

Report of Handling



Application Number: 2016/0330/DET
Location: Land West Of Dalchon, Lochard Cottages Road, Kinlochard
Proposal: Formation of a vehicular access
Case Officer: Sue Laverge
Target Decision Date: 25 Dec 2016

1. Introduction
<p><i>Proposal and Site Description:</i> The proposal is for formation of a vehicular access into a field in Kinlochard. The road is Lochard Cottages Road, a public road that rounds the northern tip of Loch Ard and the field extends between the loch and the road. The applicant owns Lochside Cottages, some 40m to the west and most of the remaining agricultural land between the loch and the residential properties in this northwest corner of Kinlochard. The proposed access road would enter on the west side of the field and curve across the field to an existing open-fronted shed, 25m south of the road.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none">i) whether the principle of a new access and formed track is acceptable on the basis of demonstrable functional and locational agricultural need; andii) whether the proposed development would conserve and/or enhance the special visual and scenic qualities of the landscape and the quality of the landscape experience in this part of the Park, in accordance with policy L1 of the adopted plan and other material policy considerations.
2. Relevant Planning History
<p>94/00647/OUT/S – Erection of one dwelling house (in principle). Refused 19 May 1994</p> <p><i>Adjacent site :</i> Lochside Cottages– change of use of one of two holiday cottages to use as a house, (both cottages were former sheep shielings) (2013/0053/DET). Granted 19.08.2013</p>
3. Policy Context
<p><u>Local Development Plan (2015)</u></p> <p><i>Overarching Policy 1 – Strategic Principles –</i> development should contribute to the National Park as a successful, sustainable place <i>inter alia</i> by relating well to the landscape setting and context, and by respecting the landscape features of the site and surrounding area in order to contribute to the aims of the National Parks (Scotland) Act.</p> <p><i>Overarching Policy 2 - Development Requirements –</i> development should: safeguard visual amenity and important views, protect and/or enhance and relate well to the landscape character, context and setting and should respect the physical, historical, landscape, cultural features of the site and surrounding area.</p> <p><i>Natural Environment Policy 1 – National Park Landscapes, seascape, and visual impact.</i> Development should protect the special landscape qualities of the National Park and be sympathetic to their setting and minimise visual impact.</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u></p> <p>The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.</p> <p><u>National Park Partnership Plan (2012-2017)</u></p> <p>Relevant Policies: <i>Con Policy 3: Landscapes</i></p>

