

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 NOVEMBER 2023

PLANNING APPLICATION – BALROWNIE FARM, MENMUIR, BRECHIN
GRID REF: 356839 : 764340

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [23/00300/FULL](#) submitted by Balrownie Farms Limited for the erection of a replacement grain dryer on land at Balrownie Farm, Menmuir, Brechin. 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 9 of this report.

2. INTRODUCTION

2.1 Retrospective planning permission is sought for the erection of a replacement grain dryer on land at Balrownie Farm, Menmuir, Brechin. A plan showing the location of the site is provided at Appendix 1.

2.2 The application site extends to around 200sqm. It comprises an area of hardstanding to the north of an existing agricultural building. Land to the north and west is in productive agricultural use and land to the east and south forms part of the existing farm building complex. The closest residential property is Balrownie Farmhouse, which is located around 155m to the southeast. The farm building complex at Balrownie Farm is located around 2.2km northwest of Little Brechin and is around 270m east of the C30 public road which connects Brechin to Kirkton of Menmuir.

2.3 The proposed grain drying apparatus is largely contained within a 20m high structure sited on the north gable of the existing agricultural shed and finished in cladding to match the adjacent shed. The structure has a footprint of around 80sqm and projects around 4m above the ridge of the existing agricultural building. The applicant has indicated that the equipment was installed in August 2021. The application form indicates that the grain drying equipment does not require water supply or drainage connections.

2.4 The application has not been subject of variation.

2.5 The application has been subject of statutory publicity and consultation in accordance with relevant regulations.

3. RELEVANT PLANNING HISTORY

3.1 There are a number of planning applications which have been approved for developments at Balrownie Farm. The most relevant application is 19/00731/FULL which provided for the erection of an agricultural building and ancillary works which was approved subject to condition on 20 December 2019. That planning permission allowed for the agricultural building which the grain drying equipment proposed in this application is attached to.

3.2 Planning application 22/00807/FULL for the erection of a general-purpose agricultural

shed and concrete hardstanding is also being considered by this committee.

4. APPLICANT'S CASE

The application is supported by technical noise data relating to fans used in the grain dryer. The applicant has also confirmed that the older drying equipment at Balrownie has been mothballed. This information can be viewed on [Public Access](#).

5. CONSULTATIONS

5.1 **Angus Council – Roads** – has offered no objection to the proposal.

5.2 **Angus Council – Environmental Health** – has no objections to the proposal subject to conditions to limit noise from the grain drying equipment subject of this application and preventing the use of the older drying equipment that the new apparatus would replace.

5.3 **Health and Safety Executive** – no objection.

5.4 **National Grid** – no comment.

5.5 **Historic Environment Scotland (HES)** – has offered no objection to the proposal commenting that while the development may be visible from scheduled monuments including the Caterthuns and Belliehill, it is located among other agricultural buildings and as such will not have a significant additional impact on the setting of either of these monuments.

5.6 **Scottish Water** – no objection.

5.7 **Inveresk Community Council** – objects to the proposal, raising concerns that the application is retrospective in nature; concerned about an increase in HGV traffic on narrow rural roads, and suggests that the business should be relocated to an industrial site with closer access to the A90.

6. REPRESENTATIONS

6.1 6 letters of representation have been received raising concerns in relation to the proposal. Those letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website.

6.2 The following matters have been raised as objections: -

- **Development contrary to policy**
- **Application is retrospective and already constructed**
- **Unacceptable landscape and visual impacts**
- **Grain dryer is excessive in scale and capacity**
- **Noise impacts from grain dryer**
- **Unacceptable traffic issues associated with operation**
- **Should relocate operation to industrial land**

6.3 Material planning issues are addressed in planning considerations below.

7. PLANNING CONSIDERATIONS

7.1 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.

