

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01112/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of hay shed
LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 HAY 03	Location Plan	Refused
196 HAY 1	Site Plan	Refused
196HAY 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Archaeology Officer: There are no archaeological implications for this proposal. The site in question underwent a watching brief in 2005 which failed to identify archaeological features or finds.

Environmental Health: Noise from vehicle maintenance and operations associated with this development can affect the amenity of other occupiers and impact on local amenity. No objection is raised provided conditions to control the; use of the shed in accordance with a management plan, noise levels and maintenance of plant and machinery.

Landscape Architect: The roof height of the proposal will be approximately 2.5m above the roof height of the existing shed. The topographical survey shows the tip heights of the trees on the north side of the B7062 within the Kailzie estate. This information confirms that these trees will screen the shed from views across the valley therefore no objection is raised on landscape and visual grounds.

Roads Planning: Further information on the number, type and frequency of vehicular movements associated with the proposal is required to determine if the access which serves the development can accommodate these vehicular impacts. Refusal is recommended if this information is not provided.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

PMD2 - Quality Standards for New Development
EP5 - Special Landscape Areas
EP8 - Archaeology
ED7 - Business Tourism and Leisure Development in the Countryside

Supplementary Planning Guidance on;

Local Landscape Designations 2012

Recommendation by - Scott Shearer (Planning Officer) on 4th October 2017

The application seeks permission to erect a pitched roofed hay shed to the south west of an existing building which is described as a poultry shed on the submitted plan. The building has a ridge height of 6.9m and is to be finished with green coloured steel profile cladding. Four previous applications to add taller agricultural buildings in this location have been refused. The Local Review Body also refused an appeal against the last refusal on this site for a machinery storage building (Ref; 16/01507/FUL). The site is located within the Tweed Valley SLA.

A related application, ref 17/01113/FUL for the erection for a tractor shed has been applied for to the north east of the poultry building and is being handled separately.

The reasons for refusing the previous applications on this site is summarised below;

1. The scale, siting and design of the buildings will be prominent in the landscape and poorly related to the adjoining building leading the proposal to detrimentally impact on the character and quality of the SLA.
2. No overriding justification has been provided to vindicate the developments as an exceptional form of development in this rural area.
3. Proposals have not demonstrated that the traffic generated from developments can access the site without detriment to road safety.

The heights of buildings previously refused on this site range from 6 to 7.3m tall with a variety of building designs which include flat roofs, pitched roofs and lean-to forms. The last application, ref; 16/01507/FUL was for a building 7m tall with a lean-to roof design which at its peak would stand 2.5m above the ridge line of the adjacent building.

This latest application has included a topographical survey of the heights of the trees on the north side of the B7062 which form part of the Kailzie estate. This information has not been included within previous applications. The height of this proposal is similar to the height of previous proposals on this site. The visibility of previous proposals from across the valley and in particular the A72 has been a concern raised against previous applications. Our landscape architect is satisfied that the topographical information demonstrates that the identified trees will screen the development from views across the valley. The proposals should not be visible from the A72 and consequently I accept that this topographical assessment illustrates that the proposals will not have detrimental landscape and visual impacts over long distances.

The adverse visual impacts of the proposals over long distances were not the sole visual concerns of the previous proposals. Previous proposals were viewed to be prominent to the B road, especially on approach from the west and their scale and design were viewed to be incongruous with the appearance of the existing buildings. Having assessed the merits of this latest proposal, this development has not addressed these concerns and the reasons for this are explained below.

The planting on the embankment which separates the site from the B7062 does provide some screening to the existing building. The planting is at its thinnest at this end of the embankment so there will be some visibility through the gaps in these trees which would reveal glimpses of this structure. The heights of these trees have not been surveyed and they do appear shorter than those which have been surveyed in Kailzie Estate, therefore the proposals may be visible above these trees.

The existing building is low and appears to have standard proportions. This additional building would stand 2.4m above the ridge line of the existing building and has a much shallower roof pitch. It is considered that revised proposal still displays incongruous elements of the previous applications where there is still a dramatic jump in eave and ridge height. The height change and the shallow roof pitch of this proposal alongside a building with a steeper pitch would produce a poor juxtaposition between the two buildings. While the existing roadside planting does afford some screening for these proposals, these trees are not protected so they are removable. If the trees were to be removed they would expose a very poor composition of buildings which would be visually discordant with the rural character of the area and the scale of this proposal on an already elevated site would dominate views on approach from the west. While tree screening is a material consideration, to impose a condition requiring the retention of the trees as a means of hiding an otherwise unsympathetic development would not be a sustainable approach. The development itself should fundamentally relate well to its context, and this development does not.

Policy ED7 seeks to promote developments which are appropriate to their rural location and positively contribute to the rural economy. Previous applications have been consistently opposed on grounds that they have failed to demonstrate the economic requirement for the development with credible justification or Business Plan. It is understood that context of the landholding has remained unchanged from the last application on this site where the landholding only extends to 8 acres, of which 3 benefit from planning permissions for tourist developments. The holding already benefits from existing buildings to assist with the agricultural use of the land. Having checked the planning history at this land holding, previous proposals for buildings to store hay which have been refused across the holding including one on this particular site, application reference 11/01451/FUL. Within the statement provided it is suggested that this latest application is for a more modest structure than the previous hay sheds. Indeed, all previously refused applications had larger floor areas but it is notable that the height of this building is taller than the 2011 structure. The intended use of the building for the storage of hay may be an acceptable building use in this rural area. Previous determinations have opposed new agricultural developments at Kirkburn on grounds that proposals have not provided evidence or an economic justification that this landholding required additional agricultural buildings. I note, however, that Policies PMD2 and ED7 do not explicitly require that existing agricultural businesses provide such justification. With this in mind I do not recommend that this application is refused on these grounds. That said, there is also no justification or evidence that would enable me to determine that the adverse visual impacts of this development should be overridden by the operational needs of the business.

The proposed development is likely to result in vehicular movements to transport hay to and from the site. In determining the last application for a building to store machinery on this site, the LRB added a reason for refusal on lack of information to determine road safety impacts. Similar to previous applications Roads Planning Officers has sought additional information to be provided to demonstrate if the site access junction with the public road can safely cater for vehicle movements generated by this development. No such information has been provided. The proposal has failed to demonstrate if the development can be properly accessed in a manner which does not adversely impact on road safety and therefore fails to meet accessibility requirement of policy PMD2 and, in turn, Policy ED7.

If the application were to be approved environmental health concerns can be addressed by an informative note, as the matter of managing a building within an existing agricultural unit, where no specific amenity problem has been identified, is best addressed through separate environmental protection controls. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No

operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.