

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	13 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0486
Planning Proposal:	Temporary Siting of Agricultural Polytunnel and Associated Building Structures (Retrospective) at Herons Point, Mouse Valley Drive, Cleghorn, Lanark

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr James Forrest
- Location : Herons Point
Mouse Valley Drive
Cleghorn
Lanark
ML11 8NR

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (based on the conditions overleaf)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: Jim Miller Architectural Technican
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Place Making

Development Management, Place Making and Design supplementary guidance (2015)

Green Belt and Rural Area supplementary guidance (2015)

- ◆ Representation(s):

- ▶ 16 Objection Letters
- ▶ 2 Support Letters
- ▶ 2 Comments Letters

◆ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 The application site is located within the rural area at Heron's Point, approximately half a mile to the north of the village of Carstairs, and comprises a detached chalet dwelling with associated residential curtilage, constructed in the early 1990's. Part of the original residential curtilage for the dwelling has been utilised for agricultural/storage purposes for a number of years, prior to the submission of the current application. The site is bounded by a group of 22 modern, detached 2 storey dwellinghouses to the south, by a small area of woodland with a single bungalow to the east and by a vacant car parking area associated with a former golf course to the north and west. A chalet dwelling, similar in scale and design to the applicant's, adjoins the site to the north east. The site is accessed directly from Mouse Valley Road, a public adopted road located to the north.
- 1.2 Analysis of the history of both the site and the surrounding area indicates that the land has been formerly utilised for agricultural purposes before changing into a post war sand and gravel quarry. The quarry was replaced by the Kames Country Club Golf Course in the 1990's and the 22 dwellings referred to above were originally approved in 2002, that application being further amended in 2003.

2 Proposal(s)

- 2.1 The applicant seeks retrospective detailed planning permission for the siting of an 80 sq metre agricultural polytunnel on the site. The polytunnel comprises a galvanized tubular steel frame, timber vertical boarding and white polythene sheeting. Planning permission is also sought for a number of additional structures on the site, namely a portable building being utilised as an office/feed and medicine store, a small dog kennels structure and a small timber constructed tool storage shed. The existence of the various unauthorised structures first came to the attention of the Council in early 2017, following the erection of the polytunnel. A supporting statement submitted with the application explains the background to the case, explaining that the polytunnel has been erected to house approximately 30 sheep during the breeding season and for prepping sheep for sales/shows. The statement also advises that the applicant's family have been involved in agriculture for over 40 years and that the requirement for a new polytunnel has arisen as a result of the loss of the use of a number of existing sheds at Eastend Park Farm. The applicant's landholding was registered as a separate agricultural holding in December 2016, having previously been run as part of the larger Eastend Park Farm. The sale of the majority of the land at Eastend Park, including the former golf course and associated sheds/buildings, has resulted in the applicant deciding to split the remainder of the land from his father, to run as a separate agricultural business.

3 Background

3.1 Government Advice/Policy

- 3.1.1 Scottish Planning Policy directs that the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Further, plans should set out a spatial strategy which reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy.

3.2 Local Plan Background

3.2.1 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the Rural Area and subject to assessment against Policy 3: Green Belt and Rural Area and Policy 4: Development Management and Place Making. Further detailed guidance is contained within Supplementary Guidance 2: Green Belt and Rural Area.

3.3 **Planning Background**

3.3.1 Detailed Planning Permission was granted in 1991 for the applicant's chalet dwellinghouse and 2 additional chalets on the land to the north east of the application site (ref: P/LK/01900528). Consent was originally granted for the use of the chalets as self catering tourist accommodation, however the Council is satisfied that the applicant's chalet has been occupied as a Class 9 dwelling for a period in excess of 10 years, thereby establishing its legal status as a dwellinghouse. The applicant originally sought retrospective planning consent for the polytunnel in February 2017, under planning ref: CL/17/0113. Following a number of site visits and discussions with the applicant/agent it has become evident that a number of additional agricultural/storage buildings on the site also required planning consent. The applicant was advised that he should withdraw the original application for the polytunnel and resubmit a fresh application for all the existing structures on the site, resulting in the submission of the application subject of this report. Notwithstanding this and as stated above, the local area has been subject to notable change, with the original agricultural land becoming a sand and gravel quarry before changing to a golf course and a country club. In addition, 22 modern dwellinghouses have been constructed on the land immediately to the south of the site, (ref: CL/02/0344, CL/03/0189, CL/03/0296).