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Page 1 of 4

4. Environmental Appraisal	<p><u>Environmental Impact Assessment</u> The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011 but this proposal does not fall within Schedule 2 so an EIA is not required.</p>
5. Summary of Consultations	<p><u>STC Roads (Stirling)</u> – holding response: sightlines of 2.0m x 40m in both directions are required; as the neighbouring hedge to the west could be within the visibility sightlines, the applicant needs to evident that the required sightlines can be achieved before Transport Development issue a formal response.</p>
6. Summary of Representations	<p>4 No. neighbour objections received. Summary of matters raised: <i>No reasoned need provided</i> – the shed, originally erected as a horse shelter, has been used for the last ten years to house a grass cutting machine to maintain the field and others adjacent to it; there is access between the fields and road in two other places so questionable need for a further road access. <i>Planning history of refused residential unit</i> – concerned the access is a premature step to re-applying for a house on the site; concerns about sewerage capacity. <i>Changes recently made to the existing (historical) access</i> – the field fence with wide gate giving access to the field from Lochside Cottages (and the road) has recently been replaced with a timber fence and pedestrian gate. Building materials deposited within the field and the roadside hedge removed adjacent to Clachaig where the junction access is proposed.</p>
7. Summary of Supporting Information	<p>Applicant's agent covering letter (25.10. 16) states new vehicular access to replace existing access taken approximately 50m to the west. The entrance would be set back 4.5 metre with 45 degree visibility splays to the side of a 3.5 metre wide access gate. Subsequent letter in response (10.11.16) to case officer's questions about the type of vehicles, level of use and need for vehicular access, agent advised that: i) the shed is used to store a tractor and some small scale ground maintenance equipment; ii) the tractor and 'more likely the owner's private vehicle' would use the new access, (iii) movement would be no more than current; and (iv) access is needed, as stated in the initial submission, because the existing arrangement between two private residential dwellings was 'never the best solution for my client or the owners of the aforementioned residential properties'. The proposal would provide a better solution and would not adversely affect the existing road, road safety and the landscape qualities of the locale. Agent's e-mail (20.12.16) questioning roads' consultation, opines that given the speed of the road, existing and proposed vehicular movement that there would be no significant road safety issues. preserve the special architectural and historic interest of the listed building and the character and appearance of the conservation area. Agent's e-mail (21.12.16) response to case officer's suggestion the application be withdrawn and an agricultural field gate be used to access the field. (Case officer also advised at this time that the N.P would be minded to recommend refusal on grounds of no demonstrable agricultural need and adverse visual and scenic landscape impact.) Agent mistakenly states that 'need for the access' was not previously raised by the case officer and is anyway not required by development plan policy. Opines the access road would not significantly impact on the landscape and notes vehicle accesses exist to the village hall and residences. Considers a field gate (suggested by case officer in place of a formal access and roadway) would contradict TRAN3 and would be unsafe as someone would have to stop their car on the road in order to get out and open the gate. Notes an amended plan with a more centrally located gate will be provided in response to Road's concerns regarding sightlines.</p>
	<p>Planning Assessment</p> <p>The application site is an open grassy field lying between residential properties. It provides an attractive, sweeping vista of the fields and loch from the roadside. The site and its interrelationship with the surrounding area exemplify the interspersed natural and built landscape that gives Kinlochard its unique sense of place. The settlement pattern with small building clusters interspersed with natural landscapes and open views of the loch and surrounding area is described in the adopted plan as 'in keeping with the natural rural character of the area, with landscape as the dominant local character'.</p> <p>This application is for a vehicle access track from the road to an existing timber shed in a field that extends between the road and the loch. The open fronted shed is located some 25m from the road alongside the</p>

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Page 2 of 4

eastern field boundary and the access junction is proposed adjacent to the west boundary. The field is part of a wider agricultural land holding owned by the applicant, along with Lochside Cottages (former sheep shielings) some 40m west. The proposed access is a curved c. 35m long x 3.5m wide track opening to 12.5m wide on the roadside with a 4.5m setback. The field slopes gradually towards the loch and is roughly level in the area of the proposed junction.

The Ordnance Survey based Location and Site Plans show an '*existing track*', a farm track extending from the cottages site, across the field, then 'cut off' by the neighbouring house (Dalchon) boundary. There is, however, no track in situ; it's an historical feature, long gone apart from the road access serving the former shielings, now cottages. The field is, and has been for many years, fully grassed and is cut using the tractor stored in the small, open-fronted shed. The field has therefore been maintained for many years without an access track on the site, even an informal or 'worn' one.

In these circumstances where the openness of the application site makes a significant contribution to the natural rural character of the settlement and where this would be considerably reduced by the introduction of a formal access onto and across the field, it is essential that the land use need for the development as well as its landscape impact be carefully considered in making a balanced assessment. The information submitted is assessed below.

The agent advises: i) the field is currently accessed from the cottages site but this is unsatisfactory; ii) the new access would be used 'no more than the current movement' and the 'vehicles would be the tractor or *more likely the owner's private vehicle*' (italics added for emphasis); iii) when asked early on in the application process why an access is needed, the agent simply re-stated that it would be an improvement on the existing one.

