

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 16/00356/FUL

**To : Wilson G Jamieson Ltd per Peter MacLeod 122 Scott Street Galashiels Scottish Borders
TD1 1DX**

With reference to your application validated on **23rd March 2016** for planning permission under the
Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to existing agricultural building (retrospective), change of use of
agricultural building and extension to form forestry contractor business premises and
erection of timber storage building**

at : Land East Of Langlee Mains Farmhouse Galashiels Galashiels Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the
approved plan(s) and the particulars given in the application and in accordance with Section 58 of
the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three
years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons
stated

**Dated 2nd June 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00356/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Approved
101	Existing Layout	Approved
102	Site Plan	Approved
301	Elevations	Approved
201	Floor Plans	Approved
202	Elevations	Approved

REASON FOR DECISION

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.

Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

SCHEDULE OF CONDITIONS

- 1 Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.

Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.

- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:
- (a) the processing of timber, including the sawing, splitting and chipping of timber;
 - (b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and
 - (c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.
- Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).
- Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.
- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
 - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5, have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.

Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area.

With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.

- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').

Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.

- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.

Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.

- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:

- (i) a site plan showing the proposed form and layout of the new hedge;
- (ii) a planting schedule detailing the types and numbers of species to be used; and
- (iii) a maintenance schedule covering the first two years following the original planting.

Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.

Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.

Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.
- 2 All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.
- While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.
- 3 The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.
- 4 The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

- 5 Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00356/FUL

APPLICANT : Wilson G Jamieson Ltd

AGENT : Peter MacLeod

DEVELOPMENT : Extension to existing agricultural building (retrospective), change of use of agricultural building and extension to form forestry contractor business premises and erection of timber storage building

LOCATION: Land East Of Langlee Mains Farmhouse Galashiels
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Approved
101	Existing Layout	Approved
102	Site Plan	Approved
301	Elevations	Approved
201	Floor Plans	Approved
202	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations have been received.

Roads Planning Section: has not responded to the public consultation.

Environmental Health (Amenity and Pollution): Equipment used in the operation of a forestry and fencing business can cause noise. While the application is supported in principle, a planning condition is recommended to require that any noise emitted by plant and machinery used on the premises should not exceed identified noise limits. This is to protect the residential amenity of nearby properties. It is further sought that plant and machinery should be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Environmental Health (Contaminated Land): has advised that it has no comments to make.

Flood Prevention: As this site is not anticipated to be at risk of flooding at a 1 in 200 year flood event, no objections on the grounds of flood risk.

Economic Development: advises that it could support this specific use in this specific location. Its assessment, largely positive with respect to the principle, details some concerns behind what is ultimately an expression of conditional support. On the one hand, it is content that this company is a well-established specialist forestry contractors which offers a comprehensive range of services and consultancy to national utility clients, local authorities and others; and is supportive of its expansion. Further, it finds it reasonable that a business employed in mainly forestry and fencing work would be best placed in a rural location rather than on an industrial estate. It adds that while the proposal is not for a sawmill, sawmills tend to be found in locations such as farms, and considers that the operations carried out by this company fall within the same general operation of working with timber. However, while it is supportive of the principle, it also raises a few points of concern. Firstly, and notwithstanding the agent's advice to the contrary, it considers that the proposed extensions appear designed for sub-letting due to the large number of loading doors. It remains particularly concerned that if the doors are only intended to allow ease of access and egress for large machines then there would be no need for the incorporation of the additional adjacent personnel doors. It is recommended that these should be deleted. Secondly, given that the site is an existing agricultural farm operation and the proposal is for a business use, it has concerns about the establishment of any general Class 4, 5, or 6, uses of the site. Thirdly, it notes that the premises were constructed for use as a farm shed, and in its current form may not comply with Regulations for a normal business use.

SEPA: has no objection on flood risk grounds.

Scottish Gas Networks (SGN): initially objected (as a holding position) but has since advised that it has an interest in the development due to the presence and proximity of a High Pressure Gas Transmission Pipeline. It seeks a meeting to safeguard the pipeline.

HSE: Does not advise against.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability
Policy PMD2: Quality Standards
Policy ED7: Business, Tourism and Leisure Development in the Countryside
Policy HD3: Residential Amenity
Policy EP6: Countryside Around Towns
Policy IS7: Parking Provision and Standards
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3
Scottish Planning Policy (2014)
PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)

Recommendation by - Stuart Herkes (Planning Officer) on 31st May 2016

SITE DESCRIPTION

The site is part of the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels. In planning policy terms, it lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

Within the northern part of the site is an existing large building ('Building A'). This was originally erected as a cattle shed, but has since been significantly altered and extended into its present form. This includes works for which there is no planning record.

The remainder of the site is open land (an agricultural stackyard), some of which is currently, and unlawfully, in use for non-agricultural storage purposes, principally the accommodation of 42 dark green-coloured shipping containers, as well as some caravans. The eastern extremity is traversed by a gas main (Newhouses to Calfhill pipeline).

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

PLANNING PROPOSALS

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is an established fencing and forestry contractor, which seeks retrospective planning approval to operate the site as its main depot and centre of operations, principally for: (i) the storage of the vehicles, plant, equipment and materials, which it uses off-site in the provision of its forestry and fencing services (and which it also leases to local farms and estates); and (ii) for the processing of timber recovered from the Applicant's off-site forestry and tree work operations. Timber processing operations are advised to include the splitting of large pieces of timber; the cutting of logs; and wood chipping.

Retrospective planning consent is sought for an extension to the west elevation of the existing farm building, which accommodates two storage units.

Planning consent is further sought for two new structures: firstly, for a new second offshoot to accommodate seven more storage units, this time on the east elevation of the farm building; and secondly, for a new free-standing log store building.

Both the proposed structures, and the existing offshoot, are sought to accommodate the fencing and forestry contractor business operation.

SUPPORTING CASE

In 2012 the Applicant required to relocate their base of operations from its previous premises at Botany Mill, Roxburgh Street, Galashiels. Based on its own understanding that its operations were forestry, it did not identify that it had any requirement to secure planning approval to change the use of the site to accommodate its operations.

With respect to the selection of the site as its new base of operations, the Applicant considers/considered the following to be salient: (1) the business required to be located in the Galashiels area, its established base of operations; (2) there was an existing building on-site for secure storage; (3) the business' on-site operations and the particular types and sizes of vehicles and plant operated, are considered not to be appropriately accommodated within an industrial estate or settlement; (4) the site has good road access and services (power and water supply); (5) it is a well-drained site due to an efficient soak-away system; and (6) the existing building was understood to be already in a commercial use.

The Applicant currently has 10 full time employees. Its vehicles, plant and machinery include tractors, wood chippers, lifting equipment, trailers, land rovers, tree-cutting and handling machinery, amongst others as well as spare parts and maintenance for the same. Its depot currently operates from 0700 to 1800 Monday to Friday, and until 1300 on Saturdays.

The 42 storage containers were introduced as a side-line to the forestry and fencing contractor business, to diversify the business' activities, and are the subject of a separate planning application seeking retrospective

planning consent (16/00397/FUL) for their operation in the service of a proposed commercial storage business use.

