

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 10 AUGUST 2021

PLANNING APPLICATION – LAND AT LINRATHEN PRIMARY SCHOOL, BRIDGEND
OF LINRATHEN, KIRRIEMUIR
GRID REF: 328459 : 754300

REPORT BY MANAGER – DEVELOPMENT STANDARDS

Abstract:

This report deals with planning application No. [21/00313/FULL](#) for the erection of an agricultural cattle shed with a new track, concrete yard, and associated drainage and ground level changes on land at Lintrathen Primary School, Bridgend of Lintrathen by C S Fleming & Son. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

- 3.1 Full planning permission is sought for the erection of a cattle shed with a new track, concrete yard and associated drainage and ground level changes on land to the south of the hamlet of Bridgend of Lintrathen. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to approximately 3,100sqm and comprises undulating ground. The site is predominantly surrounded by open land with a wooded area located to the southeast. A small number of houses are located approximately 50m to the south of the site, and Bridgend of Lintrathen is around 180m to the north. The C24 Airlie to Lintrathen road runs to the west of the site.
- 3.3 The proposal seeks planning permission for the erection a 900sqm (approx.) rectangular cattle shed with an 85sqm canopy on the southeast elevation. The proposed shed would have a pitched roof and a maximum height of around 8.2m. The proposed building would be finished in concrete panels topped with forest green, box profile, metal sheeting with the roof finished in dark green, profile metal sheeting incorporating translucent rooflights. Seven open bays are proposed on the southwest elevation and two on the northwest. A concrete yard measuring roughly 670sqm is proposed around the northwest and southwest sides of the building. An existing field access taken from the C24 road would be utilised and a compacted hardcore track would be formed between the existing access and the proposed yard. Ground level

changes are proposed around the building and yard. The ground level would be lowered as around 3m in some areas. A surface water soakaway is proposed to the north of the building and the shed would be connected to the public water supply.

- 3.4 The application has not been subject to amendment and has been subject of statutory neighbour notification.

4. RELEVANT PLANNING HISTORY

- 4.1 Outline planning permission was refused on 10 May 2004 for a dwellinghouse on an area of ground that includes the current application site. This application was refused as it was contrary to the development plan policies relating to rural housing.
- 4.2 Planning permission ref. 08/00105/FUL was refused on 13 March 2018 for a dwellinghouse, garage and new access in the region of the current proposal. This application was refused as it was contrary to development plan policies relating to rural housing.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- Planning Statement
 - Responses to concerns raised
- 5.2 The supporting information is available to view on the council's [Public Access](#) website and is summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has offered no objection.
- 6.2 **Scottish Water** – has offered no objection.
- 6.3 **Kirriemuir Landward West Community Council** – has made no comment.
- 6.4 **Angus Council - Environmental Health** – has offered no objection subject to conditions to secure an existing water supply protection scheme, the implementation of an odour management plan, and to control external lighting at the site.

7. REPRESENTATIONS

- 7.1 Seven letters of representation have been received, all raising objection to the proposal. The letters are provided at Appendix 3 and can be viewed on the council's [Public Access](#) website.
- 7.2 The following concerns have been raised in objection to the proposal and are discussed in the Planning Considerations section of the report: -
- Incompatibility with local plan policies
 - Use of land closer to existing operations should be considered in preference to isolated agricultural land
 - No precedent for farm buildings in proximity of the village
 - Pollution and traffic impacts associated with isolated location and proposed activities
 - Amenity impacts including noise, odour, and light pollution
 - Adverse landscape and visual impacts
 - Impacts arising from construction works
 - Adverse road and pedestrian safety impacts

