

Planning Application: Report of Handling

Reference No. 22/0030/PP



Renfrewshire
Council

KEY INFORMATION

Ward: (9) Johnstone North, Kilbarchan, Howwood, Lochwinnoch

Applicant:
Mrs Lynda Henderson

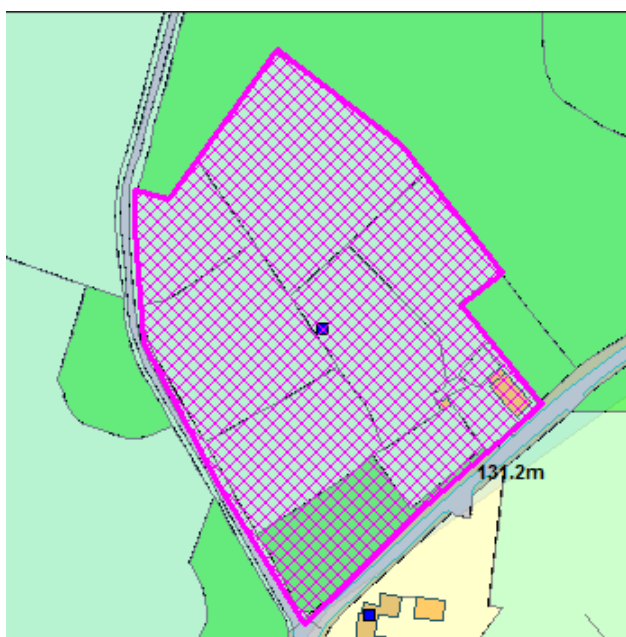
Registered:
18th January 2022

Report by Head of Economy & Development

PROSPECTIVE PROPOSAL: Siting of residential caravan for temporary period of 3 years (in retrospect)

LOCATION: Land to North of East Auchenhean, Auchenhean Road, Lochwinnoch

APPLICATION FOR: Full Planning Permission



© Crown Copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023417.

RECOMMENDATION

Refuse

IDENTIFIED KEY ISSUES

- The application site is identified as being within the Green Belt (Policy ENV 1) in the Adopted Renfrewshire Local Development Plan 2021
- There have been 3 objections to the proposal.
- There have been no objections from statutory consultees.
- The proposal is subject to an enforcement notice that has been served which seeks removal of the caravan.

RENFREWSHIRE COUNCIL
 REPORT OF HANDLING FOR APPLICATION 22/0030/PP

SITE ADDRESS	Land to North of East Auchenhean, Auchenhean Road, Lochwinnoch
PROPOSAL	Siting of residential caravan for temporary period of 3 years (in retrospect).
RECOMMENDATION	Refuse

PROPOSALS	<p>This application seeks retrospective planning permission for the siting of one residential caravan for a temporary period of 3 years on an area of land in the greenbelt. The application site is located some 2.7 km to the southwest of Lochwinnoch, within the Clyde Muirshiel Regional Park.</p> <p>The site extends to approximately 1.7 hectares and accommodates a shed, stables, informal paddock, and an open field. The residential caravan is located to the north of these buildings.</p> <p>Access to the site is gained off the Auchenhean Road and leads to a parking area for 4 vehicles. The application submitted notes that 2 horses and chickens are kept on site.</p> <p>The application site is bound by woodland to the northeast, by a field to the west, and by a dwellinghouse and a field on the opposite side of the public road serving the site.</p> <p>An enforcement notice (EN) seeking removal of the caravan was served on 21st December 2021 and came into effect on 18th January 2022. There has been no appeal against the requirements of the EN and the period for compliance with the EN has now passed.</p> <p>This report relates to an application for planning permission would normally fall within the Council's scheme of delegation to be determined by an appointed officer. However, a request has been submitted by three members, within 21 days of an application appearing on the weekly list, that the matter be removed from the scheme of delegation for determination by the Board.</p> <p>This request was submitted in line with the scheme submitted to Scottish Ministers and approved by Council on 1 March 2018 and has been subject to discussion between the Convenor of the Communities Housing & Planning Board and the Head of Economy and Development who have agreed that in this instance it would be appropriate for the Board to consider this application.</p>
SITE HISTORY	<p>13/0162/PP – Erection of commercial kennels and temporary siting of residential caravan. Withdrawn.</p> <p>13/0036/PP – Erection of commercial kennels and dwellinghouse. Withdrawn.</p>

