

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2011

**10/0938/PP: PROPOSED CHANGE OF USE FROM REDUNDANT BYRE
TO BUSINESS STORAGE/FARM MACHINERY STORE AND FORMATION
OF YARD AT HILL FARM, GALSTON**

APPLICATION BY MR JAMES PATERSON

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0938/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal comprises the change of use from a redundant agricultural byre to 'business storage/farm machinery store' and formation of yard. The application is retrospective, the development having already taken place on site.

1.2 The business storage, currently being undertaken both within the existing byre and on the yard area formed on the application site, relates to the storage of wind turbine components and other components related to the renewable energy company VG Energy Ltd, in which the applicant is a partner. VG Energy currently operates from Waterside Farm at the A71/A719 roundabout nearby in Galston. Whilst Waterside Farm is the office base for VG Energy, the applicant wishes to use Hill Farm to assist in the day to day running of the business by using it for storage of renewable energy components, as it is already in the ownership of the applicant. An area for business storage at Hill Farm is outlined in the application drawings for just over 100 m² in a shed measuring 600 m² overall. Another shed sits immediately adjacent to the west of the byre. An area of hardstanding has been constructed and is being used as an external storage area.

1.3 The applicant has submitted a justification statement, and outlines the relationship between Hill Farm and Waterside Farm, and how each premises relates to the operation of VG Energy Ltd. The lands at Hill Farm have last been used as a farm; however, the applicant maintains that use as a dairy farm is no longer economically feasible, the existing shed is no longer fit for agricultural purpose, and its use for storing agricultural machinery is limited.

1.4 The justification for a change of use at Hill Farm is based on the proposed use for storage of renewable energy turbines, which would necessitate only a limited amount of the shed being used for farm storage, and most of the shed being used for turbine storage. The supporting

statement provided by the applicant indicates that anticipated vehicle trips to Hill Farm in association with the use would be for two vans (twice daily), one lorry (four times a week), and one larger delivery of turbines a month.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 As detailed previously in this report the proposal is considered to be contrary to the applicable policies in the Development Plan and therefore should be refused unless material considerations indicate otherwise.

3.3 In this regard it is considered that the concerns of the objectors have not wholly been met, and the impact on the amenity of objectors has a bearing on the determination of the application. Whilst the use of this property at Hill Farm would provide a low cost solution to an expanding, successful local business, it is considered that the proposal will to some degree have a detrimental effect on surrounding properties

3.4 Nonetheless, it is noted that the Supporting Statement by the applicant indicates that the proposed development is necessary for the continued operation of a successful local company, and consequently a balance has to be made in terms of fostering the local economy and supporting a business which employs a number of local people and in this regard, socio-economic considerations are also material to the determination of this application.

3.5 It is considered therefore that in this case approval of the application on the basis of a time limited consent would present an appropriate way forward as it would allow a period of time for the business to continue to operate the application be granted for a temporary period to assist in the economic benefit of the proposal, but also to be able to review the proposal in the near future to monitor and assess the impact on surrounding properties over this period. Ultimately it would also allow time, if necessary, for the company to identify other premises from which the business could be conducted.

CONTRARY DECISION NOTE

Should the Committee agree that this application be approved contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Full Council as it would not be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the application has attracted more than 10 letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of agricultural ground adjacent to the existing Hill Farm, north of Galston. The application site covers some 7,900 m². The site is bounded on all sides by agricultural land, and there are a number of dwellings in close proximity to the site. The site lies just over 300 metres north of the main A719 road.

2.2 **Proposed Development:** The proposal comprises the change of use from a redundant agricultural byre to 'business storage/farm machinery store' and formation of yard. The application is retrospective, the development having already taken place on site.

2.3 The business storage, currently being undertaken both within the existing byre and on the yard area formed on the application site, relates to the storage of wind turbine components and other components related to the renewable energy company VG Energy Ltd, in which the applicant is a partner. VG Energy currently operates from Waterside Farm at the A71/A719 roundabout nearby in Galston. Whilst Waterside Farm is the office base for VG Energy, the applicant wishes to use Hill Farm to assist in the day to day running of the business by using it for storage of renewable energy components, as it is already in the ownership of the applicant. An area for business storage at Hill Farm is outlined in the application drawings for just over 100 m² in a shed measuring 600 m² overall. Another shed sits immediately adjacent to the west of the byre. An area of hardstanding has been constructed and is being used as an external storage area.