7.2 In this case the development plan comprises: -

- [National Planning Framework 4](#) (NPF4) (Published 2023)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

- 7.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 3 and have been taken into account in preparing this report. Scottish Government's Planning Advice Note 39 sets out general advice on the siting and design of farm and forestry buildings, and the council's advice note 1 provides general advice on the siting and design of farm buildings. Those documents have also been considered in the preparation of this report.
- 7.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 7.5 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.
- 7.6 The application site is not allocated or otherwise identified for development in the ALDP. ALDP Policy DS1 states that 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. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP.
- 7.7 NPF4 seeks amongst other things to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities. The strategy of the ALDP seeks amongst other things to provide opportunities for appropriate diversification of the rural economy. Both documents also seek to safeguard the environment. NPF4 offers encouragement to rural economic activity, innovation and diversification whilst seeking to ensure that the distinctive character of the rural area, natural assets and cultural heritage are safeguarded and enhanced. Policy 29 *Rural Development* is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development on farms where use of good quality land is minimised; where proposals involve diversification of existing businesses; or the proposal is for production and processing facilities for local produce or local food production. ALDP policy indicates that proposals for employment development outwith development boundaries will only be supported where the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and where the development represents rural diversification and is to be used for agriculture or uses which by their nature are appropriate to the rural character of the area. Both NPF4 and the ALDP seek to minimise the amount of agricultural land used for development proposals and ensure that development does not render any farm unit unviable.
- 7.8 The proposed development is related to an existing agricultural business engaged in the production, drying and storage of barley. The application seeks permission for replacement grain drying equipment attached to an agricultural building in a rural area where agriculture is the predominant land use. Supporting information indicates that the new grain dryer (which has already been constructed) has replaced older grain drying equipment at the site which has been decommissioned. The information indicates that the new dryer is quieter and more efficient than the older system, using

around 40% less energy and speeds up the grain drying process for the agricultural operation.

- 7.9 The grain drying equipment is attached to the north elevation of an existing agricultural building and is contained within the existing farm complex. While the grain drying equipment is located in a tall building, it is sited in a logical and operationally necessary location. The proposal supports the viability and efficiency of the farm business by reducing the time and energy used in drying barley. The principle of agricultural development in a predominantly agricultural area does not conflict with the intentions of the above policies. Agricultural development in the rural area attracts some support from development plan policy.
- 7.10 The key consideration in relation to this development is whether it can operate without giving rise to unacceptable amenity, environmental, or infrastructure impacts having regard to development plan policy and available environmental information.
- 7.11 Development plan policy requires consideration of landscape and visual impact. Policy also requires proposals to deliver a high standard of design and to be consistent with the six qualities of successful places, and that includes consideration of existing natural landscape and existing landforms. Published advice and good practice on the siting and design of new farm buildings seeks to ensure that new farm buildings are sited and designed to minimise landscape and visual impacts and encourage new buildings to relate well to existing building groups, avoid hillcrest or skyline locations, make use of landform and build close to groups of trees. Planning Advice Note 39 requires consideration to be given to siting and visual impact as well as the operational requirements of the building.
- 7.12 The application site is not located within an area designated as being of particular landscape value or sensitivity and the main issue is whether the development can be accommodated in the existing landscape and whether associated visual impacts are acceptable. The application site falls within a landscape type described as Broad Valley Lowlands. This landscape character type is characterised by a dominance of arable agricultural land uses, large modern agricultural buildings, estates and historic houses. The Tayside Landscape Character Assessment (TLCA) acknowledges that changes in agricultural practices have resulted in a number of very large modern sheds which are often visible over a considerable distance. The TLCA landscape guidelines encourage the replanting of trees along field boundaries, between fields, and by creating new woodland belts, particularly where there is a need to screen new development.
- 7.13 The drying equipment is largely housed in a green clad building covering an area of around 80sqm and has a height of around 20m. The equipment is a similar scale to the shed it is attached to and has a similar external finish to the existing building. The equipment is largely screened by, or seen against the existing building and there is rising land to the north which provides a landscape backcloth for the building. When viewed from the west the equipment is seen in the context of the existing building and wider building group. This type of development is a common feature in the surrounding agricultural landscape and the siting and design of the proposed equipment is generally consistent with relevant guidance. The grain dryer does not give rise to significant issue with relevant design or landscape protection policies provided by the development plan and does not give rise to significant conflict with the council's design quality and placemaking supplementary guidance.
- 7.14 Development plan policy requires consideration of the impact of proposals on amenity. The equipment is used for the drying of grain which has been harvested in the surrounding area. The grain drying process generates noise from fans, but the duration of the noise is typically limited to harvest time. The applicant has indicated that the proposed equipment replaces older equipment within the complex which has been decommissioned. They suggest that the new equipment is quieter and dries

grain more speedily, reducing the duration of noise emissions from the farm. Technical noise data associated with the new equipment has been submitted and environmental health officers have considered that information. They are satisfied that noise impacts can be regulated by planning condition, having regard to the distance between the proposed apparatus and the nearest residential receptors unconnected to the farm, which are around 570m to the south (Hill Terrace).