4 **Consultation(s)**

4.1 None requested

5 **Representation(s)**

5.1 Following the carrying out of statutory neighbour notification and advertisement of the proposal due to the non-notification of neighbours, 18 letters of representation and 2 letters of support have been received, and are summarised as follows:

(a) The site has been 'groomed' by the applicant by the siting of the various structures, indicating a total disregard for planning control.

Response: The applicant has stated that he was unaware of the need to seek consent for the various structures on site. Further, it should be noted that once contact had been made with the applicant a retrospective planning application was promptly submitted, seeking to regularise the situation.

(b) The siting of the polytunnel in close proximity to the footpath and access road to the residential properties on Range View and Golf Court has a very detrimental affect on visual amenity for both pedestrians and passing vehicles. This impact on visual amenity is further evident when comparing an old aerial photograph of the residential curtilage of the site with the current site photographs. The polytunnel also has a detrimental effect on the residential amenity of those properties within the immediate vicinity of the site, with increased vehicle movements, strong, unpleasant odours/smells and vermin. In view of the above the application should be refused. The result of the ongoing agricultural activities on site is that the residential character of the area is changing and is in decline.

Response: The various concerns are noted and following a number of site visits to the property, the majority unannounced, a full assessment of the proposal against the relevant local plan policies has been undertaken, as detailed in Section 6 below.

(c) The applicant states that the polytunnel will be used for lambing and for growing vegetables. Sheep have continually been kept in the polytunnel and it is therefore questionable if there is any intention of growing vegetables within the structure.

Response: Noted, however the applicant has stated that very little planting has been undertaken this year due to the uncertainty of the outcome of the planning application for the polytunnel. Refusal of the application could have resulted in a significantly ruined crop.

(d) The area subject of the application is too small to be regarded as an agricultural holding, being part of the garden ground and driveway for the existing dwellinghouse on the site.

Response: Section 26(2)(e) of Part III of the Town and Country Planning (Scotland) Act 1997 states that 'The use of any land for the purposes of agriculture or forestry' does not involve development. The operation of an agricultural smallholding from the site and the keeping of agricultural animals/livestock is therefore exempt from requiring planning permission. Notwithstanding this, the various structures evident within the site do require planning consent and have been assessed against the relevant local plan policies in Section 6 below.

(e) There is no indication on the plans as to how the animal waste and bedding is disposed off and where. Is waste disposed of by placing it in the domestic refuse bins?

Response: The applicant has confirmed that he makes his own arrangements for the disposal of animal waste and bedding from the site and that no waste from the polytunnel is disposed of within the domestic refuse bins.

(f) It is believed that the applicant will allow the housing of livestock to overspill from the application site into the remaining garden ground, as seen by the housing of a number of ducks within the garden. There is the potential for all manner of livestock to be housed there.

Response: The keeping of animals and livestock is exempt from requiring planning permission, as stated in (d) above.

(g) The applicant has stated that one of the buildings on the site is an office/feed and medicine store. What is the office being used for and why are medicines stored within it? Is this an intended commercial use or an existing one?

Response: The applicant has confirmed that the office/feed medicine store is being used in association with the existing agricultural activity on the site. Medicines are required for ongoing animal treatment, increasingly so during the lambing season.

(h) The applicant owns other land locally, as indicated on his submitted plans. It would be more appropriate for him to site the various structures consent is sought for on this agricultural land, negating the need to keep livestock on the current application site.

Response: These comments are noted however the applicant wishes to have the submitted application determined in its current form.

(i) Approval of the application will set a precedent for neighbouring properties to lodge similar applications, having a similar detrimental effect on the surrounding residential area, on visual amenity and on the need to retain effective planning control.

Response: Every planning application is assessed on its own individual merits.

(j) There is a clause on the title deeds for the modern dwellings surrounding the site, stating that no livestock is to be housed within the gardens. This is a clause inserted by the current applicant's family and should also be attached to the applicants property.

Response: This is a private legal matter and is not a material consideration in the assessment of the submitted application.

(k) There is a business currently operating from the site, does it have the appropriate permission?

Response: The ongoing operation of the agricultural business from the site is noted, however as stated above agricultural activities (with the exception of buildings) are exempt from planning control.

(l) It is common practice for retrospective applications to be granted for this resident, is this SLC policy?

Response: Government advice on retrospective applications is that they should be assessed in exactly the same manner as all other planning applications. Each application is subject to an assessment against the relevant policies of the adopted local development plan and against any other material considerations.

(m) The property within the application site was originally supposed to be one of three holiday chalets for visitors to the Kames golf course, however all three have been used as permanent residences. Further, the applicant's family have demonstrated a contemptuous attitude and total disregard for the rights of the residents of the modern dwellings, a situation compounded by Mouse Valley Plant Hire frequently using the public road for loading and unloading large machinery. This has resulted in a number of near misses and vehicle accidents.

