

**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**

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**Reference No:** 11/00210/PP

**Planning Hierarchy:** Local Application

**Applicant:** Adams (Flansham) Ltd.

**Proposal:** Change of use of agricultural sheds to firewood processing unit

**Site Address:** Land North West of Camis Eskan Farm House, Helensburgh

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**SUPPLEMENTARY REPORT 1**

**1. SUMMARY**

The purpose of this Supplementary Report is to advise Members of one additional objection received after the application was considered at the meeting of the PPSL Committee and consultation responses from the Area Environmental Health Manager and the Access Manager.

**2. FURTHER REPRESENTATION**

Correspondence including photographs has been received from the following individual:

Eric Thompson, North Lodge, Camis Eskan, Helensburgh, G84 7JZ (e-mail dated 05.10.2011).

The comments are summarised as follows:

I shall be unable to attend the discretionary hearing but as an objector I would be grateful if you would consider the following comments. As a former Argyll & Bute Councillor, my voting record will show that I have been generally a supporter of development and, on a personal level as a local resident, have never before raised any objections to developments at Camis Eskan. However, I do object to developers breaching Planning Rules in an irregular manner as would be the situation in this case.

**IN SUPPORT OF THE PLANNING OFFICER'S FINDINGS**

Irregular Development in the Green Belt Camis Eskan farm was bought about ten years ago by the current owner, an 'absentee landlord'. Almost immediately he put in place plans to convert the farmhouse and its outbuildings into eight (?) domestic residences, presumably on the ticket of preserving vernacular architecture. To achieve this, the existing lambing shed was demolished and a new one erected in a field at a distance from the farm which would no longer be a farm. The new shed is the subject of this application.

Clearly a farmer has Permitted Rights to build a lambing shed in his field but even so this new shed (the subject of this Application) was originally built without seeking Planning

Consent (granted retrospectively). In the last two years, the owner, sold his upland grazing to another 'absentee landlord' (ADAMS Flansham Ltd based in the South of England), including the new lambing shed, for the purpose of forestry development. The new lambing shed has thus become redundant and ADAMS Flansham Ltd has put it up for rent. This Planning Application now seeks to allow rental of the lambing shed for an industrial operation, namely 'firewood processing' i.e. a sawmill.

Had a developer simply come up *ab initio* with a proposal to establish such an operation in the Greenbelt, it would have surely have been refused.

Because the shed is already there and now redundant as a lambing shed, some Councillors may be minded to think that it is therefore alright to breach Planning Rules. That, however, would constitute 'unplanned' and 'irregular' development. It would also set the precedent for anyone else who puts up an agricultural shed in the Greenbelt, to declare it redundant as a means of introducing other 'forbidden' developments.

Not Farm Diversification Planning Rules allow diversification of farming activities in the Greenbelt to allow farming families *'to turn their skills to new businesses secondary to the main farm business.'* This is not the case at Camis Eskin because:

- The farm has ceased to be a farm.
- The farm has been systematically 'asset-stripped' into first housing then forestry development
- There is no 'farm family'. The owners now range from residents of the new residential properties in the ex-farm to two 'absentee landlords', one being the Applicant. The Applicant is FLANSHAM properties based in the South of England.

This is NOT farm diversification. It is straight forward commercial development in the Greenbelt.

Site Specific Requirement not met The purpose of the proposed operation is not to manage and sustain the environment of the Camis Eskin farm lands. As the Report makes clear, timber will be brought-in via the open market for processing. There is therefore no site specific justification for this application. Any shed, anywhere outside the Green belt would suffice.

Traffic The Area Roads Officer' originally recommended refusal on the grounds that the access road through a residential area was unsuitable, but changed his mind on the basis of the Applicant's claim that *'there would not be any more traffic movements that for the approved use of the site'*. I would dispute that 'evidence' as there was very little traffic to the lambing shed. The proposed operation will be an all year round business with regular deliveries and despatches. (Also, the final access is via a single track ex-farm road now shared with thirteen other households but this is a 'civil' matter for neighbours to fight over – e.g. would the Applicant pay for upkeep of the road?)

Public Access - Three Lochs Way Public access was a requirement in the approval of the Applicant's application for change of use from farming to forestry. This was met by routing the Three Lochs Way through Camis Eskin. It is in fact routed through the lambing shed compound which under this Application would become an industrial timber operations yard. Under HSAW legislation, free access by the public into a yard where timber operations including power sawing were taking place, would probably not be permissible. Currently, the gate into the yard is padlocked. This further illustrates the ad hoc manner in which developments at Camis Eskin are taking place.

Bad Neighbour Development The Planning Officer's Report acknowledges that the proposed 'firewood processing' operation will be noisy with power saws etc running all day. The Applicant's claim that the thin-metal clad shed would mitigate machinery noise needs to be tested in practice, and some of the power-sawing operations will be out of doors. The Area Roads Manager also recognises that expansion of the activity or 'change of strategy' by the operator could see traffic increase, and he has called for any permission given to be restricted to the current applicant. If Councillors were minded to over-rule the Planning Officer's recommendation, it would simply be giving a blank cheque for unrestricted bad neighbour developments with such matters as Noise, Traffic, and Further Development being ignored.

*Comment: The majority of the issues raised have been covered in the main report of handling. The new issue relates to the footpath which passes through part of the site. Access is a material consideration in the assessment of the proposal. The Access Officer has been consulted and his response is detailed below.*

### **3. ADDITIONAL CONSULTATION RESPONSES**

#### **Area Environmental Health Manager (memo dated 7 September 2011)**

This type of development has the potential to give rise to complaints in relation to noise from machinery and vehicle movements, dust and light pollution. An impact assessment requires to be carried out to determine any adverse impact of noise, dust or light on neighbouring residential properties.

*Comment: This could be requested prior to any final decision being taken or could be covered by a suspensive condition. If the latter option is chosen and a nuisance is identified which cannot be alleviated then the applicant could be left with a permission which cannot be implemented. A suspensive condition would not therefore be appropriate in the absence of reassurance that there is an attainable solution to noise and other nuisance related issues. I shall be seeking further advice from Environmental Health prior to the hearing in this regard.*

#### **Access Manager (memo dated 5 October 2011)**

The objector is correct in his statement that the Three Lochs Way runs through the site of the proposed development. The establishment of the business on a small scale would not stop walkers from using the route and any risk to members of the public would have to be assessed by the site manager and recorded in a risk assessment. The site manager would then need to address any high risks through his management of the site, signage, erecting a barrier between the path and his operations or a minor diversion of the path as he deems fit. In essence any reasonable modification that he felt would reduce the risks to an acceptable level; he would be expected by the Health and Safety at Work Act to review this when changes were made to his operations.

If the business expands or has the potential to generate a higher level of traffic than has been stated by the applicant I would want conditions imposed. The Condition would ensure that a reasonably direct, barrier free path with a smooth stone surface, a minimum of 1.8 metres wide is provided around the development to reduce the possible risk to users from collision with vehicles. A 1.5 metre wide gap or bridal gate would be provided beside any vehicle gates to allow unrestricted passage for walkers, cyclists and horse riders whilst providing a degree of security for the firewood processing business.

*Comment: As indicated, if Members were minded to approve the application, this issue could be covered by an appropriate condition(s).*

#### **4 RECOMMENDATION**

It is recommended that the contents of this report are noted, that they don't change the recommendation contained in the report of handling and that planning permission should be refused for the reasons set out in that report.

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06 October 2011