

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/77)

PROPOSAL: Change of use from agricultural land to form garden ground and alterations and extension to dwellinghouse and outbuilding

LOCATION: West Feal Barn, Auchmuirbridge, Leslie, Glenrothes, KY6 3JL

Ref. No: [21/00357/FLL](#)

Ward No: P8- Kinross-shire

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 Full planning permission is sought for the change of use of agricultural land to form extended garden ground, an extension of an existing outbuilding to then be used as ancillary accommodation and also an extension to the dwelling.
- 2 The site is within a rural area and is part of a small building group comprising dwellings, associated equestrian facilities and agricultural buildings.
- 3 The proposed development encompasses three elements:
 - Change of use to extend the garden ground to the south, into a small, narrow and oddly shaped area of paddock which lies between the house and the outbuilding.
 - The outbuilding is to be extended to form ancillary accommodation comprising of a storage area, gym, home office, seating areas and kitchen.
 - The dwelling will be extended to provide a sunroom.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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) (Revised December 2020)

- 6 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.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements

DEVELOPMENT PLAN

- 9 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

- 10 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:
- “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.”*
- 11 There are no policies of the TAYplan 2016 which are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 12 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 39: Landscape
 - Policy 50: Prime Agricultural Land
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

- 14 This document supports policy 1 (Placemaking) and is used to assist in the placemaking process.

SITE HISTORY

- 15 [18/01210/FLL](#) Planning Permission was Approved on 21 August 2018 for the change of use of a small area of some agricultural land (155m²) to form additional garden ground and the erection of a garage and fence

CONSULTATIONS

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

External

- 17 **Scottish Water:** No objection but note the proximity to a drinking water catchment where a Scottish Water abstraction is located. This information can be added as an informative.
- 18 **Portmoak Community Council:** Object, due to large vehicles using the road to access the property and request turning facilities.

Internal

- 19 **Environmental Health (Contaminated Land):** No objection, but condition requested to cover potential contamination.

- 20 **Environmental Health (Noise Odour):** No objection. Stove proposed in the outbuilding extension, informative required.

REPRESENTATIONS

- 21 A total of 14 representations from 10 households have been received, including comments from Portmoak Community Council. The main issues raised within the representations are:
- Proposals are out of character with the area.
 - Inappropriate design.
 - Potential use as business premises.
 - Road safety concerns.
 - Increase in traffic.
 - Impact on right of way (core path)
 - Construction traffic.
- 22 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not Required

APPRAISAL

- 23 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.

Principle

- 24 The application site is located within a rural area, where Policy 1: Placemaking, and the supplementary Placemaking Guidance is directly applicable. These seek to ensure that the design, density and siting should respect the character and amenity of the place.

- 25 Alterations and extensions to existing dwellinghouses are considered acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed development within the context of the application site and whether it would have an adverse impact upon visual or residential amenity.

Design and Layout

- 26 As outlined in paragraph 3, the proposal has three elements, and each shall be assessed in terms of design and layout.
- 27 The change of use of the agricultural land to garden ground is contained to the south of the dwelling, between it and an outbuilding currently used as stables and storage by the applicant. The land is oddly shaped, and its inclusion will create a more regular shaped plot. The extension increases the amenity space by 340sq metres. The extended ground would still see an overall garden area proportionate to the size of the existing dwellinghouse and an arrangement which relates well and is contained within the overall building grouping at West Feal.
- 28 The extension to the outbuilding replicates the design and finish (timber cladding and a grey metal roof) of the existing building, extending on the south and east elevation. The outbuilding is to be increased from 78sq metres to 196sq metres. Although the extension doubles the size of the outbuilding, it is not out of scale with surrounding agricultural buildings and is of an appropriate design, mass and finish.
- 29 The extension to the dwellinghouse adds a sunroom to the southeast corner and is modest in scale increasing the dwelling area by 25sq metres. It has fully glazed walls with a flat roof, which ties into the walls of the dwellinghouse.
- 30 It is considered that the scale, design and finishes of both alterations to the existing buildings are acceptable and comply with Policy 1: Placemaking. and the supplementary Placemaking Guidance 2020.

