

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/01254/FUL

To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **20th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


Proposal: Erection of agricultural machinery building

at: Field No 0328 Kirkburn Cardrona Scottish Borders

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

**Dated 18th December 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01254/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 39	Location Plan	Refused
196 40	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

FOR THE INFORMATION OF THE APPLICANT

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 OSA.

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 : 15/01254/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural machinery building

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 39	Location Plan	Refused
196 40	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning: Concerns have been raised regarding the current state of the access onto the public road however it is noted that a separate application has been lodged for upgrading the access, which may negate the need for enforcement action, should these works be approved and implemented.

Notwithstanding the above, this proposal is essentially an extension to the existing building therefore I am not opposed to this proposal in principle.

Archaeology Officer: There are no archaeological implications for this proposal. It is within the area of a previous watching brief that did not identify archaeological deposits.

Landscape Architect:

Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley. The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows: 'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys. Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed

forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north. The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

Nature of the Proposal

The proposal is for the erection of a machinery building onto the end of an existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be visible to receptors using the B7062 travelling eastwards from Peebles and the west elevation is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary will not provide adequate screening to the shed when seen from this direction and from the east there will be a confused and awkward elevation and association with the existing shed.

The roof height will be 3m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley and impact on receptors using the minor road immediately to the north.

Therefore, on landscape and visual grounds, I cannot support this application.

Economic Development:

The application appears to be for the erection of and an extension to an agricultural storage building and there is no indication that any business activity is to be carried out from these premises. The Economic Development section therefore has no comments to make

Environmental Health:

Agrees in principle subject to the following condition:

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

Recommendation by - Craig Miller (Lead Planning Officer) on 8th December 2015

There have been two previous applications to add a higher extension on to this western end of the existing building, both having been refused. The most recent application for timber processing (15/00600/FUL) proposed an identical extension to that now proposed. The assessment of the history, landscape impacts and need for the proposals are contained within the previous report on the timber processing building and on an agricultural storage building. Sections are repeated below as follows:

"The timber processing building exhibits the same issues of height, albeit being one metre lower than the Flotation Tank building. It nevertheless has a ridge line 2.75m above the current building ridge lines. Given the fact that the existing buildings are close to the top line of the trees when viewed from across the river, a further 2.75m height extension will cause the same problems of prominence and landscape impact as the other proposals which have been rejected, albeit of slightly lesser degree.

Of particular impact will be the building when viewed from the B-road, especially on the approach from the west. An application was refused in 2011 for a building of similar scale and dimensions in the same location. At that time, the building was described for hay storage purposes and it was the same floor area and eaves height of 6m but with a flat roof. That application was refused for the following reason:

"...the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area".

In the report on that application, it was stated :

"The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed."

The new application still exhibits many of the incongruous elements of the previous design, albeit dropping the flat roof in favour of a pitch. This, however, increases the height by a further 1.3m, causing a visual jump up in ridge lines and the eaves line being dramatically different. Again, the roller shutter door will be above the eaves of the existing buildings and the impact from the western direction on the public road will be dominant, faced with a 7.3m high blank gable on already elevated land.

It is concluded that the impacts from the A72, compounded by those from the B-road in relation to the dominance of the building and its incongruous relationship with the existing buildings, determine that the proposal would have a significant visual impact on the designated landscape."

Repeating the application, albeit with a different intended use, has not addressed these concerns in any way, the building remaining prominent to the B road, especially from the western approach, and from the A72. The Landscape Architect continues to object for these reasons. There have been several opportunities to address the excessive height of the building but none have been taken. I would have to conclude that re-submitting the application has still not addressed the landscape reasons for refusal.

In terms of the intended use of the building, the proposed use is for storage for agricultural machinery and, in particular, a telehandler which is stated as requiring height for maintenance. A previous application at the other end of the steading (15/00563/FUL) rehearsed the issue of additional storage in relation to Policy D1 as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the

remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

As there has not been any Business Plan or justification submitted to address the previous reason for refusal in relation to lack of compliance with Policy D1 or respond to the aforementioned concerns, I would have to consider that the current application still fails to comply with Policy D1. There has been no demonstration of how the current modest farmholding justifies further storage buildings nor how housing for a telehandler can be required for the farmholding. Clearly, even if it was demonstrated that the farmholding justifies such machinery, a lower building would allow garaging whilst maintenance of the telescopic elements would need to be carried out outwith the building.

I would have to conclude that this new application proposing similar agricultural machinery storage use as previously proposed, without a Business Plan, has still not addressed the business justification reasons for refusal.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

Roads Planning state that concerns have been raised regarding the current state of the access onto the public road but note that a separate application has been lodged for upgrading the access, which may negate the need for enforcement action, should these works be approved and implemented.

Notwithstanding that, they consider the proposal is essentially an extension to the existing building and are not opposed to the proposal.

REASON FOR DECISION :

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Recommendation: Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley

in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

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

