

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01410/PP

Planning Hierarchy: Local Development

Applicant: Mr A Read & Ms A Young

Proposal: Erection of Agricultural Building

Site Address: Land northeast of Kames Farmhouse, Kilmelford

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of agricultural building
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to:

- 1) The holding of a discretionary local hearing in view of the number of representations received in the context of a small community, and
 - 2) the conditions and reasons appended to this report.
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(C) HISTORY:

10/01653/PNAGRI

Erection of polytunnel – prior approval : 09/11/10.
Land at western extremity of landholding.

10/01759/PNAGRI

Erection of polytunnel – prior approval : 09/11/10.
Land immediately east of application site.

10/01410/PP

(D) CONSULTATIONS:

Area Roads Manager

Report dated 11/10/10 advising no objection subject to conditions.

Kilninver and Kilmelford Community Council

Letter dated 09/11/10 raising serious concerns about the ability of the Kames water supply to serve the development without affecting supplies to existing residents on the Kames peninsula.

Further letter dated 09/11/10 suggesting that the positioning of the building would detract from the present attractive group of buildings. It is also pointed out that the applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

Comment: No water supply is required for this agricultural building. The building is a typical agricultural building which is commonly found within and adjacent to farmyard complexes. Whether the applicants reside on the holding year round basis is not a material planning consideration.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 21/10/10.

(F) REPRESENTATIONS:

13 individuals have objected to the development as follows:

John Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Jane Rentoul, Laroch, Kilmelford, Oban, PA34 4XA (02/11/10)

Robin and Alison Wells, Ardbeithe, Kames, Kilmelford, PA34 4XA (31/10/10)

Shain Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (31/10/10)

Adrian Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (31/10/10)

Rosemary Wells, Ardbeithe, Kames, Kilmelford, PA34 4XS (undated)

Peter S Halstead, Tigh-an-Rudha, Kilmelford, Oban, PA34 4XA (31/10/10)

Lorna Hill, Kames Lodge, Kames Peninsular, Kilmelford, PA34 4XA (undated)

Ewan Kennedy, Kinloch, Degnish Road, Kilmelford, PA34 4XD (13/11/10)

Mr Robert Hill, Kames Lodge, Kilmelford, by Oban, PA34 4XA (29/10/10)

Allan Loughray, Creag Na Linne, Kames Bay, Kilmelford, PA34 4XA (26/10/10)

James Dinsmore, Tulloch Beag, Kilmelford, Oban, PA34 4XA (29/10/10)

(i) Summary of issues raised

- Concerns regarding the ability of the existing Kames water supply to serve the proposed development.

Comment: The application is for an agricultural building for use as a livestock shed and indicates that no water supply is proposed to serve it.

- The design and positioning of the building would spoil the existing attractive settlement of buildings and detract from the Area of Panoramic Quality.

Comment: The building is a typical agricultural building which is commonly found within farmyard complexes. The building is to be sited within the existing farmyard complex set against a rising rocky knoll which will help integrate it into the landscape minimising the area of land impacted on by the structure. It is also in close proximity to a proposed polytunnel approved under ref. 10/01759/PNAGRI, which will form a pair of agricultural buildings against the rising backdrop.

- The applicants are rarely in residence as they spend most of their time on their large farm in Cumbria.

Comment: This is not a material consideration in the determination of this planning application.

- Concerns over advertising and neighbour notification of the application.

Comment: All notifiable properties were issued with neighbour notification and the proposal was advertised under Regulation 20 procedures in the local press. Community Councils receive weekly lists of applications from the Planning Service.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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|---|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

(i)	Is a Section 75 agreement required:	No
(I)	Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
(J)	Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application	
(i)	List of all Development Plan Policy considerations taken into account in assessment of the application.	
	<u>Argyll and Bute Structure Plan 2002</u>	
	STRAT DC 2 – Development within the Countryside Around Settlements	
	STRAT AC 1 – Development in Support of Farms, Crofts and Estates	
	<u>Argyll and Bute Local Plan 2009</u>	
	LP ENV 1 – Impact on the General Environment	
	LP ENV 10 – Impact on Areas of Panoramic Quality (APQ)	
	LP ENV 19 – Development Setting, Layout and Design	
	LP TRAN 4 – New and Existing Public Roads and Private Access Regimes	
	Appendix A – Sustainable Siting and Design Principles	
	Appendix C – Access and Parking Standards	
(ii)	List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.	
	Argyll & Bute Sustainable Design Guidance (2006)	
	The Town & Country Planning Act (Scotland) 1997	
	The Planning etc. (Scotland) Act, 2006	
	SPP, Scottish Planning Policy, 2010	
	PAN73, Rural Diversification, 2005	
(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): Yes

Representations have been received from 13 individuals and from the community council, which is a significant number in the context of the small community at Kames. Accordingly, it is considered that a discretionary local hearing would be appropriate in this case.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for erection of an agricultural building to house livestock within the grounds of Kames Farm, Kilmelford.

The proposed building is approximately 564 square metres in size and the application shows it to be constructed with blockwork external walls to mid height with juniper green coloured profile metal sheeting above and the same profile sheeting to the roof. However, further to discussions with the applicant's agent, it has been agreed that the front elevation of the building will be finished in timber cladding to help soften the impact the building may have on the wider landscape. This change to finishing materials can be dealt with satisfactorily via condition.