	<p>11/0242/PP – Change of Use from private stables to commercial livery, and erection of 4 boarding kennels for commercial use and construction of parking area. Granted subject to conditions.</p> <p>10/0204/PP – Erection of storage shed. Granted subject to conditions.</p> <p>10/0064/AF – Erection of agricultural building. Not covered by agricultural permitted development rights and detailed planning application submitted.</p> <p>09/0237/PP – Erection of single storey dwellinghouse and erection of agricultural shed. Refused.</p> <p>06/0977/PP - Formation of access road and erection of stables. Granted.</p>
CONSULTATIONS	<p>Environment & Infrastructure Services (Roads) - No objection.</p> <p>Communities & Housing Services (Environmental Protection Team) - No objection.</p> <p>Scottish Water – No objection.</p> <p>Muirshiel Country Park – No comment</p> <p>Waste Operations – No comment</p>
REPRESENTATIONS	<p>There have been 3 objections submitted in relation to this application and the issues raised can be summarised as follows.</p> <ol style="list-style-type: none"> 1. The site is within Clyde Muirshiel Regional Park, where only development related to agriculture or forestry is permitted. Horses do not count as agriculture. 2. There is no need for a residential caravan as there is no need for permanent full-time on-site residency. Horses can live unsupervised in a field and the applicant does not keep chickens. 3. The application does not relate to a viable agricultural or forestry business that justifies the need for a dwelling and is therefore contrary to local plan policy. 4. The site/development is currently subject of an enforcement notice, which needs to be acted upon. 5. The applicant claims the site to be 5 acres, the actual site size is nearer 4 acres. 6. The proposal negatively impacts on the amenity of surrounding neighbours and could result in flooding. It is connected to a septic tank which illegally discharges and is reliant on an unreliable water supply. 7. The applicants claim a precedent has been set by other planning permissions in the area. However, this proposal is different in nature and also falls within the boundary of the Clyde Muirshiel Regional Park. 8. The applicant could live nearby in Lochwinnoch or Kilbirnie and modern security systems can protect rural properties.

DEVELOPMENT PLAN POLICIES	<p><u>Adopted Renfrewshire Local Development Plan 2021</u> Policy ENV 1 - Green Belt</p> <p><u>Draft New Development Supplementary Guidance</u> Delivering the Environment Strategy: Green Belt Development Criteria; Housing in the Green Belt; Regional Parks Delivering the Places Strategy: Creating Places</p>
PLANNING ASSESSMENT	<p>Planning legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the Adopted Renfrewshire Local Development Plan 2021 (LDP) and the draft New Development Supplementary Guidance (SG).</p> <p>Policy ENV1 of the LDP states that the Green Belt in Renfrewshire aims to identify appropriate locations to support planned growth, where required, as well as maintaining the identity of settlements and protecting and enhancing the landscape setting of an area. Appropriate development within the Green Belt will be acceptable where it can be demonstrated that it is compatible with the provisions of the New Development Supplementary Guidance. It states that support will be given to developments that are able to demonstrate diversification within green belt and rural areas which promote new employment, tourism opportunities and/or community benefits.</p> <p>Through a statement submitted in support of this application, the applicant has stated that the residential caravan is required in support of a potential commercial business comprising stabling and livery of horses.</p> <p>The applicants have submitted that the stabling/livery use of the site was granted planning permission through App Ref No: 11/0242/PP for "Change of use from private stables to commercial livery, and erection of 4 boarding kennels for commercial use and construction of parking area". It is claimed that the previous owners of the site operated a commercial livery from the site since 2012 until acquired by the current applicant who now wishes to re - establish a stables/livery business on the site. The applicant claims that the residential caravan is required on a temporary basis to support the establishment of this business use.</p> <p>While the stables/livery use is an acceptable green belt use, reflected in the consent granted in 2011, it does not automatically justify the requirement for a residential presence on the site. In this regard, it is evident that the previous owner of the site and operator of the stables/livery, operated without any residential presence on the site.</p> <p>Furthermore, no business plan has been submitted which demonstrates that such a business would be viable on a site of this size nor justification for the need for a 24-hour residential presence on</p>

site. Therefore, it is not considered necessary to allow the siting of a residential caravan in this instance, either as a requirement for the tending of the applicants existing two horses and chickens nor for the establishment of a viable stable/ livery business.