Response: The continued use of the 3 holiday chalets as permanent residential dwellings has taken place for a period in excess of 10 years and is therefore exempt from any potential enforcement action. The comments in respect of the applicant's families attitude towards other local residents has no bearing on the assessment of the planning application. Concerns over the use of the public road for unloading heavy machinery are noted, however these activities are not related to the current application site and are not material to its assessment.

(n) The ongoing monitoring of the site should clearly show that this is not a temporary purpose, noting that the polytunnel has been erected for over a year now. The objector considers that there is no intention to remove the polytunnel.

Response: This opinion is noted, however the various structures evident on site are considered to be temporary structures in terms of their physical construction and design.

(o) It is important to suggest alternatives to find a mutually agreeable solution that benefits all parties. To this end the objector would support an application for the applicant to relocate his agricultural activities with an associated dwelling to his landholding located to the west of Carstairs village. This would allow the applicant to manage his stock in situ, without impacting on residential amenity.

Response: Noted, however this report relates solely to the assessment of the application for the polytunnel and to the additional structures present within the site identified on the submitted plans. Any application for the relocation of the various

structures to a new site would require to be the subject of a further planning application.

(p) A letter of support from an animal welfare officer states that ‘the housing of the applicant’s pedigree flock at his domestic dwelling will allow the applicant to provide around the clock monitoring of the sheep, with all necessary facilities on hand, ensuring that any required intervention is at the earliest opportunity to maintain the highest of welfare standards and to ensure the safe delivery of his lambs to the best of his ability.’

Response: These comments are noted.

(q) A letter of support from the applicant’s vet agrees with the comments in (p) above and adds that ‘the applicant will use a greater amount of animal pharmaceuticals around lambing time and that these should be stored in a secure cupboard or fridge at the correct temperature, away from animals, children and sunlight.’

Response: Noted.

5.2 These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 The applicant seeks retrospective planning permission for the temporary siting of an agricultural polytunnel and a number of additional structures on the site, namely a portable building being utilised as an office/feed and medicine store, a small dog kennels structure and a small timber constructed tool storage shed. The determining issues in consideration of this application are its compliance with local plan policy, and its impact on the visual, rural and residential amenity of the surrounding area.

6.2 The application site lies within the Rural Area, in an area interspersed with small areas of woodland and undulating topography. The south eastern edge of the application site is defined by an area of mature trees. Historically the area has been subject to significant change, being used for agriculture, sand and gravel quarrying and as part of a golf course and leisure development. 22 large modern detached dwellinghouses have been constructed on the land to the south of the site and a further approval has been granted in 2016 for residential development on land to the north of the current application site, adding a further residential element to the mix of land uses within the locale. The applicant has provided a number of supporting documents with the application, explaining the background to the application. Planning consent was originally sought for a change of use of part of the residential curtilage of the existing chalet dwelling on the site; however, Section 26(2)(e) of Part III of the Town and Country Planning (Scotland) Act 1997 states that ‘The use of any land for the purposes of agriculture or forestry’ does not involve development. The operation of an agricultural smallholding from the site and the keeping of agricultural animals/livestock is therefore exempt from requiring formal planning permission. Only the associated structures evident within the site require planning consent.

6.3 In considering the proposal a number of policies are applicable and Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by meeting a number of criteria, including maximising the reuse of vacant and derelict land, and having no significant adverse impacts on the water and soils environment, air quality and biodiversity. Having carefully considered the impact of the polytunnel and the associated structures on site it is considered that the development’s scale, design and siting does not have a significant adverse impact on the water and soil

environments, or on biodiversity. The proposals in this instance raise no issues in relation to flood risk and the proposals represent the appropriate re-use of previously developed land, in this case previously forming part of the curtilage of a residential chalet.