The following matters are also raised and are dealt with below: -

- Potential to result in further development at the site - there is no concept of binding precedent in planning law and each application will be assessed on its own merits having regard to relevant policy and material considerations. Any further application for development in this area would be assessed on its own merits having regard to relevant policy and material considerations.
- Damage to property and injury from loose animals – this is a rural area and livestock can be kept in the vicinity at the present time. There is no reasonable basis to consider that animals housed in a shed will be any more likely to escape than those kept in fields. Indeed, the agent has suggested the cattle would be more secure in the proposed shed than existing fields. Damage or injury caused by livestock is a civil matter. It is indicated that CCTV would be used to monitor security and welfare.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises: -
- [TAYplan](#) (Approved 2017)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance policies of TAYplan are not referred to in this report. The policies of the ALDP form the main basis for the consideration of the proposal. The relevant policies are reproduced at Appendix 4.
- 8.4 The application site is located in the countryside, 200m south of Bridgend Of Lintrathen. Policy DS1 in the ALDP states that for sites outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.
- 8.5 The ALDP recognises the value of the rural economy, including farming, and the role this has played in influencing the character and land use of the area. It supports development opportunities throughout the rural area where the location, use, scale, and nature of the proposed development is appropriate and would not have any unacceptable adverse impacts on the environment. Policy TC15 relates to employment development and although primarily dealing with Class 4, 5 and 6 uses, it supports agricultural development in specified circumstances where the use is acceptable at the location; there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and where it is in keeping with the character of the local landscape and pattern of development.
- 8.6 The application site is in a rural area where agricultural activity and related buildings are characteristic features. An agricultural livestock building in the rural area is an appropriate use, and the applicant has provided justification for the location proposed, indicating that it is close to where the animals are kept, and that it would help reduce transport of livestock to buildings some distance from the locality. The chosen site minimises loss of productive farm land and avoids prime-quality agricultural land. The general principle of an agricultural building at this general location is compatible with development plan policy.
- 8.7 The building is of functional design and its general appearance would not be untypical of modern agricultural buildings found throughout Angus. The proposed

external material finishes are acceptable and generally consistent with the guidance provided in the council's advice note on farm buildings. The site is not subject of any built heritage designation and the proposed development would not result in any significant impact on built heritage interests and the wider area.

- 8.8 The proposed site is not subject of any natural heritage designation. It does occupy an elevated location and it would be visible in the wider landscape and in some views from the nearby road network. However, the proposal involves earth works to lower ground levels and to allow the building and its associated yard to sit at a lower level. It would utilise existing landform and woodland to provide some screening and to provide a backcloth. The development would be in proximity of a small grouping of existing buildings to the south. There are several young trees at the site, and the supporting information indicates these are recently planted and could be replanted/replaced elsewhere on the site. The submitted details advise the applicant has no plans to fell other trees at the site in the future. A condition is proposed to require provision of additional planting to mitigate visual impact. The landscape and visual impacts associated with the proposal would not be unacceptable.
- 8.9 The proposal would likely result in a concentration of activity at this location, but general livestock husbandry is an activity that currently takes place in the area. The development would be in proximity of dwellings at the former Lintrathen School, but the proposed yard area would be around 50m from the closest occupied building and the proposed shed would be around 70m from the closest dwelling. Separation distances of that nature between dwellings and agricultural buildings are not uncommon throughout rural Angus and experience indicates that they can coexist without significant adverse amenity impacts. The landform in this case would be such that the yard area and proposed building would be partially screened from the neighbouring dwellings. A proposed condition requires provision of additional planting between the application site and the neighbouring dwellings to further reduce visual impact. Submitted information indicates straw bedding would be used and periodically (around every 6-8 weeks) removed from the shed for composting and spreading on surrounding fields in a manner which is in accordance with the rules for storage and disposal of manures. The Environmental Health Service offers no objection to the proposal subject to conditions, including a requirement for a scheme to protect private water supplies in the area. The proposal would not result in unacceptable amenity impacts subject to conditions.
- 8.10 An existing field access would be utilised and a new track formed from the existing access to the proposed yard. The Roads Service has reviewed the proposal and its potential impacts in respect of road traffic and pedestrian safety and offers no objection. Agricultural traffic of the nature that could reasonably be expected in association with this development is not uncommon on roads in rural Angus.
- 8.11 The proposed water supply and drainage arrangements are acceptable, and the proposal does not give rise to any other significant issues in terms of infrastructure capacity.
- 8.12 The proposal does not give rise to any significant issues in terms of development plan policy and is of a scale and nature appropriate to its location.
- 8.13 In addition to development plan policy it is relevant to have regard to other material considerations. In this case that includes permitted development rights that relate to the erection of agricultural buildings, and the representations submitted in relation to the proposal in so far as they raise relevant planning matters.
- 8.14 Agricultural permitted development rights have recently been revised to increase the size of building that can be constructed without the requirement to apply for planning permission. A building of up to 1000sqm can now be constructed as permitted development subject to a prior notification procedure. In those circumstances only