The design is in a typical style for agricultural buildings that are commonly found within farmyard complexes. The proposal requires planning permission rather than 'agricultural prior notification' due to its size and because the applicant has already used the majority of the 465 square metre floorspace allowance for previous prior notifications within the preceding 2 year period.

Albeit that agricultural buildings are not categorised in the Local Plan, this type of development is similar in appearance to many industrial buildings and as such, it is considered appropriate to have regard to this building in terms of Schedule B1 of the local plan (page 35), where an equivalent industrial building would be categorised as being of 'medium scale'.

In terms of the adopted 'Argyll and Bute Local Plan', the site is situated within the 'Countryside Around Settlement' Zone (CAS) within which Policy STRAT DC 2 of the approved 'Argyll and Bute Structure Plan' gives encouragement to development which accords with the settlement plan for the area; including appropriate small scale, infill, rounding-off, redevelopment and change of use proposals subject to compliance with other relevant local plan policies. In special cases, a locational need or special circumstance may justify a development.

Policy LP ENV 1 assesses applications for their impact on the natural, human and built environment.

Policy LP ENV 10 states that development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density

shall integrate with the setting of development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The site lies within the existing farm complex to the northeast of Kames Farmhouse. To the north the site is bounded by the A816 Oban – Lochgilphead public road and to the west and east by open fields. The agricultural building is proposed to be set against a rising rocky knoll to the south which will help integrate it into the landscape and minimising the area of arable land impacted on by the structure.

The settlement pattern in the area around Kames is characterised by well spaced, low density single houses or groups of farm related buildings and occasional industrial development. The proposed structure is a medium scale structure sited alongside an approved polytunnel, which together would form a pairing of buildings spaced out from the existing farmhouse, but set against the rising land and within the same visual envelope.

Whilst development is not normally supported within the CAS zone when there is available land within a Rural Opportunity Area (ROA), the boundary of the adjacent ROA has been drawn tightly around the farmhouse and adjacent steading and leaves little room for the future development of the farmholding.

The applicants produced a farm plan which demonstrated the proposed functioning of their farm business and which shows the subdivision of the farm holding into grazing areas served by separate sheds. This arrangement was considered the most appropriate for animal husbandry, herd separation, ease of movement within the holding and ease of access to pasture. Furthermore this would ensure that the agricultural buildings were not located in the centre of fields, but kept to the periphery to minimise land loss.

The proposed building subject of this application forms part of a wider package of investment and diversification at an existing farm which will support both agriculture and the rural economy.

Prior permission has recently been granted for two polytunnels within the farmholding and a separate planning application has been submitted for the redevelopment of the farm steading into holiday units. Siting the building subject of this application within the adjacent ROA would result in an adverse impact on the holiday unit venture associated with the proposed steading conversion, as the scale of the building and the farming activities associated with it, would impinge upon the amenity of the proposed holiday accommodation.

Whilst the site is situated within CAS, the building has been sensibly sited on an area of ground which is set back from the road against a steep backdrop.

The overall development of the farmholding will show a pairing of a shed and polytunnel off to the left when facing the farmhouse both of which will be set against the rising land with open grazing land to the front; the farmhouse and converted steading will be in the centre in their original setting; then a further pairing of the shed/shop and polytunnel will be situated off to the right, set against existing large scale fish farm buildings with further grazing land in front.

In light of the above, given its purpose as an agricultural building related to the farmholding on which it is to be located, it is considered the proposal benefits from a justifiable locational need and is therefore compatible with Structure Plan Policy STRAT DC 2. The proposal utilises an appropriate location within the existing farm complex to site a building of this purpose and size, without creating unacceptable impacts on the

usable agricultural land, the development potential of existing buildings, or the wider landscape.

The Area Roads Manager has been consulted on the proposal and raises no objection but recommends that conditions be applied requiring upgrade of the access and clearance of visibility splays. However, as the proposal is for an agricultural building within an existing farm complex, it is not considered that there will be any material intensification of use and therefore a requirement to upgrade the farm access is not considered reasonable in the context of the development for which permission is being sought.

In light of the above the development is considered to represent a suitable opportunity for development consistent with the Development Plan. Provision of the agricultural building will assist the farm management and development and as such meets wider national, strategic and local policy aims to support agricultural enterprises and the rural economy.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

It is considered that the site represents a suitable opportunity for development. The agricultural building is of a suitable scale, form, location and design which will not detract from the established character of the area. Provision of the agricultural building will assist the farm management and development and as such meets wider national, strategic and local policy aims to support agricultural enterprises and the rural economy.

On the basis of a locational need, the proposal accords with Policies STRAT DC 2 of the approved 'Argyll and Bute Structure Plan' and Policies LP ENV 1, LP ENV 10 and LP ENV 19 of the adopted 'Argyll and Bute Local Plan'.

There are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 25/01/11

Reviewing Officer: Stephen Fair Date: 25/01/11

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01410/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Notwithstanding the plans hereby approved, the front (north) elevation shall be finished in timber cladding, the details of which shall be submitted for the prior approval of the Planning Authority before development commences. Thereafter, the development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity in order to integrate the proposal into its landscape setting.

3. The development shall be implemented in accordance with the details specified on the application form dated 06/09/10 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan - Drawing Number 2010 023-015)
Plan 2 of 2 (Shed 2 - Drawing Number 2010 023-015)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.