

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01113/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of tractor shed
LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 TRACTOR 03	Location Plan	Refused
196 TRACTOR 01	Site Plan	Refused
196 TRACTOR 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 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. It would have been preferred to see a shed of a similar height to the existing, to limit any potential impact when seen from the B7062 but it is recommended that there will only be a limited visual effect on receptors on the B7062 therefore no objection is raised on landscape and visual grounds.

Roads Planning: No objections to this relatively small unit for storing an agricultural vehicle within the existing compound at Kirkburn.

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 lean-to tractor shed to the north east of an existing complex of buildings which consist of a pitched roofed building with adjoining flat roofed extension. The flat roofed structure is not shown on the elevation drawings however the block plan suggests that this structure is to be retained. This latest proposed building has a ridge height of 6.9m and is to be finished with green coloured steel profile cladding and a shutter door. The site is located within the Tweed Valley SLA.

A related application, ref 17/01112/FUL for the erection for a hay shed has been applied for to the south west of the poultry building and is being handled separately.

This latest application has followed a number of previous applications for agricultural buildings which have been applied for around the existing buildings. All proposals have been refused apart from permission to the constructed flat roof building which was approved in 2011. Most of the refusals are been sited to the south west of the existing buildings. The last application which was sought for permission at this side of the building applied for a straw storage building on the land which rises above this site to its rear, ref: 16/01506/FUL and this refusal was upheld by the LRB.

The reasons for refusing the previous applications around 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 siting of this structure has moved down from the elevated site where application 16/1506/FUL was located so that the proposal will sit alongside the existing structures on a similar ground level. On refusing previous applications, the Planning Authority has raised concerns that as a result of the height and siting of proposals on elevated sites those developments would stand in the region of 2.5m above the ridge height of the existing buildings. Despite this structure moving down from the elevated ground behind, the building stands at 6.9m tall so it will extend 2.4m above the highest part of the existing building. This scale suggests that similar visual concerns will exist.

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 but the survey confirms that the heights of the trees will screen this building from views from across the valley. The proposal should therefore 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. The planting on the embankment which separates the site from the B7062 does provide some screening to the existing building and the planting is more robust at the eastern side of the embankment. 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 complex of buildings is low in height and this proposal displays incongruous elements of the previous applications where there is a dramatic jump in building height. This is compounded by the high wall height of this building extending above the ridge of the existing pitched roofed building to produce a poor juxtaposition alongside this range of buildings. While the existing roadside planting may limit the visual effect on receptors on the B7062 as suggested by our landscape architect, because the height of these trees have not been surveyed it is not conclusively proven that this is the case. Fundamentally, the trees which may screen the development from the B7062 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 also the scale of this proposal on an already elevated site would dominate views from the B7062. 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 within a creditable justification or Business Plan. It is understood the 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 use of the land. Having checked the landholdings planning history, the flat roofed building was approved under application 11/01437/FUL when the building was described on its plan as a tractor shed. The flat roofed building is only 2.4m tall and the case officers doubts about the ability to use this building for its intended purpose appear to have been confirmed in this application where the submitted plan make reference to all of the existing structures being a poultry shed. 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.

Roads Planning Officers have not suggested that this particular form of development would pose a risk to road safety which would require further information to determine if the road network can safely cater for associated vehicle movements. 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.

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 having a significantly adverse visual impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the

development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

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.

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