The applicant has raised other examples of where consent has been granted for residential uses in the green belt, claiming precedence, however these consents differ from the application proposal, one being for glamping pods in association with farm diversification and the other for dog kennels which requires a 24-hour residential presence.

All developments within the Green Belt must also be assessed against the **Green Belt Development Criteria**.

In this instance there will be no loss of prime agricultural land, as the site is currently in use for stabling of the applicant's own horses.

Access arrangements are as existing, and Environment and Infrastructure Services (Roads) have offered no objection to the proposal.

There would be no significant effect on public water supply or water courses from pollution risk.

The proposal does not demonstrate outstanding design and does not make a positive contribution to the surrounding area. The caravan is located within a yard area associated with the stables and storage building. It is partially screened from public view by these buildings and boundary fencing and shrubbery. However, it neither integrates with nor complements the character of the area.

There are no landscaping proposals as part of this application.

It has not been demonstrated that there are adequate services available for the development. However, there have been no concerns raised by either Scottish Water or the Communities & Housing Services (Environmental Protection Team), in this regard.

Given the scale of the proposal, it is not considered that there would be a significant detrimental effect on nature conservation interests.

When the proposal is assessed against the supplementary guidance (SG) for **Development within the Regional Park**, the following conclusions can be made.

The proposal is not for a recreational, leisure or tourism use but for the siting of a residential caravan. The statement submitted in support of the application refers to intentions for the site, but no sound justification has been provided to support the siting of a residential caravan.

Although, there would be no significant impact on nature conservation,

	<p>landscape character or heritage resources, the caravan would have some negative aesthetic impact on the site.</p> <p>The development would not cause significant conflict with neighbouring uses as use of the site for this type of commercial purpose was established through previous consents. Surrounding uses are a mix between residential and farming.</p> <p>The retrospective development proposed would not prevent or significantly impact on recreational access to the surrounding area.</p> <p>However, as no sound justification has been provided to allow for this residential use, the proposal is contrary to the SG for development within the Regional Park.</p> <p>The issues raised through objection which have not been dealt with in the above assessment are considered below:</p> <p>The application proposal has been assessed against the relevant requirements of the adopted Local Development Plan and associated SG, including guidance on development within the country park. The proposal has been assessed as being contrary to that guidance.</p> <p>An Enforcement Notice (EN) seeking removal of the caravan was served on 21st December 2021 and came into effect on 18th January 2022. There has been no appeal against the requirements of the EN and the period for compliance with the EN has now passed. The breach of planning control will continue be dealt with in line with the Councils Enforcement Charter.</p> <p>The application site as submitted extends to approximately 4.4 acres.</p> <p>Although the proposal may impact the amenity of the site generally due to its temporary nature and design, the site is shielded from most public views due to boundary treatments. The siting of one temporary caravan is unlikely to result in flooding and due to its size does not fall within the threshold for drainage or flooding assessment as part of the application process.</p> <p>Having given consideration to the above assessment it is concluded that the retrospective development does not accord with the relevant policies of the adopted Renfrewshire Local Development Plan or the associated draft New Development Supplementary Guidance. It is therefore recommended that planning permission is refused.</p>
RECOMMENDATION	Refuse

Reason for Decision

1. That the retrospective development is contrary to Policy ENV 1 of the Adopted Renfrewshire Local Development Plan 2021 and the draft New Development Supplementary Guidance, as no adequate locational need or justification has been demonstrated.

Local Government (Access to Information) Act 1985 - Background Papers
For further information or to inspect any letters of objection and other background papers, please contact Gwen McCracken on 07483 419705.