- 6.4 Policy 3 – Green Belt and Rural Area states that these areas function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to be located there will be expected to be accommodated within settlements, other than in a couple of circumstances. Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within the Green Belt and Rural Area supplementary guidance. Agricultural buildings for the keeping of animals, storage of crops or machinery are listed as an appropriate use. This application seeks consent for a number of agricultural related structures and is therefore considered to be acceptable in principal, subject to appropriate siting and design and potential impacts on amenity. The proposals are therefore considered to comply with Policy 3 – Green Belt and rural area.
- 6.5 Policy 4 –Development Management and Place Making states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts and where appropriate, should include measures to enhance the environment and meet a number of relevant criteria. These include; Proposals should have no significant impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity, no impact on landscape or built heritage, no adverse impact on amenity as a result of light, noise, odours, dust or particulates, and have no adverse impact on the water environment or on air quality. The agricultural polytunnel has a footprint of 80 sq metres and is 3.3 metres high. It is located within a site of approximately 820 sq metres and is set back from the nearest public road by approximately 6 metres, with an area of intervening grass verge and a 1.2 metre high boundary fence. The nearest modern residential property (outwith the applicants) is positioned approximately 25 metres to the south of the polytunnel, separated by a 1.8 metre high timber screen fence and the applicants remaining garden ground. The site has been subject to a number of unscheduled site visits to assess the potential impacts on the nearest residential properties. No adverse impacts have been noted in terms of noise and smell. Following a detailed assessment it is considered that the polytunnel and the other related structures are of an appropriate size and design for the scale of the site. It is acknowledged that the polytunnel in particular can be seen from the public road fronting the site, however any passing vehicles from the residential properties beyond will only have sight of the structure for a brief period of time. It is considered that the polytunnel is a type of structure that is typically found within the rural area and that in this particular case the structure is of a scale and design that has no significant adverse impact on either residential or visual amenity. It is therefore considered that the proposal also complies with Policy 4 – Development Management and Place Making.
- 6.6 In summary, no notable infrastructure issues have been raised by the proposals and the matters highlighted in the letters of representation have been fully considered above. The applicant has provided sufficient justification for the temporary retention of the polytunnel and it is considered that the proposals will have no notable adverse impacts on residential or visual amenity. It is therefore recommended that temporary retrospective planning permission, subject to conditions, be granted.

7 Reasons for Decision

- 7.1 The proposals will not adversely affect the rural character of the area, or impact upon the residential amenity of the nearest residential properties to an unacceptable degree. It does not raise infrastructure or environmental issues, and complies with Policies 2 – Climate Change, 3 – Green Belt and Rural Area, and 4 – Development Management of the adopted South Lanarkshire Local Development Plan and its related supplementary guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

26 January 2018

Previous References

- ◆ P/LK/01900528, CL/17/0113

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management, Place Making and Design supplementary guidance (2015)
- ▶ Green Belt and Rural Area supplementary guidance (2015)
- ▶ Neighbour notification letter dated 10.11.2017

▶ Representations

▶

Representation from : Stephanie Henderson, 4 Golf Court
Kames Park
Cleghorn
ML11 8TE, DATED 21/11/2017 17:09:58

Representation from : Mr Douglas Taylor, 5 Range View
Cleghorn
ML11 8TF, DATED 01/12/2017 12:21:33

Representation from : Gordon Aitchison, 2 Golf Court
Cleghorn
Lanark
ML11 8TE, DATED 13/11/2017 09:50:16

Representation from : Michael Henderson, 4 Golf Court
Kames Park
Cleghorn
ML11 8TE, DATED 21/11/2017 17:05:47

Representation from : John Dalzell, Received via email, DATED 05/12/2017

Representation from : Fiona Dalzell, Received via email, DATED 05/12/2017

Representation from : Joan McLachlan, 5 Golf Court
Cleghorn
Lanark
ML11 8TE, DATED 30/11/2017 10:32:14

Representation from : James McLachlan, 5 Golf Court
Cleghorn
Lanark
ML11 8TE, DATED 30/11/2017 10:33:48

Representation from : Mr M Henderson, 4 Golf Court
Kames Park
ML11 8TE, DATED 22/11/2017

Representation from : Gillian McCann, 1 Range View
Cleghorn
ML11 8TF, DATED 22/11/2017

Representation from : Mrs Gillian McCann, 1 Range View
Cleghorn
Lanark
ML11 8TF, DATED 22/11/2017

Representation from : Joan Aitchison, 2 Golf Court
Cleghorn
Lanark
ML11 8TE, DATED 13/11/2017 09:30:41

Representation from : Kirsten Sinclair, 3 Golf Court
Cleghorn
Lanark
ML11 8TE, DATED 24/11/2017 22:16:50

Representation from : Clyde Vet Group, via email, DATED 12/12/2017

Representation from : Heather Lawson, via email, DATED 12/12/2017

Representation from : Kyle Smith, 11 Golf Court
Cleghorn
ML11 8TE, DATED 30/11/2017 23:59:59

Representation from : Gillian Orme, 3 Range View,
Cleghorn, Lanark
ML11 8TF,
DATED 15/10/2017

Representation from : John Orme, 3 Range View,
Cleghorn,
ML11 8TF,
DATED 15/10/2017