With respect to the caravans on the site, it is advised that these are to be removed over the next few months. Their retention does not form part of the current proposals.

It is advised that a third party business is currently sub-letting one of the existing units within the converted farm building. The Applicant advises that this is another forestry business.

PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building on the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries, but has provided no documentary evidence to substantiate this; nor any details about the extent to which this was ever a main use of the site (or any part thereof); nor the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, and contrary to the Applicant's own advice and understanding, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is neither express nor deemed planning approval for Class 5 general industrial and/or Class 6 storage use(s).

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At some point in the period post-dating June 2011 (the time of Google Streetview's most recent recorded images of the site) alterations were made to the structure of the farm building. These works include the unlawful construction of an offshoot to the west elevation, which now accommodates two workshop units. According to information from Scottish Assessors (dated to August and November 2015), both of these units are now operating as business premises. One ('Unit 3') is identified as the premises of Gareth Cook; another ('Unit 4') as that of Dick Brothers Ltd. The latter is identified on its own website as a 'Timber Harvesting Contractors' business. No planning applications have been received in relation to the operation of either of these recently installed businesses.

At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval, not for any change of use of the site, but for broadly the same developments as are now being proposed by current Planning Application 16/00356/FUL; specifically the existing and proposed extensions to the farm building, and the erection of the proposed new wood storage building. However, unlike the current application, both the existing and proposed extensions, were explicitly identified as general storage units, to be capable of being let as commercial storage space. The application was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area.

An informative attached to the Decision Notice for Planning Application 15/01451/FUL advised that the Applicant was operating unlawfully at the site and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted the current planning applications.

PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The Applicant's forestry and fencing contractor business is well-established, with credible long-term prospects of operating and sustaining the business operation described.

The on-site operations of the forestry and fencing contractor business fall within Use Class 5 (general industrial) and Use Class 6 (storage or warehousing), and therefore within a mixed use.

Notwithstanding the Applicant's provision of forestry services off-site, its operations on-site do not include the growing and management of any forest or woodland. These are therefore not reasonably characterised as 'forestry' in land use planning terms.

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals. However, no specific aspect of the proposals should otherwise have any unacceptable impacts upon the amenity or environment of the site and surrounding area.

PLANNING PRINCIPLE

Policy ED7's item c. specifically requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to the regulation of land that is within the identified Countryside Around Towns Area, Policy EP6's item a., also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use should be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might in principle satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, even if this were considered to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7.

Ultimately then, support for the principle of the proposals, comes down to whether or not the Council is satisfied that there is, firstly, a need for them to be accommodated at this particular countryside location; and secondly, that it is accepted that they cannot more reasonably be accommodated within the Development Boundary; as opposed to in the countryside more generally; or within the Countryside Around Towns Area more specifically.

With respect to the first point, and given the extensive geographical (even regional) sphere of the Applicant's off-site operations, there is no operational need for the business to be located at this specific countryside location. The need for a central location, with good access to the local road network, would if anything, appear to indicate a site within the Development Boundary at Galashiels.

With respect to the second point, the Applicant essentially asks that it is accepted that the nature of its storage and industrial operations is such as to make its operation incompatible with a site within the Development Boundary. It is appreciable that some of the types of vehicles, plant and machinery used (or now used) by the business might not be readily accommodated in their size, movement and/or operation on a site within the Development Boundary. These would also be liable to impact neighbouring businesses and properties adversely, principally through noise nuisance and disruption to traffic flow. However, since the Applicant was formerly accommodated at premises in Roxburgh Street Galashiels up until 2012, it is unclear whether or not there is any inherent reason why the forestry and fencing contractor business could not (or could not now) be accommodated within the Development Boundary.

The Applicant gives some details with respect to its site selection considerations but these are very generic, and do not attest any specific or actual effort to be re-accommodated on an existing Class 5 or Class 6 business premises, whether within or outwith the Development Boundary. There is ultimately something of a 'grey area' as to whether or not all operations (particularly the timber processing operations) were

previously accommodated in Roxburgh Street, or whether the Applicant has been able to use the opportunity of the new site to centralise and/or expand its timber processing activities. While it may be reasonable to accept that the timber processing operations could only (now) be accommodated in the countryside, it does not reasonably follow that the Applicant's main business' storage depot should follow this offshoot business enterprise into the countryside as well. The Applicant might reasonably have considered operating the uses from two or more sites. At least the supporting statement does not show that this option has been appropriately considered and discarded.

I have assessed the Applicant's supporting case and conclude that the Applicant has not demonstrated that there is an economic and/or operational need for the forestry and fencing contractor business to be based in this particular countryside location. More details with respect to the Applicant's site selection considerations may have helped address some of the above noted concerns, but I am ultimately not persuaded that the forestry and fencing contractor business' operations could not, substantially at least, have been accommodated within the Development Boundary as they were before. Accordingly I am unable to conclude that the proposal does comply with the strict requirements of item 'c)' of Policy ED7.

Notwithstanding this, I consider that account can reasonably be taken of the character of the site (an existing farmyard); the nature of the vehicles and plants liable to be operated by this specific business (which are the same or similar to those liable to be operating at an agricultural holding); and the extent to which its business activities either resemble farmyard and estate management operations (e.g. agricultural vehicle storage) or farm/rural estate business diversification activities (e.g. fencing, timber processing, landscaping and ground works business enterprises). Factoring in all of these considerations, I am content that the principle of the accommodation of the proposed forestry and fencing contractor business uses at this site can reasonably be supported, albeit contrary to the strict requirements of both Policy ED7 and item a. of Policy EP6. There are however a number of factors to be considered with respect to how the use of the site would be regulated in practice.

LAND USE AND OPERATION

Economic Development observes that there would be potential for any unqualified approval of a Class 5 and/or Class 6 use of the site to then make the site generally available for uptake by any business and commercial use thereafter. It therefore seeks the imposition of planning conditions to require that the land should not go into general business use without express planning consent first having been sought and secured. However, the proposed forestry and fencing contractor business use is, I consider, more appropriately and reasonably identified as being a mixed use, comprising both Class 5 and Class 6 operations. On a practical level, this allows for the site, including the yard and the existing and proposed buildings, to be used interchangeably for industrial and storage uses, as the Applicant's operation requires. I consider that this is justifiable in both environmental and amenity terms, given the set back of the site from surrounding residential properties (albeit that there is a need to consider specific amenity concerns in more detail below).

Theoretically at least, the explicit identification of the proposed forestry and fencing contractor business use of the site as a mixed use, and therefore a sui generis land use, would mean that there would not be any requirement to impose planning conditions to prohibit any permitted change of use of land at the site to general Class 4, Class 5 and/or Class 6 use(s). In practice however, this would require to be reconciled with certain 'facts on the ground' with respect to what is proposed here, and what is occurring on the site at present. Firstly, there is known to be at least one third party business already operating from part of the site, about whose operations the Applicant has not provided any details at all beyond its advice that this other business is a 'forestry' operation. The Applicant appears to include explicitly this sub-let within the proposed forestry and fencing operation. Secondly, the Applicant has previously been concerned to lease the proposed new units to be attached to the farm building to third party business operators (Planning Application 15/01451/FUL). Thirdly, the Applicant is now currently seeking retrospective planning approval (Planning Application 16/00397/FUL) to operate a commercial storage facility based on the 42 shipping containers already in situ on a site that is entirely contained within the boundary of the current application site.