The rationale provided however is not supported by the current ground situation. There is no track in situ from Lochside Cottages to the shed, not even an informal one and no evidence of current vehicular movement, certainly not one including the owner's private vehicle. There is therefore no demonstrable need for a constructed access to the site as grounds maintenance has been ongoing for many years without an access track in any form. Nevertheless it has been acknowledged in discussions with the agent that a new field gate may be needed as the former shielings fence with agricultural gate has been replaced with a domestic fence and pedestrian gate. For this reason and because of the evident lack of locational agricultural need (and visual landscape concerns, expanded below), it was suggested to the agent that a field gate would be sufficient to give access to the field to move the tractor onto the road, if and when needed. The application could be withdrawn as planning permission wouldn't be needed to install a field gate which would allow the tractor access to the road. The agent declined, citing road safety, although field gates are common, can be set back from the road and are generally unproblematic on small quiet roads such as this one.

Landscape policies. Planning policies safeguard the special qualities of the Park's landscapes, reinforce local distinctiveness, scenic qualities and tranquillity including people's experience (feelings) of the landscape. In this case the distinctive natural rural character and settlement pattern that gives Kinlochard its 'sense of place' is noted. The importance of visual amenity and people's experience of special landscape qualities also underpin the national park's statutory and corporate aims. Although a relatively small scale proposal, a constructed track into the field would fundamentally change its openness and harm the special visual and landscape character of this part of Kinlochard for which no or insufficient agricultural justification has been provided.

Representations. The lack of reasoned need for the track is raised by the 4 no objectors, one of who states the shed was originally erected as a horse shelter and has been used for the last ten years to house a grass cutting machine to maintain the field and others adjacent to it. The need for a further road access is also questioned on the basis there is access between the fields and road in two other places. The concern shared by several of the objectors - namely potential future residential development - is not a material consideration in this application.

Consultation. Stirling Transport Development advised the applicant would need to evidence that sightlines (2.0m x 40m in both directions) are achievable before a formal roads response would be issued. After initial disagreement that road safety may be a concern the agent advised that amended plans would be submitted showing the access relocated. At the time of finalising this report amended plans had not been received but as there are significant planning concerns with the principle of a formal access into the field and as the agent advised the application should proceed to determination, it is being processed on the basis of the

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Page 3 of 4

plans as currently submitted.

Summary and recommendation. There is currently no track in situ and there is no evidence of vehicular movements by agricultural and non-agricultural vehicles between the cottages and the shed, both described as 'existing' in the application. There is also insufficient justification for a formal road opening and constructed access track in the field but, as noted above, a simple field gate access to the field may reasonably be required. Such a gate would be 'permitted development' providing its height did not exceed 1 metre. The applicant was not willing to adopt this compromise approach however and has requested the application as submitted be determined.

The proposal conflicts with the Local Development Plan's Overarching Policies 1, 2 and Natural Environment Policy 1. It also conflicts with Scottish Planning Policy and the National Park Aims requiring sustainable development in the right place that protects the natural environment. The development is inappropriate in principle because there is no justification in land-use terms and because it would significantly change the openness of the site and harm the special landscape and built environment qualities of this locale. The planning Act requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the information provided as justification for the development does not outweigh the loss of openness and encroachment into the field that would erode the distinct settlement pattern and harm the visual and scenic qualities of the landscape and quality of landscape experience in this area. The proposal conflicts with clear planning objectives and policies that seek to protect views, scenic quality, amenity and special landscape character within the National Park and refusal is therefore recommended.

Recommendation: Refuse

Reasons

1. The proposal is contrary to Local Development Plan policies Overarching Policies 1 and 2, and Natural Environment Policy 1 as it would introduce built development that would have a significant negative impact on the openness of the site and harm the special visual amenity and landscape character of this part of Kinlochard for which no or insufficient agricultural locational justification has been provided.
2. The proposal does not comply in principle with Scottish Planning Policy or the National Park statutory aims because it is not reasonably needed and would not be a sustainable use of land that protects the built and natural environment. As there are no material considerations to justify approving the proposal, refusal of planning permission is considered proportionate and necessary.

List of Plans

Title	Reference	Date Received
Location Plan	2016_0071-00	26/10/16
Site Plan	2016_0071-01	26/10/16

Signed: Sue Laverge
Development Management Planner

Dated: 09.01.2017

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Page 4 of 4