2.4 The applicant has submitted a justification statement, and outlines the relationship between Hill Farm and Waterside Farm, and how each premises

relates to the operation of VG Energy Ltd. The lands at Hill Farm have last been used as a farm; however, the applicant maintains that use as a dairy farm is no longer economically feasible, the existing shed is no longer fit for agricultural purpose, and its use for storing agricultural machinery is limited.

2.5 The justification for a change of use at Hill Farm is based on the proposed use for storage of renewable energy turbines, which would necessitate only a limited amount of the shed being used for farm storage, and most of the shed being used for turbine storage. The supporting statement provided by the applicant indicates that anticipated vehicle trips to Hill Farm in association with the use would be for two vans (twice daily), one lorry (four times a week), and one larger delivery of turbines a month.

3. CONSULTATIONS RECEIVED

3.1 Moscow and Waterside Community Council has raised a number of concerns and representations regarding the proposed development and has commented that the application does not specify what is to be stored on site, although the plans indicate that turbines will be stored here. Furthermore the plans do not indicate the extent of the yard area, and this is important as there is a house adjacent which is not within the applicant's control. There are also concerns about the condition of the access road to the development site, if articulated vehicles are authorised to use it on a regular basis.

On inspection, it was noted on site that a number of large turbines were being stored in situ, of various lengths, some up to approximately 25 metres in section. With regard to the matter of the yard area, that extent of the yard element could be controlled by condition, if the proposal was found to be acceptable. The yard area already constructed is to the south and east of the byre. There is a currently two separate dwellings in close proximity to the sheds/yard area. The road to the site is privately owned, and therefore the condition of it, or any potential damage to it, will be matter outwith the remit of planning legislation.

3.2 East Ayrshire Environmental Health Service has no objections to the development subject to standard comments on noise, waste and contamination.

3.3 East Ayrshire Roads and Transportation Service has no objections to the proposed development.

4. REPRESENTATIONS

4.1 In addition to the letter of representations received from Moscow and Waterside Community Council, 10 letters of objection from 11 signatories, all from neighbouring or local properties, have been received which raise a

number of concerns in connection with this application, details of which are summarised below:

4.1 No farm machinery is being stored in this shed, only large turbines for the applicant's wind energy company.

A site inspection undertaken as part of the assessment of this retrospective proposal found that a number of large turbine sections and associated equipment were being stored in and around the vicinity of the existing sheds. Part of the byre however still has cattle stall equipment in situ. The applicant has indicated that the shed is no longer fit for purpose due to waste management systems required by SEPA and alterations to meet these requirements would be unfeasible and uneconomic. However, the applicant indicates that the shed would still be used for the storage of some agricultural machinery associated with the farming operation.

4.2 The access road is not of the standard required to take large heavy goods vehicles, and as such practices have been taking place for some time, the road is now in a poor state of repair. The applicant has only a right of access on this road, does not own the road, and consequently does not repair it. There are also concerns that the proposed development will not adhere to the correct sightlines for safe access and egress to the site for vehicles.

The matter of ownership of the private road and associated maintenance responsibilities is not a material planning consideration, as the applicant does not propose to make any physical changes to it. The Roads and Transportation Section has assessed the application and has no objections to make on road safety grounds.

4.3 This proposal, if approved, would disturb the quality of life for the surrounding residents.

It is clear from the objectors' letters that the volume of traffic, and the size of articulated vehicles required for such servicing, has a detrimental effect on the surrounding properties in the vicinity of Hill Farm. Whilst these vehicle movements may only be servicing one property, these movements would appear to be of a scale which would be more suited to a commercial premises, rather than an agricultural one.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Policy SD1 advises the Council will adhere to the principles of sustainability in its consideration of all development proposals. In particular, the Council will ensure that all new development does not have any unacceptable adverse impact on:

- (i) the character and appearance of the particular location in which it is proposed;
- (ii) the environment and amenity of local communities and residents of the area;
- (iii) landscape character and quality; and
- (iv) natural or built resources.

The applicant seeks to promote the re-use of redundant buildings of the farm unit of Hill Farm, and as such, as no new buildings are proposed, there would be no unacceptable adverse impact on the location itself or the landscape character; however, the proposal does give rise to vehicle movements that are likely to be much greater in scale to that generally servicing farms, and the proposal will therefore have some impact on neighbouring properties.

5.2 Within Policy SD2, there will be an over-riding presumption that all new developments will be located within the East Ayrshire settlements, unless the development is acceptable to the Council in terms of Policies SD3 below.

The site is clearly located well outwith the closest defined settlement of Galston and falls to be assessed against policies SD3.