The proposal that is the subject of Planning Application 16/00397/FUL can be considered on its own planning merits, but the existing use of the land for commercial storage and general leasing cannot be ignored either. The Applicant has a concern (reasonably understood to be still current) to operate at least a part of the premises as general commercial storage land. A clear distinction therefore needs to be made

between the operations that are the subject of the current proposal and any other uses within Class 4, Class 5 and Class 6 which are not, but which might be liable to benefit from any more general and unqualified approval of Class 5 and Class 6 uses at the site in connection with the operation of the mixed forestry and fencing contractor business use of the land. It would therefore be appropriate to seek to restrict the Class 5 and Class 6 operations to those activities which are explicitly described within the details presented in support of this application (specifically the proposed timber processing operations, related storage, and the proposed storage of the vehicles, equipment, materials and plant of the forestry and fencing services business). In this way, it would be possible to ensure that the site, or any part of it, might not be used for general Class 4, Class 5 and/or Class 6 uses ostensibly within the approved mixed forestry and fencing contractor business use.

With respect to the accommodation of the third party business(es) already operating from the site which are advised by the Applicant to be forestry operations, the position is more ambivalent. The Applicant has not provided any details about this other operation/these other operations it sub-lets premises to. Therefore it is not actually clear whether or not these third party businesses would be capable of operating in accordance with any planning approval, including conditions, issued to regulate the proposal described by Planning Application 16/00356/FUL. However, there is reasonably no concern in principle if the business(es) concerned were indeed other forestry and/or fencing contractor businesses. They would in this circumstance, be reasonably capable of operation in full compliance with the overall mixed forestry and fencing business contractor use of the site. The wording of any conditions might reasonably allow for this possibility, but an informative should also be attached to advise that all business(es) accommodated at the site will be required to comply in full with the planning approval and all planning conditions attached to it.

Subject to the imposition of conditions and informatives to address the above highlighted matters, I am content that the proposed forestry and fencing business' operations would have no unacceptable impacts in principle upon the amenity or environment of the site; or upon those of the surrounding area; and allow these proposals to be made the subject of an approval that is exceptional to the strict requirements of planning policy.

DESIGN

The proposed appearance of the proposed new forestry contractor business' storage accommodation raises no concerns in principle. Some regard would however reasonably be had to the finished colour of the profiled metal sheeting on the proposed new log store shed building, and to the need to ascertain this same building's precise orientation.

A drawing of the North Elevation of the existing unlawfully established extension has been omitted from the Proposal Drawings, but since the structure is existing, it was inspected on site. I am content that no new elevation drawing is required. Similarly, the orientation of the elevations of the proposed new extension to the same building is not denoted on the drawings, but is reasonably understood based on the main building.

The proposed new offshoot to the East Elevation of the existing shed would reasonably be required by condition to match the appearance of the existing building. There is however a concern - raised by, and shared with, Economic Development - with respect to the industrial character of the proposed East Elevation of the proposed new eastern extension. This principally relates to the number of roller shutter doors featured, which are evenly spaced along the length of this elevation, giving it the appearance of a row of industrial units. The appearance is in fact the same as that proposed at the time of Planning Application 15/01451/FUL, when the proposal was that this eastern extension should be, or be capable of, accommodating separate industrial units for general commercial leasing. The Council's Economic Development Section notes its concern that the units within the proposed new extension to the East Elevation of the farm building would be readily capable of independent operation if designed and laid out as fully separate units, as is described on the Proposal Drawings. The Applicant has provided some somewhat unusual and confusing advice within an addendum document with respect to these same proposed new units. This advises that contrary to what is described on the drawings, there would in fact be no internal partitions within the extension. However, it is still concerned to retain all of the proposed external doors for ease of access to the building.

While the business' need for separate roller shutter doors along the length of the offshoot to allow easy access to vehicles, equipment and plant is appreciable, I would concur with Economic Development's assessment that it is not clear precisely why this number and configuration of roller shutters is necessary for

the business' operations (particularly in fact, if there were no internal partitions) or why each of these roller shutters would in turn, also have to be served by its own separate pedestrian door. Economic Development considers that the potential to omit all unnecessary doors should be required by planning condition. This would help counteract the appearance of what would otherwise be liable to look like a row of separate industrial units, clearly visible within views from the public road. Such an appearance would detract from any sense of the business premises inhabiting a farmyard and converted farm buildings.

At one level, it is reasonable that no issues should be taken where the Applicant has specifically advised that its forestry and fencing services' business has an operational requirement for this number and configuration of roller shutters. However, at another, its advice with respect to the omission of internal partitions would indicate that some potential must exist to rationalise the number of roller shutters and pedestrian doors required since all doors lead to the same space. On balance, I do not consider that the Applicant has substantiated its requirement for this number of doors and that it would reasonably be required to reduce the number of these to, at most, three or four.

The appearance of the same elevation would also be greatly improved if the roller shutters, even in reduced numbers, could be made as visually recessive as possible, principally by being matt dark and/or organic coloured. Dark green or dark blue are often seen in the countryside in association with modern farm buildings and, I consider, might also be appropriately used here.

The Applicant's maintenance of a site layout drawing describing internal partitions within the eastern extension is also something of a loose-end in that internal partitions, if featured, would in themselves justify separate accesses to separate units or garages of the business premises. However, since the Applicant has explicitly advised that it does not have any requirement for internal partitions, it follows that a revised floor plan drawing is also required to agree with the revised external appearance once a reduced number of roller shutters is allowed for.

Notwithstanding the Applicant's earlier interest (Planning Application 15/01451/FUL) in operating the eastern extension as commercial storage premises, the use of the extension is reasonably controlled by planning conditions along the lines already noted above, to exclude their use for any other purposes (including general commercial storage).

LAYOUT

Excepting the identification of the two proposed new-build elements which are identified as being for storage use, the Applicant does not otherwise provide any explicit advice with respect to where the timber processing operations would be accommodated. However, I am not inclined to consider that there is ultimately any particular environmental or amenity concerns with respect to where and how specifically the Class 5 operations would be accommodated within the existing farmyard area. As noted above, I consider it reasonable to identify the forestry and fencing contractor business use as a mixed use without the need to identify particular areas of the site for particular operations. This should give the Applicant full provision to organise and configure its on-site activities as it requires.