Representation from : Eoin McCann, 1 Range View
Cleghorn
Lanark
ML11 8TF,
DATED 16/11/2017

Representation from : Trevor Peach, 6 Range View
Cleghorn
Lanark
ML11 8TF,
DATED 13/11/2017 15:57:25

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3
6LB
Ext 5267 (Tel : 01698 455267)
E-mail: stuart.ramsay@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CL/17/0486

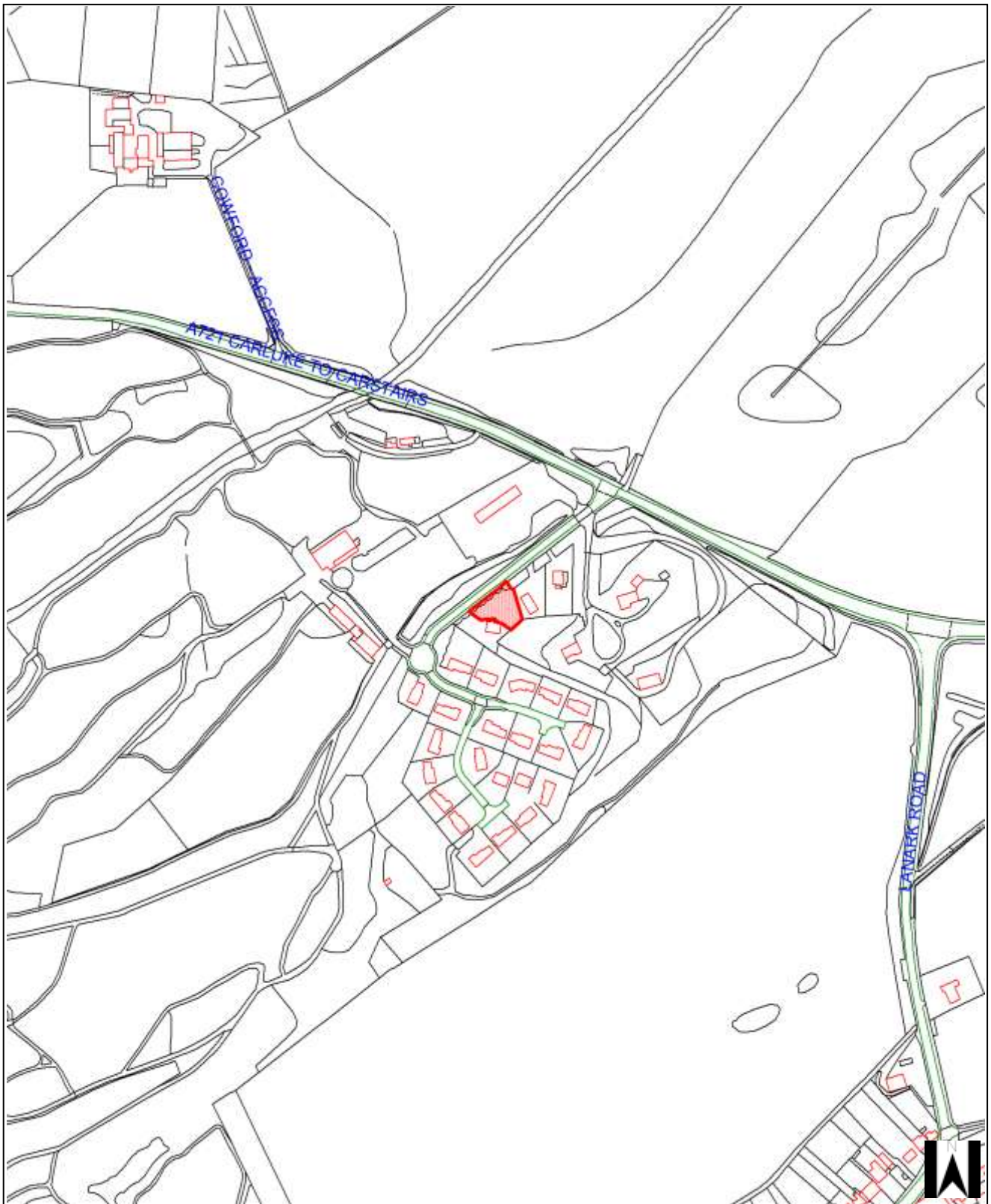
CONDITIONS

- 1 That the permission hereby granted is for a temporary period only and shall expire on 13.02.2020.
- 2 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

REASONS

- 1.1 To enable the development to be monitored and reviewed.
- 2.1 In the interests of amenity and in order to retain effective planning control.

For information only



For information only