Residential Amenity

- 31 There are neighbouring dwellinghouses immediately to the north and east of the existing dwelling. However, the proposed sunroom extends from the south-west and infills a recessed area, as such windows would face south and west, away from these neighbouring dwellings and into the proposed extended garden ground.
- 32 The outbuilding extension is 10 metres from the nearest neighbouring property boundary, some 34m from the house itself. Again, proposed windows are facing west and south, out onto the agricultural land/paddock within the applicant's ownership.
- 33 The proposed extensions are therefore not considered to have a detrimental impact on residential amenity, in terms of overlooking or loss of daylight or

overshadowing. The proposal therefore complies with Policy 1: Placemaking, and the supplementary Placemaking Guidance 2020.

Use of Outbuilding

- 34 A number of representations raise concerns that the extension to the outbuilding is to be used as an office for staff and to be visited by employees or clients of the applicant's business. However, the applicant has confirmed that they only require the space to enable homeworking, a common arrangement at many domestic properties. A condition can control the nature of such use, to that considered ancillary to the domestic use of the wider property rather than a distinct and separate planning unit or use.
- 35 The applicant's business is 'Ironmix Concrete', which provides a concrete delivery service with the day-to-day physical operation run from an operating centre at Cupar Trading Estate. The applicant has confirmed in supporting documentation that their Transport Licence permits them to undertake the physical activities associated to the concrete production and delivery only from that location and this is where the licenced vehicles are kept.
- 36 Whilst the plans give an indication of how the proposed outbuilding may be used (showing a small gym and desks, etc.) the Planning Authority would have no control over the internal layout, just the nature of the use. However, as mentioned above, a condition limiting the use of the outbuilding to that which is ancillary to the enjoyment of the dwelling (Condition 2) is recommended. This would allow a home office and gym but would restrict the building from being used more expansively.

Visual Amenity

- 37 The extension to the outbuilding is generous, however the design reflects the existing form of the stable, replicating the height and roof arrangement. It is also located to the southwest of the grouping, some distance from neighbouring properties and sees open fields further to the southwest. It is not therefore considered that the proposal would have a detrimental impact on the visual amenity of the area or the landscape character and therefore complies with Policy 1: Placemaking; and Policy 39 Landscape.

Roads and Access

- 38 There are no changes proposed to the private access with adequate parking and turning available within the site for vehicles likely to visit the property, including for delivery of parcels, etc. As the outbuilding is to be conditioned as ancillary residential accommodation, it is not considered necessary to provide turning for large vehicles or HGVs at what will remain a domestic property.
- 39 The impact of construction traffic on the road network and the use of the core path has been raised as an issue, but, as with any development, this is a temporary consequence for the duration of the build not an impact of the future use of the proposals. Given the modest scale of works it is not considered

proportionate to require either a Traffic Management Plan or to require any temporary arrangements to be made to access routes.

Drainage and Flooding

- 40 The site is not within a flood risk area and there are no changes to the existing drainage arrangements, which the development will connect to.

Developer Contributions

- 41 The Developer Contributions Supplementary Guidance is not applicable to this scale and type of application and therefore no contributions are required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 42 None required

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 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 matters raised in representations and none have been found that would justify overriding the adopted Development Plan.
- 45 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 The extended outbuilding shall only be used as ancillary accommodation associated to the domestic enjoyment of the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse. Activity associated to any business shall be limited to 'homeworking', with no material use of the facilities by parties not residing at the property.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the outbuilding.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The site is located within a drinking water catchment. Anyone working on site should be made aware of this during site inductions. Scottish Water request that 3 weeks in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so that they can make their operational teams aware there will be activity taking place in the catchment.
- 6 The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring

dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

Background Papers: 14 letters of representation

Contact Officer: Joanne Ferguson

Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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