The Applicant has included within the site boundary an area of land (a small field), which is shaded orange on the site plan, and which lies beyond the existing farmyard area to the immediate east. It is not shown to accommodate any of the business' operations and otherwise has no requirement to be within the area of operations of the forestry and fencing contractor business. The Applicant may have included it specifically to accommodate its landscaping proposals (which are considered in their own right below). However, although no Class 5 and/or Class 6 operations are indicated to occur within the field, any unqualified approval of the current proposal with this area within the site boundary, would be liable to apply just as readily to it, making it capable of subsequent occupation and use by the forestry and fencing business operations at the Applicant's own discretion. Accordingly, and given that there is a landscape benefit to retaining a degree of separation of the business' yard from the public road, it would be reasonable to explicitly exclude by planning condition, the use of this field as the site of any forestry or fencing business operations.

OTHER CONCERNS

The site access to the public road is excluded from the site. The Roads Planning Section has not responded on this particular proposal, but given that it is served by an existing farm access, I would reason

that no useful or meaningful distinction is to be made between equivalent types and sizes of vehicles and plant as liable to be in use for forestry as for farming. I therefore accept that there would be no unacceptable impacts upon the junction or local road network as a consequence of the operation of the proposed forestry and fencing contractor business use.

Due to the distance of set back from surrounding residential properties, the Applicant is content that its on-site operations (it specifically notes wood chipping) would have any unacceptable impacts upon residential amenity. The Environmental Health Section has reviewed the proposals and seeks conditions to regulate noise impacts. Subject to the imposition of such noise conditions, the proposed forestry contractor business' industrial operations would have no unacceptable noise impacts. However, there is no need to impose Environmental Health's proposed condition to require maintenance of noise-making equipment and machinery in accordance with manufacturers' instructions. The operators should reasonably be doing this in any case, and the misuse of equipment etc. is not reasonably assumed or allowed for within the planning conditions.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

The Applicant's proposed new hedge boundary between the site and the road would make a positive contribution to the appearance of the site, and would therefore be appropriately regulated by planning condition. A hedge would soften (if not necessarily screen) views of a yard area and buildings including the industrial character of the proposed eastern extension to the existing farm building.

Mention is made within the supporting statement with respect to boundary fencing and gates being of an agricultural type. No specific proposed new boundary fencing is indicated within the Proposal Drawings, but the matter is in any event reasonably regulated by a condition, worded to prevent fencing being installed until appropriate details have first been agreed by the Planning Authority. There is a non-agricultural security fence in place already. This is a relatively transparent structure and in association with the operation of the forestry and fencing business at least, is not, I consider, objectionable in this context. The proposed hedge would also help mitigate (soften) the current appearance.

An informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the proposed operations.

An informative should be attached to advise that the caravans now require to be removed at the earliest opportunity since these are not the subject of either of the applications. The resolution of the position with respect to the shipping containers is appropriately addressed through the determination of Planning Application 16/00397/FUL.

CONCLUSION

Subject to the imposition of planning conditions and informatives to address the above highlighted concerns, Planning Application 16/00356/FUL for the accommodation of the forestry and fencing contractor business at the site, within the existing and proposed building and extensions, is considered permissible, albeit as the subject of an exceptional approval, specifically as an exception to the requirements of both Policy ED7 and Policy EP6.

REASON FOR DECISION :

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.

Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

Recommendation: Approved - conditions & informatives

- 1 Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.
Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.
- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:
(a) the processing of timber, including the sawing, splitting and chipping of timber;
(b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and
(c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.
Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).
Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.

- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
 - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5,
- have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.
- Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area. With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.
- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').
- Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.
- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.
- Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.
- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:
- (i) a site plan showing the proposed form and layout of the new hedge;
 - (ii) a planting schedule detailing the types and numbers of species to be used; and
 - (iii) a maintenance schedule covering the first two years following the original planting.
- Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.
- Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.
- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.

Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

Informatives

It should be noted that:

1 **INFORMATIVE NOTE 1:**

Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.

2 **INFORMATIVE NOTE 2:**

All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.

While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.

3 **INFORMATIVE NOTE 3:**

The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.

4 **INFORMATIVE NOTE 4:**

The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

5 INFORMATIVE NOTE 5:

Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

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

OFFICER'S REPORT

PART III

Reference Number: 05/02107/FUL

Site: Agricultural Implement Shed, Field 4560, Easter Langlee, Galashiels

Proposal: Part Change of Use and Alterations to form meat processing facility and Erection of Welfare and Office Accommodation

Applicant: Forth Meat Supplies Ltd

Agent: Camerons Ltd

Officer: Hamish Bell

Observations by Development Control Officer

There are a number of large "agricultural style" buildings at this location. It is proposed to change the use of roughly one half of one of these buildings to create a meat processing facility. As part of the proposal, it is intended to reassemble portacabin units that are also currently stored within part of the building to provide staff accommodation i.e. offices.

There have been no objections from any of the consultees. In terms of relevant policies, there is no policy position that prevents the setting up of such an activity in a rural location such as this. However, as the portacabins units currently on-site are a "maroon" colour, it would be appropriate to condition the consent notice to require agreement on a more appropriate external colour finish.

Recommendation

It is recommended that this application is approved subject to the following condition:

1. The external colours of the proposed welfare and office accommodation to be submitted to and agreed within 3 months of the date of this consent notice and the agreed colours to be applied within 3 months of the erection of the welfare and office accommodation units.

Reason: To safeguard the amenity of the area.

Alistair Lorimer

Development Control Officer

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 10/00249/FUL

**To : Scotland Gas Networks per A B Rhead Per Alastair Phillips 1 Merchants Place River
Street Bolton BL2 1BX**

With reference to your application validated on 24th March 2010 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary heras boundary fencing

at : Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders

The Scottish Borders Council hereby grant planning permission in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 29th April 2010
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning & Building Standards

APPLICATION REFERENCE : 10/00249/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
L16/8071 Rev A	Planning Layout	Approved
BR0019 Rev C	Specifications	Approved
BR0026 Rev A	Specifications	Approved
PSN 5/427	Specifications	Approved
Heras Fencing	Photos	Approved

REASON FOR DECISION

Due to its temporary nature, the development is considered compliant with development plan policies relating to development in the countryside, principally Policy D1 of the Scottish Borders Local Plan 2010

SCHEDULE OF CONDITIONS

- 1 Consent is granted until December 31st 2010. The compound and all related works, including containers, offices, fencing and stored plant, machinery and materials, shall be removed from the site at the expiry of this period unless a planning application has been submitted to and approved by the Planning Authority which permits an extension to this period
Reason: Due to its nature and location a temporary consent is appropriate
- 2 Prior to the development commencing, a survey of the existing public road network between the site's access and the access from the public road into the pipeline installation works at Calfhill (as identified in planning consent 10/00248/FUL) shall be carried out and repeated following removal of the compound. The surveys shall each identify the condition of the public road and its verges and the second survey shall include measures to remedy any damage that has occurred in the interim period and a timescale for implementation. Within one month of the removal of the compound the surveys and remedial measures shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority and, once approved, the remedial measures shall be carried out in accordance with the approved timescales.
Reason: In the interests of the safety of users of the public road
- 3 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR 30 between the hours of 0700-2200 and NR Curve 20 at all other times, when measured within the nearest noise sensitive dwelling. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component
Reason: To minimise any risk of nuisance to sensitive properties

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

With respect to Condition 2 it is recommended that the applicants carry out the initial survey with Mr David Brown, SBC Technical Services Department and liaise directly with his department on the requirements of this condition.