- 7.15 The development is located in an area where agriculture is the predominant land use. Noise impact associated with agricultural activities in an agricultural area are to be expected, particularly during harvest time. The greatest impact from noise is likely to be of a relatively short duration during harvest time, and the applicant has suggested that duration is shorter as a result of the new equipment. Notwithstanding that, and irrespective of duration of use, the environmental health service is satisfied that noise impacts can be mitigated. This application provides opportunity to regulate noise emissions associated with the drying process. While the applicant has indicated that the older equipment has been decommissioned, it is understood the equipment has not been removed from the site and could theoretically be used without the requirement for planning permission. As such, a planning condition is proposed which would prevent the older grain drying being used at the same time as the new equipment. This approach avoids potential for cumulative noise impact from grain drying equipment which has not been assessed. The grain dryer does not give rise to significant issue with relevant amenity protection policies provided by the development plan subject to the proposed conditions.
- 7.16 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on infrastructure, including the road network. The application is for new grain drying equipment which has replaced older grain drying equipment and would not result in a new activity taking place at the site. The applicant has indicated that the new equipment does not increase grain drying capacity, but instead makes existing activities more efficient. Notwithstanding that, the parallel application for a new agricultural shed (22/00807/FULL) is accompanied by a transport assessment which considers vehicle movements associated with the proposal and the routes used by HGVs. The statement indicates that HGV movements associated with the Balrownie operation are not significant and suggests that the development would reduce the number and duration of HGV movements across the wider road network. The roads service has considered the transport statement and has indicated that it has no objection to the proposal. It does not consider traffic impacts associated with the development to be unacceptable having regard to the number and type of vehicle movements. Vehicle movement associated with agricultural activity is commonplace on the road network throughout rural Angus. The roads service has not identified any specific localised characteristics that render the local roads unsuitable for the type or volume of traffic associated with this development. The grain dryer does not give rise to any significant tension with development plan policy in this regard.
- 7.17 There is no evidence of any other significant impacts on infrastructure resulting from the development. The site is located within the consultation zone relating to a gas pipeline but is around 170m south of the pipeline and neither the Health and Safety Executive nor National Grid has offered any objection. The grain dryer does not require a water supply or foul drainage connection and would accordingly not impact on Scottish Water infrastructure, and Scottish Water has no objection to the proposal.
- 7.18 Development plan policy seeks to safeguard natural and built heritage interests, including designated sites, protected species and cultural heritage interests. The site is not subject to any designation for natural heritage reasons and there is no evidence that it would affect protected species. Balrownie Farmhouse is a Category C listed building and is located around 155m southeast of the proposed development. Having regard to the orientation of the farmhouse, the separation distance between it and the proposed building, and the intervening agricultural buildings; impacts on its setting are not unacceptable. There are scheduled monuments close to the site, the

closest of which is Belliehill which is around 500m southwest. It contains the remains of a prehistoric settlement, but its setting is not significantly affected by the grain dryer. Brown and White Caterthun hillforts are located around 2.4km north of the site on elevated land. There are views of the development from in and around those monuments, but impacts are not significant or unacceptable. There are numerous other large modern agricultural buildings set within the agricultural landscape in views from the monuments towards the south. Historic Environment Scotland has been consulted and has no objection, commenting that impacts on scheduled monuments are not significant.