matters relating to siting, design and external appearance can be considered. In that respect, if proposed as a standalone development without the associated engineering works, the building could potentially be constructed as permitted development. That position represents a material consideration of significant weight as a building of similar size could potentially be constructed at this location utilising permitted development rights.

- 8.15 In terms of matters raised in objection, the location of the proposed development and its compatibility with relevant policy is discussed above. For the reasons discussed the location is considered acceptable and compatible with development plan policy. There may be other sites within the applicant's landholding that accommodate livestock and could accommodate the proposed development, but the applicant has provided justification for this site, and as detailed above it is compatible with relevant policy subject to the proposed conditions. Irrespective of the location chosen it is likely that there would be vehicular traffic movement associated with the transportation of livestock. The proximity or precedent for agricultural buildings in the vicinity of Lintrathen is not directly relevant to the determination of this application, but Bridgend Farmhouse and its former steading building are located within the village boundary. In the wider area it is not uncommon to find concentrations of houses in proximity of farm buildings. The environmental health service has raised no objection regarding the proposal subject to conditions as proposed and experience elsewhere in Angus indicates that agricultural buildings and uses can coexist with residential property in similar circumstances. SEPA is not a statutory consultee in relation to development of this scale and nature, but the environmental health service has requested an odour mitigation plan. This is a relatively small-scale development and construction impacts are likely to be for a short duration and are unlikely to significantly affect amenity. The roads service has raised no concern regarding the proposal having reviewed the representations and had regard to potential impacts in respect of road traffic and pedestrian safety.
- 8.16 In conclusion, the proposal provides for a development comprising an agricultural building, yard and associated engineering works in a rural area. It will assist with the operation of an established farming business. Consultation bodies have raised no objection to the proposal and the development can be undertaken in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. The matters raised in letters of representation have been considered in the preparation of this report and, where appropriate, planning conditions are proposed to deal with issues raised in objection to the proposal. The provision of an agricultural building and its associated development in a rural area complies with development plan policy subject to the proposed planning conditions and there are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal will provide for an agricultural building and associated yard in a rural area in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. The proposal is compatible with development plan policy and there are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Prior to the commencement of the development hereby approved the following shall be submitted to and approved in writing by the planning authority: -
 - a. a scheme designed to protect the integrity and wholesomeness of the existing water supply and associated infrastructure located adjacent to the site during both the construction and operational phases of development. Thereafter all activities associated with the development shall be carried out in strict adherence to the approved scheme at all times.
 - b. a landscaping scheme. That scheme will provide for the planting of native species trees to the north of the building and between the building and the dwellings at the former Lintrathen Primary School, and shall include measures to protect planting from grazing animals. Thereafter the approved landscaping works shall be completed in the planting season immediately following the commencement of the development. Any planting which, within a period of five years of the completion of the development is considered by the planning authority to be dead, dying, severely damaged, or diseased shall be replaced by plants of a similar size and species to those approved.
 - c. an odour management plan. Thereafter the development shall be operated in accordance with the approved plan at all times.

Reason: In order to protect the existing water supply in the area in the interest of amenity; to ensure provision of appropriate landscaping to mitigate visual impact of the development; and to ensure nearby properties are not unacceptably impacted by odour in the interests of residential amenity

2. No external lighting shall be installed at the site unless otherwise first approved in writing by the Planning Authority. Thereafter any approved external lighting shall be installed and operated only in accordance with the approved details only.

Reason: To ensure nearby properties are not unacceptably impacted by light pollution in the interests of residential amenity.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: PLANNING SERVICE PRESENTATION