The applicant should ensure that the means of water supply, foul drainage and surface water drainage comply with relevant regulations and licensing requirements outwith the scope of this planning consent.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND BUILDING STANDARDS**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 10/00249/FUL

APPLICANT : Scotland Gas Networks

AGENT : A B Rhead

DEVELOPMENT : Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary heras boundary fencing

LOCATION: Land East Of Langlee Mains Farmhouse
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
L16/8071 REVA	Planning Layout	Approved
BR0019 REVC	Specifications	Approved
BR0026 REVA	Specifications	Approved
PSN 5/427	Specifications	Approved
HERAS FENCING	Photos	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations:

SEPA: Refer to standing advice as this is a small scale development not within a cumulative drainage impact area

Director of Technical Services (Roads): The existing access is well constructed and visibility splays meet current standards. The fencing will be outwith the splays and the siting of the containers cause no concerns.

However, traffic will undoubtedly create some potential road issues on the public road, namely possible damage to the road or verges. Recommend a condition requiring that a survey be carried out before works commence between the compound and the site access and a further survey when work completed. Any defects found will need assessed and agreement reached on their reinstatement.

Director of Technical Services (Environmental Health): Recommend a condition limiting the noise level

Community Council: No reply

Health and Safety Executive: Does not advise on safety grounds against the development

PLANNING CONSIDERATIONS AND POLICIES:

Policies N20, I11, I14

Adopted Local Plan 2008

Policies G1, H2, INF4, INF5, INF6, INF9, INF11, D1

Finalised Local Plan Amendment 2009

H2, EP3

Recommendation by - Carlos Clarke (Principal Planning Officer) on 29th April 2010

This application seeks consent for a temporary construction compound, which includes containers, offices and storage areas enclosed with heras fencing, required to serve work by the gas pipeline operator to install a reinforcement pipeline alongside the Soutra to Selkirk pipeline (work starts about a mile away to the north of the proposed compound). The site comprises part of a farm steading, including a building which has been consented for use as a meat processing facility though that use appears at present to have ceased. Access would be from the existing access onto the C77 public road to the east. No ground levels are proposed to be altered. The compound is required until the end of the year.

The site is within the countryside and within the area covered by the CAT policy. However, the compound relates to a strategic pipeline upgrade and, as few sites appear suitable between this and the pipeline starting point itself, and this is a brownfield site which is nearby other works such as the landfill site opposite and nearby recycling facilities, it seems to me to be a suitable location which does not (on the basis the works are temporary, as reinforced by condition) conflict with normal rural restraint policies.

Visually, it will not be attractive and it will be heavily exposed on passing the site. That said, the site is not currently particularly attractive and the compound will make the most of existing flat areas and excavated areas (though the relationship to the topography is unclear it would appear that no ground level changes are proposed). The compound will not be visible otherwise than from this passing view due to the wider topographical containment it benefits from.

There are no nearby residential properties though applying EH's recommended condition seems wise. The DTS is content with the access and parking issues, though suggests a 'before and after' style survey for the public road to cover any damage that may occur as a result of vehicles travelling between the compound and the pipeline works themselves. This is, on the one hand, understandable but, on the other, a concern because quite how it can be ascertained that any damage can be directly attributed to the pipeline vehicles. That said, the applicants have advised that HGVs will operate, so there is a risk of damage, and have accepted the condition. Close liaison with the DTS on the scope of the surveys should assist in ensuring a fair assessment of remedial works required.

The HSE have (as one would expect) not raised any concerns via their PADHI+ system with respect to the proximity of the works to the pipeline as they are being carried out by the operator. As regards services, waste water will be via portable septic tank, water from the mains or tank and surface water drainage to soakaway or to existing drainage. While SEPA refer to standing advice, this doesn't help with respect to this type of compound, particularly with regards to surface water disposal. Given that none of the three methods of services appear to generate any planning issues in principle, then they are sufficiently governed by other regulations/licensing requirements for them to be referred to in an informative.

REASON FOR DECISION :

Due to its temporary nature, the development is considered compliant with development plan policies relating to development in the countryside, principally Policy D1 of the Scottish Borders Local Plan 2010

Recommendation: Approved - conditions & informatives

- 1 Consent is granted until December 31st 2010. The compound and all related works, including containers, offices, fencing and stored plant, machinery and materials, shall be removed from the site at the expiry of this period unless a planning application has been submitted to and approved by the Planning Authority which permits an extension to this period
Reason: Due to its nature and location a temporary consent is appropriate
- 2 Prior to the development commencing, a survey of the existing public road network between the site's access and the access from the public road into the pipeline installation works at Calfhill (as identified in planning consent 10/00248/FUL) shall be carried out and repeated following removal of the compound. The surveys shall each identify the condition of the public road and its verges and the second survey shall include measures to remedy any damage that has occurred in the interim period and a timescale for implementation. Within one month of the removal of the compound the surveys and remedial measures shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority and, once approved, the remedial measures shall be carried out in accordance with the approved timescales.
Reason: In the interests of the safety of users of the public road
- 3 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR 30 between the hours of 0700-2200 and NR Curve 20 at all other times, when measured within the nearest noise sensitive dwelling. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component
Reason: To minimise any risk of nuisance to sensitive properties

Informatives

It should be noted that:

- 1 With respect to Condition 2 it is recommended that the applicants carry out the initial survey with Mr David Brown, SBC Technical Services Department and liaise directly with his department on the requirements of this condition.
- 2 The applicant should ensure that the means of water supply, foul drainage and surface water drainage comply with relevant regulations and licensing requirements outwith the scope of this planning consent.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 15/01451/FUL

To: Wilson G Jamieson Ltd Old Parlah Manse Barr Road Galashiels Scottish Borders

With reference to your application validated on **1st December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building

At: Land East Of Langlee Mains Farmhouse Galashiels Galashiels Scottish Borders

The Scottish Borders Council hereby **refuses** planning permission for the reason(s) stated on the attached schedule.

**Dated 28th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01451/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Refused
101	Site Plan	Refused
201	Floor Plans	Refused
202	Elevations	Refused
301	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the rural and agricultural nature of the site and the lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the operation of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 The Planning Authority has assessed the Applicant's existing uses at the site. These are within Use Class 6 (Industrial) and Use Class 6 (storage or distribution). There is no permitted change of use of agricultural land to industrial or storage or distribution uses, and accordingly these uses are operating unlawfully. This position requires to be resolved at the earliest opportunity.

It is the Applicant's right to submit a planning application to change the use of the site from agriculture to these employment uses if they wish to do so. However, on the basis of what is currently known, it is not anticipated that these general employment uses would be supported in this rural location. Therefore in the event of a planning application being subsequently made, it is anticipated that these proposals would be liable to be considered contrary in principle to the Council's Business, Tourism and Leisure Development in the Countryside Policy and refused.