- 7.19 The site is part of an established farm building complex and is attached to a modern farm building. The site and the existing farm building have little biodiversity value. The parallel proposal for a farm building would include new tree planting which could enhance the biodiversity value of the wider farm complex, but it is not considered necessary for the new grain drying equipment to include biodiversity enhancement measures. The grain dryer does not give rise to any significant conflict with those development plan policies that seek to safeguard natural, built, or cultural heritage interests.
- 7.20 The development does not give rise to any other significant issues in terms of relevant policy.
- 7.21 NPF4 Policy 1 gives significant weight to the global climate and nature crises. Policy 2 requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and requires that proposals are designed to adapt to current and future risks from climate change. In respect of those policies, the information submitted indicates that the new apparatus replaces older and less efficient grain drying equipment. It suggests that the equipment uses 40% less energy than the older equipment. In circumstances where the development is generally consistent with other policies, there is no significant conflict with these policies.
- 7.22 As with any proposal, the proposal attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan. In relation to material considerations, it is relevant to have regard to the planning matters that have been raised in letters of representation and in the community council consultation response. The substantive issues raised in those letters have been discussed above in relation to relevant policy.
- 7.23 Issues regarding compliance with development plan policy and relevant guidance are discussed above. As indicated, the grain dryer is in general compliance with the relevant development plan policy and guidance. The application is retrospective, but planning legislation allows for planning permission to be sought retrospectively and retrospective applications are assessed in the same way.
- 7.24 The apparatus is in situ and associated landscape and visual impacts are not unacceptable for the reasons set out above.
- 7.25 Matters relating to noise and vehicle movements are addressed above. The applicant has suggested that the new grain drying equipment is quieter than the equipment it replaces and does not increase grain drying capacity at the site and does not increase HGV movements. It is also suggested that the new equipment dries grain more quickly, reducing the duration of noise impacts compared to the older equipment. While such information may be difficult to verify, both the roads and environmental health services have confirmed they have no objection to the new grain dryer that has been installed. The development is located in an agricultural area where noise and vehicle movements associated with the agricultural use of agricultural land are not uncommon.

- 7.26 Comment is made that the development is more industrial than agricultural in nature and suggest that it would be more appropriately sited on employment land within an urban area. This is a working agricultural landscape and the scale of development at Balrownie is not particularly unusual for rural Angus where large agricultural buildings and related activity, including grain drying equipment is not uncommon. This is not a residential area and the nearest housing unconnected to the farming operation is a reasonable distance from the development. Available information suggests environmental and amenity impacts can be mitigated.
- 7.27 This development is directly related to a rural business which is seeking to replace its grain drying equipment, reduce costs and improve business efficiency and viability. In circumstances where the development does not give rise to unacceptable environmental, infrastructure, and amenity impacts, it is reasonable to conclude that it provides some net economic benefit, and such benefit merits some weight.
- 7.28 In conclusion, the application seeks to regularise the installation of a new grain dryer associated with an existing rural business. The grain dryer forms part of the established building group and is sited such that it does not give rise to unacceptable landscape or visual impact. While any development of this nature will give rise to some impact on the wider area, and that is reflected in objections that have been submitted, expert advice suggests that those impacts are not unacceptable subject to the proposed planning conditions. The development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

8. 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.

9. 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 new grain dryer supports an existing rural business in a manner that complies with the development plan as it does not give rise to any unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Noise from any plant and equipment associated with the development shall not exceed NR Curve 30 between 0700 and 2300 and NR Curve 20 at all other

times, as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

Reason: In order to ensure that noise impacts associated with the development are controlled in the interests of safeguarding the amenity of noise sensitive property.

2. The grain dryer hereby approved shall not be operated at the same time as any other grain drying equipment at Balrownie including, but not limited to, the grain drying equipment described as 'existing grain dryer mothballed' on the Proposed Site and Location Plan Drawing Ref: JDC-1880-A3000 by Crawford Architecture.

Reason: In order to ensure that noise impacts associated with the development are controlled in the interests of safeguarding the amenity of noise sensitive property as such impact has not been assessed or otherwise demonstrated to be acceptable.

3. All external lighting shall be sited and sufficiently screened to ensure that, except for emergency purposes, the light source is not visible from, and that there is no direct illumination of, land outwith the site.

Reason: In order to ensure that light pollution associated with the development is minimised.

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: LETTERS OF REPRESENTATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES