 102 Given the nature of the development, it is considered that this policy is not applicable to those elements of the proposals. Furthermore, given the residential accommodation is only a temporary measure, there is no need for compliance with Policy 32. The applicant, has, however, indicated that the entire site is off grid and electricity for lighting is supplied by solar panels which will help to limit the carbon footprint of the site.
- 103 The policy above will be applicable to any future application for a permanent dwelling within the site.

Economic Impact

- 104 The objective of Scottish Government Economic Strategy (2015) is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 105 It is considered that it is undoubtable that there will be some economic benefit associated with the operation of the site but the economic benefit has to be seen in the context of the spatial strategy and general policies of the Local Development Plan.
- 106 When looking at Economic Development Policy 8 Rural Business and Diversification the submitted supporting information statement is considered sufficient to demonstrate that the proposal is an appropriate rural business development in accordance with policy 8 of LDP2 as is referenced elsewhere in this report.

Neighbour Notification

- 107 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

VARIATION OF APPLICATION UNDER SECTION 32A

- 108 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, a set of improved drawings, relocation of the temporary caravan, clarity on the use of holiday accommodation units and an amended supporting statement. The variations to the application were re-advertised and neighbours re-notified.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 109 Not applicable.

DIRECTION BY SCOTTISH MINISTERS

- 110 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions

by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 111 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 112 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

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

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

2. Within 3 months of the date of this decision notice a Waste Management Plan (WMP) for the equestrian centre shall be submitted to and approved in writing by the Planning Authority. The Plan shall include: the frequency that manure will be removed from the site; how waste will be handled and managed; provisions for storage including locations and the provisions for removing waste from the site so as to ensure that odour and infestation is minimised. The WMP, as approved in writing shall therefore be implemented and adhered to, to the satisfaction of the Council as Planning Authority.

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

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

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

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

5. The temporary caravan hereby approved shall be relocated in accordance with approved plans 18 and 19 within 3 months of the date of this decision notice. The existing caravan site and access track shall be reinstated to grazing land to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and to respect the landscape character of the area.

6. The caravan is approved for a temporary period only until 28 February 2025. Upon expiry of this temporary period the caravan shall be removed from the site and the site returned to its original condition all to the satisfaction of the Council as Planning Authority.

Reason - In view of the temporary nature of the caravan and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

7. The holiday accommodation units hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - To prevent permanent residential use of the site in view of its location within a rural area and in accordance with the Planning Authority's policy of restricting sporadic development in the countryside.

8. Within 3 months of the date of this permission, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In order to prevent impact on existing private water supplies.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

2. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. 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.
3. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, a set of improved drawings, relocation of the temporary caravan, clarity on the use of holiday accommodation units and an amended supporting statement.

Background Papers: 98 letters of representation
Contact Officer: John Williamson
Date: 3 February 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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