While the outcome of any future planning application cannot be pre-judged, the Applicant is strongly encouraged to remove the storage containers from the site and all other industrial and storage uses currently being accommodated there immediately and to seek more appropriate and established industrial premises as the centre of operations for their business activities. The Planning Department is able to provide advice with respect to the suitability or otherwise of any alternative sites that the Applicant may wish to consider.

In the event that the position is not appropriately resolved in the short-term (either through a planning approval or through the removal of all unlawful uses and the restoration of the site to agricultural use), the Council will pursue enforcement action against all uses and operations deemed to be unlawful.

- 2 **Scottish Gas Networks has confirmed the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the site and advises that this interest would be affected by the proposals.**

Given that one of the structures has already been built, it is advised that the Applicant contact Scottish Gas Networks immediately to establish whether or not the Pipeline Operator has any specific concerns with respect to this particular structure and the operation of the storage facilities. This is in case there are any site safety concerns. You should also make them aware of the operation of the workshop from 'Building A'.

However, and regardless of whether or not there are any health and safety issues associated with either the building works or the operations of the timber processing workshop and storage facilities, there will still be a need to resolve the planning position with respect to all of these works and operations (please see Informative Note 1 above).

- 3 **The Roads Planning Section has raised concerns with respect to roadside vegetation impacting the sightlines onto the public road from the existing site access.**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01451/FUL

APPLICANT : Wilson G Jamieson Ltd

AGENT :

DEVELOPMENT : Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building

LOCATION: Land East Of Langlee Mains Farmhouse Galashiels
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Refused
101	Site Plan	Refused
201	Floor Plans	Refused
202	Elevations	Refused
301	Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation identifies concerns with respect to increased traffic and poor design and asks why this is a retrospective planning application.

Roads Planning Section: considers that the public road (B6374) serving the site has a few constraints along its length but ultimately concludes that there would be no roads safety concerns to the traffic impacts liable to be generated. This conclusion takes account of the proposed operation and other considerations within the surrounding area. It is considered that the sightlines at the access are restricted, and would require to be improved through vegetation removals and thereafter maintained, but anticipated that this matter would be appropriately addressed by planning condition.

Environmental Health: no comments.

Economic Development: describes the Applicant as "well established specialist forestry contractors" and appears satisfied that the business "is best placed in a rural location" because "it may not be appropriate within an industrial estate". While the business' expansion is supported however, concern is expressed that the units appear to be designed for letting in the future, and appear to lack basic facilities as befitting a workplace. Concerns are expressed with any proposals that the buildings be used to accommodate Class 4, 5 and 6 uses "unless this has been established".

Scottish Gas Networks: confirms the presence of a High Pressure Gas Transmission Pipeline in the vicinity and advises that this interest would be affected by the proposals. Extensive guidance is given on the relevant considerations.

Health and Safety Executive: Does Not Advice Against.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy D1 - Business, Tourism and Leisure Development in the Countryside

Policy G1 - Quality Standards For New Development

Policy H2 - Protection of Residential Amenity

Policy Inf4 - Parking Provisions and Standards

Policy Inf11 - Developments that Generate Travel Demand

Recommendation by - Stuart Herkes (Planning Officer) on 28th January 2016

BACKGROUND

The site is land at, or adjacent to, the farmyard at Langlee Mains to the northeast of Galashiels and includes an existing large shed within the farmyard itself. The Planning Officer's site inspection has established that the farmyard and adjacent areas are currently being used in substantial part to accommodate a Class 6 storage use. A sign at the site access advises that the site is the premises of "Farknowes Storage". The eastern farmyard and the areas to the east and south which are also included within the application site boundary currently accommodate long rows of storage containers, some caravans and mobile homes, and other assorted materials.

The large shed on the site is understood to have been built in its original form for agriculture. According to Google Streetview's images of both March 2009 and June 2011, the southern three-fifths of this building, were at those points in time, open-sided; with only the northern two-fifths being enclosed for secure storage. However, the building has at some point between June 2011 and the present, been subject to alterations, including the infilling of the previously open sides of the southern part of the building. The building has also been extended to the west at some point in the interim period. Retrospective consent for the latter, is one of the proposals that is the subject of the current application.

Historically, the shed was the subject of a Planning Consent (05/02107/FUL), which on 12 July 2007 approved a part-change of use of half of it to a meat processing facility. However, this 2007 consent is understood to have expired unimplemented. This has been confirmed by the Scottish Assessors, which has a no record of a meat processing facility, or indeed any other business, ever having been operated from the building (or indeed from the wider application site) until August 2015 when it registered, firstly, a "yard" (2311/30090) at a new business address: "Farknowes Storage, Easter Langlee"; and, secondly, a "workshop" (2311/30080) also at a new business address, which is given as: "Unit 3, Farknowes Storage, Easter Langlee". Notwithstanding the Assessors' recognition of these business premises at August 2015, there is no planning record of either business premises up until the current planning application. Planning consent would certainly have been required for a change of use of the existing agricultural shed and yard to accommodate the operation of a Class 6 (storage or distribution) use. However, no such application has been made, and this is not part of the current proposal.

With respect to the land to the east, and particularly south within the application site boundary, the aforementioned Google Streetview images from 2009 and 2011 indicate that the character of this area has also undergone notable changes between then and the present. On Streetview there are indications that the areas closest to the farmyard were in use to accommodate some uses and operations ancillary to the farmyard, e.g. stackyard operations. While this stackyard area does not appear to be particularly clearly or formally defined in these 2009 and 2011 images, it is nonetheless a finite area, tapering off to the south. The current "storage yard" area far exceeds any boundaries that this stackyard area formerly occupied. This change of use has occurred at some point between 2011 and the present. Again, the use of both the farmyard and the other areas of agricultural land adjacent to it for the accommodation of a Class 6 storage

use would also have required to have been made the subject of a planning application for change of use from agriculture.

Notwithstanding the apparent operation of a Class 6 storage use from the site (both existing building and land), there has been no planning approval for any change of use of this land. Moreover, there is no evidence of any Class 6 storage use, or indeed of any other non-agricultural use of the site, in the period prior to August 2015. Therefore none of the non-agricultural operations currently accommodated at the site, benefit from any deemed planning approvals.

The current application - which seeks both retrospective approval for the extension of the existing shed to accommodate storage units and a proposed new-build storage facilities - is the first application that the Applicant has made with respect to the site.

It is regrettable that the Applicant has not seen fit to seek planning approval in advance of undertaking works at the site or in advance of establishing a business premises and operation at the site. However, they have done so entirely at their own risk and no account can reasonably be had to how far the business has sought to progress its operations at the site to this point and before seeking planning approval.

It is further understood from the Assessors that at least one other business is already sub-letting accommodation from Farknowes. This is the recorded workshop that the Assessors identify as "Unit 3" noted above. However, again, and notwithstanding the circumstances on site, the current proposal is only appropriately assessed on its own planning merits.

PROPOSED DEVELOPMENT

The current application seeks (i) retrospective approval for the western extension to the existing shed, which it identifies as "Building A"; (b) approval of a new extension to "Building A", this time on its eastern elevation, which would also accommodate individual storage units; and (c) a separate new-build building ("Building B") to the south, which it is advised would be a wood storage building.

Other than their email of 23 December responding to the Planning Officer's enquiry, the Applicant has not provided any supporting statement, let alone any Planning Statement in support of their proposal.

The application does not propose any change of use to the existing farm building, farmyard or adjacent agricultural land despite the fact that planning permission is required in order for them to operate their Class 5 and Class 6 uses at the site.

PLANNING HISTORY

The site is an agricultural operation.

Planning Consent 05/02107/FUL approved a part change of use of an existing farm shed (that nearest the public road) and alterations to the same to form a meat processing facility including the erection of welfare and office accommodation. This was a Class 5 use, however, as noted above, there is no evidence that this was ever actually implemented.

Planning Consent 10/00249/FUL gave a temporary permission for change of use of some land at the farmyard to accommodate four storage containers, seven office units, one security office and a heras boundary fence. This was however in connection with a specific and finite temporary proposal (structures required to service works then being carried out by a gas pipeline operator installing a reinforcement pipeline in the area). This permission expired on 31 December 2010 and was subject to an explicit requirement by planning condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent (31 December 2010). The gas pipeline operator's use of the site is recorded on the 2009 images on Google Streetview.

This history is noted for completeness, but the former approval was assessed within a planning policy context which was very different to that which now prevails. The latter was for a temporary use. Both have now expired. They do not explain or justify in planning terms, the Applicant's presence and operation from the site or provide any support for the current proposal. They are therefore of no relevance to the assessment of the current proposal.

INADEQUATE SUPPORTING INFORMATION

The Applicant's current application is ambiguous in its description in a number of respects:

Firstly, the application site is decidedly over-large relative to what is actually being proposed. The site not only includes both the existing shed and the land that is to accommodate the proposed new-build building, but also includes a much more extensive area of land to the south, which effectively serves as the storage business' yard. Given that the application does not seek any change of use of this larger area of agricultural land to storage use, and does not indicate how it relates to the current proposals, this area is not meaningfully included as the subject of the current application. However, the area in question is clearly being used for Class 6 storage at present. Accordingly, even if the current application were supported, this would remain a loose-end requiring resolution.

Secondly, the description of the proposals relating to the extensions to the existing building ("Building A") is ambiguous, if not incomplete. Only three elevations are described, the north elevation having been omitted entirely. The floor plan describes the two existing units ("Unit 8" and "Unit 9") on the west elevation for which retrospective planning approval is sought. It also describes the footprint of seven proposed new units ("Unit 1" to "Unit 7") to be added to the east elevation. However, one wall relating to the existing building has been omitted, giving the proposed extended building an L-shaped plan. No information is given with respect to the use of the main areas of the existing building beyond its description within the planning application form in which it is identified as a "forestry workshop". The proposed storage units would all be independently accessible from roller shutter doors facing the east, and public road.

Thirdly, the proposed new-build building, "Building B" is variously described as a "log store" and "wood shed" without any context being given with respect to the specific need for it, either in itself, or as a secondary or ancillary structure. It is likely that the Applicant intends this to assist the operation of the timber processing workshop it advises is accommodated in "Building A" but this is not directly confirmed.

Fourthly, the Applicant was asked to clarify the context of their proposal, and responded in an email of 23 December to advise that all the new buildings are for Wilson G Jamieson Ltd for the storage of equipment, timber and materials. To this however, it is added that this company has plans, albeit not immediate plans, to lease space in the future to other users.

It is not particularly clear from the Applicant's advice how or what the Applicant would actually propose to operate at the site. Wilson G Jamieson Ltd is understood to be specialist arboricultural contractors and landscaping firm rather than a forestry operation. Economic Development is satisfied that the company has forestry interests (indeed the firm's web-site gives the company name as 'Wilson G Jamieson Fencing & Forestry Ltd') but in planning terms, forestry operations are reasonably all that is required to fell and prepare timber from commercial plantations for transportation from its place of origin, and any operations that are reasonably ancillary to these operations. Workshops for the secondary processing of timber and manufacture of timber products are rarely, if ever, required in direct association with normal on-site forestry operations. A workshop for the processing of timber off-site, is therefore only reasonably characterised as a Class 5 industrial use (even if it were being operated by a forestry concern) and is not reasonably a forestry operation in itself. The Applicant's current operations at the site do not reasonably benefit from any permitted change of use from agriculture to forestry and a planning application would have been required for the establishment of this Class 5 use of the site. The workshop's establishment and operation from the site is therefore unlawful and requires to be resolved.

Regardless of the Applicant's immediate plans, the ten proposed units would in any case be capable of independent operation. Indeed, the Applicant appears to anticipate leasing these to all and any interested parties with a requirement for a storage unit. It is the Assessors' understanding that there is already one such party accommodated on-site, in a workshop which is identified as "Unit 3". The latter is liable to be one or other of the existing units that are proposed for retrospective planning approval: so is liable to be "Unit 8" or "Unit 9" within the current proposal. (It might be added that a 'workshop' in planning terms, is not a storage unit. The third party concerned would be liable to require planning approval if they were concerned to operate a Class 5 industrial use from the premises. This would be the case, regardless of whether or not a Class 6 use of the same unit were now approved, since there is no permitted change of use from Class 6 to Class 5).

The Applicant would more reasonably have applied to change the use of the site from agriculture to Class 5 and Class 6 use rather than confining their proposal only to the erection of new structures to accommodate a Class 6 use. The Applicant's inability to address the first matter undermines the context of what it is they are actually proposing. Such an application for change of use would at least, have allowed them to account directly for their existing and proposed uses of the site. In the event of approval or refusal, it should be drawn to the Applicant's attention that they require to resolve the position fully with respect to their existing uses of the site.

However, the planning proposal that is before the Planning Authority is not the Applicant's existing use of the site, but whether or not the construction and operation of ten Class 6 storage units should be supported within a farmyard in the countryside.

PLANNING PRINCIPLE

The site is agricultural land, out with the Development Boundary, which is not allocated for industrial use, or indeed for any other use.

The key policy in terms of the assessment of this proposal is Adopted Local Plan Policy D1 - Business, Tourism and Leisure Development in the Countryside. As such, there is a requirement that the Council be satisfied that there is an economic and/or operational need for this particular countryside location; that the business cannot reasonably be accommodated within the Development Boundary; and that its operation would not have any unacceptable impacts upon the amenity and/or environment of the surrounding area.

Storage units in Class 6 use have no inherent requirement to be sited and operated in the countryside. Further, the Applicant has not advised, or otherwise provided any evidence of, any operational need for this specific business to be sited and operated from the site. Accordingly, it is considered that the proposal is clearly contrary to Adopted Local Plan Policy D1 and should be refused unless material considerations dictate otherwise.

Since the Applicant has not provided a supporting statement, it has not supplied any information that might reasonably be considered to constitute a material consideration. They appear to assume that they are in whole, or in part, a forestry business with no requirement to apply for planning consent, let alone to justify their requirement to operate from this specific site. Economic Development also appears satisfied that the company is essentially a forestry business with a need for a rural base of operations. Notwithstanding Economic Development's apparent support for the principle of the Applicant operating from the site as a "forestry" business however, it is not considered that this reasonably characterises the nature of what is actually being proposed within the current planning application. This relates not to forestry operations but to a proposed Class 6 general storage use. Regardless of whatever view is ultimately taken of the nature of the Applicant's current operations at the site, there is no inherent operational need even for any forestry operation to offer new purpose-built general storage units for leasing to the wider public.

The proposed new-build "log store" or "wood shed" building appears in name at least, more consistent with the operation of a timber processing workshop, but given that the planning need for such a workshop to be located at this particular countryside location has not been established, there is no justification for supporting the siting and operation of a "log store" in isolation. The latter would reasonably be expected to be a secondary or ancillary building, with the main use accommodated elsewhere, presumably within the main building of "Building A". Had the timber processing operations accommodated therein, had planning permission, then this would have appropriately established the log store's justification in planning terms. This however is not the case, and the Applicant's (and for that matter Economic Development's) concern to relate these proposals to a "forestry" context is disputed.

A timber processing workshop is more reasonably characterised as a Class 5 industrial use where it does not progress or facilitate the felling or removal of timber from its source. Given that the site is isolated from any commercial plantation, there is no obvious reason why a forestry operation would or should seek to operate from this particular farmyard location. A timber processing workshop in this context, is only appropriately characterised as a Class 5 industrial use. Its operation from the site does need justification in its own terms. It is moreover, unclear from the Applicant's own advice whether or not they would propose, in time, to lease or partially lease any of this new building as part of the facilities they seek to offer for general storage.

Due to the lack of detail presented in support of the planning application, reinforced by the lack of any evidence noted on site, it is not accepted that the Applicant is reasonably characterised as a forestry operator in planning terms. However, even if this were ultimately demonstrated to be the case, this would still not justify their concern to provide the proposed storage units for general use.

This type of general use is only acceptably accommodated on industrial estates where the road network is sufficient to accommodate the potential types and mixes of traffic that might be liable to be operating in relation to these units. The Applicants have not provided any justification for the need for the type of storage accommodation they wish to offer, let alone any justification for that need to be met at this specific countryside location.

The Applicants have not established any planning need for their proposal. They are currently operating Class 5 and Class 6 uses from the site without planning approval, and now wish to develop this further through the construction of new units without first having resolved the original breach of planning regulations.

OTHER CONCERNS

It is reasonable that the appearance and dominance of the industrial-scale rows of existing shipping containers is far more detrimental to the environment and amenity of the site than the proposed buildings which might more reasonably pass for agricultural structures. However, their operation would result in the movement and parking of vehicles, including business vans and lorries, more reasonably associated with industrial sites than farmyards. As such it is considered that the site's operation would have an unacceptably detrimental impact upon the character of the site and surrounding area; an impact that would go unmitigated by any intervening screen planting in views from the public road.

Due to the site's remoteness, it would not reasonably be accessible other than by private vehicle, as might be the case were the premises within the Development Boundary. This would therefore be a proposal that would have an inherent (and likely total) reliance on private vehicular transport for access. Given the remoteness of the site, operation from this location would be liable to generate trips of substantially longer duration than operation from a site within the Development Boundary. Roads does not object to the siting and operation of the proposed storage facilities (subject to its concern with respect to sightlines from the junction being appropriately addressed). Notwithstanding this, it is nonetheless considered that the sight of vehicles, potentially including larger vehicles and business vehicles more reasonably associated with industrial sites operating at the site, would be inappropriate in this rural and agricultural location. These impacts would contribute to unacceptable impacts upon the environment and amenity of the site and surrounding area.

The site is not immediately adjacent to any residential properties and Environmental Health has not identified any concerns. However, the latter is strictly responding to the storage proposals, and no account has reasonably been taken of any associated timber processing operations. These would be liable to raise noise concerns that should be referred to Environmental Health, were such a proposal to be made the subject of a new planning application.

Scottish Gas Networks' advice with respect to the potential impacts of the development upon a High Pressure Gas Transmission Pipeline would also be appropriately drawn to the Applicant's attention within an informative.

CONCLUSION

The proposal lacks any justification in planning terms and is contrary to Policy D1 in principle. It is further, contrary to both Policy D1 and Policy G1 in being a very unsympathetic industrial character of development of agricultural land and farm buildings in the countryside, the appearance and operation of which would have unacceptable landscape and visual impacts. The latter would moreover, be within full view of the public road.

REASON FOR DECISION :

The proposal is contrary in principle to the Council's business in the countryside policy and would have unacceptable impacts upon the environment and amenity of the site and surrounding area, including landscape and visual impacts. It is therefore considered that it is contrary to Adopted Local Plan Policies D1 and G1, and should be refused on this basis.

Recommendation: Refused with informatives

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the rural and agricultural nature of the site and the lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the operation of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

Informatives

It should be noted that:

1 **INFORMATIVE NOTE 1:**

The Planning Authority has assessed the Applicant's existing uses at the site. These are within Use Class 5 (industrial) and Use Class 6 (storage or distribution). There is no permitted change of use of agricultural land to industrial or storage or distribution uses, and accordingly these uses are operating unlawfully. This position requires to be resolved at the earliest opportunity.

It is the Applicant's right to submit a planning application to change the use of the site from agriculture to these employment uses if they wish to do so. However, on the basis of what is currently known, it is not anticipated that these general employment uses would be supported in this rural location. Therefore in the event of a planning application being subsequently made, it is anticipated that these proposals would be liable to be considered contrary in principle to the Council's Business, Tourism and Leisure Development in the Countryside Policy and refused.

While the outcome of any future planning application cannot be pre-judged, the Applicant is strongly encouraged to remove the storage containers from the site and all other industrial and storage uses currently being accommodated there immediately and to seek more appropriate and established industrial premises as the centre of operations for their business activities. The Planning Department is able to provide advice with respect to the suitability or otherwise of any alternative sites that the Applicant may wish to consider.

In the event that the position is not appropriately resolved in the short-term (either through a planning approval or through the removal of all unlawful uses and the restoration of the site to agricultural use), the Council will pursue enforcement action against all uses and operations deemed to be unlawful.

2 **INFORMATIVE NOTE 2:**

Scottish Gas Networks has confirmed the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the site and advises that this interest would be affected by the proposals.

Given that one of the structures has already been built, it is advised that the Applicant contact Scottish Gas Networks immediately to establish whether or not the Pipeline Operator has any

specific concerns with respect to this particular structure and the operation of the storage facilities. This is in case there are any site safety concerns. You should also make them aware of the operation of the workshop from 'Building A'.

However, and regardless of whether or not there are any health and safety issues associated with either the building works or the operations of the timber processing workshop and storage facilities, there will still be a need to resolve the planning position with respect to all of these works and operations (please see Informative Note 1 above).

3 **INFORMATIVE NOTE 3:**

The Roads Planning Section has raised concerns with respect to roadside vegetation impacting the sightlines onto the public road from the existing site access.

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