5.3 Within the Rural Protection Area, Policy SD3 advocates that all development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

The application site lies within the defined Rural Protection Area in the adopted local plan. The applicant has justified the use of Hill Farm on the grounds of economic benefit, in terms of supporting a local business in the vicinity. One of the other Directors of VG Energy was granted consent for a change of use at Waterside Farm in 2010 to form office accommodation only for the energy company, and although discussions took place with case officers on the possible storage of equipment at Waterside, this was not taken up by the applicant. Whilst Waterside Farm has a history of commercial uses, the same cannot be said for Hill Farm. The establishment of a business in this location would undoubtedly have some economic benefit to the company and local area, but in summary, the proposal cannot be judged to be in accordance with the terms of SD3.

5.4 Policy SD5 of the EALP states:

“Development proposals outwith settlement boundaries, as indicated on the Local Plan Rural Area Map, will be acceptable to the Council only where the development:

(ii) contributes to rural diversification through the development of appropriate industrial, business, tourism, leisure, recreational and other developments with a justified need for a rural location.”

It is considered that the proposal would not contribute to rural diversification, and cannot be justified in terms of requiring a site specific locational need, except in purely economic terms to the company.

5.5 The Industry and Business policies of the 2010 East Ayrshire Local Plan are also of relevance. Policy IND3 advocates that all new business and industry proposals in Classes 4, 5 and 6 of the Use Classes Order should be directed towards the sites identified in the Local plan for such purposes, in order to preserve existing business and industry locations, but also to ensure new business is proposed in appropriate locations.

The proposal dos not comply with the overall remit of this policy.

5.6 Within Policy IND5, new industrial, commercial and business development outwith settlement boundaries will be encouraged and considered acceptable to the Council only where the proposal relates to:

(iii) sympathetic industrial, commercial and business developments including sensitive recreational, tourism, leisure and sporting developments and developments which support the knowledge based economy and the service sector, and which contribute positively to the diversification of the rural economy and can be clearly demonstrated to have a specific requirement for a rural location;”

As above, it is considered that the proposal has no site specific locational need, except for that of being other premises in the ownership of the company directors, and in close proximity to the existing base for the company. The proposal cannot be considered as a sympathetic industrial, commercial and business development suitable for a rural location, as the storage and distribution of wind turbines is considered a use better suited to an existing industrial area.

5.7 Policy IND6 states:

“Outwith settlement boundaries, all proposals for new industrial, commercial and business developments which fall within the categories of development

detailed in Policy IND6 (ii) to (vi) above, will require to be justified and will only be supported where:

- (i) the proposed use is compatible with surrounding land uses;

It is considered that the proposed use will generally be compatible with the surrounding land uses, which are mostly agricultural, with small scale residential uses.

- (ii) the development has no unacceptable adverse impact on the landscape quality, character and amenity of the surrounding area which cannot be adequately mitigated through the appropriate provision of screen planting or landscaping;

It is considered that the proposal will not have an unacceptable adverse impact on the landscape quality, character and amenity of the surrounding area, as it will mostly re-use existing buildings.

- (iii) the development has no unacceptable transportation or infrastructure implications;

The Roads and Transportation Service finds the proposal to be acceptable.

- (iv) there is no unacceptable loss of prime quality and good quality, locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and

The proposal does not involve the loss of any important agricultural land.

- (v) the development has no unacceptable adverse impact on natural and built heritage resources.”

As above, with visual amenity, the proposal will not have an unacceptable adverse impact on any natural or built heritage resources.

5.8 Assessing the proposal against the criteria of Policy IND5 and Policy IND7, it is clear that the proposal does not accord with the Policy IND7 and cannot be considered as an acceptable farm diversification, as the proposed activities are not considered sympathetic to, or in keeping with, the character and appearance of the area in which they are located. The storage and distribution of wind turbines is not considered to be an acceptable business and industrial proposal in a rural area or an acceptable form of farm diversification.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of this application are the consultation responses, letters of objection, supporting statements, the impact on the amenity of the area and the planning history.

Consultation Responses

6.2 No issues significant issues have been raised in the consultation process which warrant refusal of the application.

Letters of objection

6.3 The pertinent issues raised by the objectors relate to the principle of the development in this location, as well as the effects this proposal will, or are having, on the amenity of neighbouring properties. The concerns of the objectors have not been wholly met in this regard.

Supporting Statement

6.4 The applicant has lodged a statement detailing the proposed use at Hill Farm, and the workings of VG Energy with Waterside Farm. Waterside Farm is now the base for VG Energy, but the applicant maintains the construction of new storage facilities at Waterside is not economically possible at present, albeit this may be considered as the company grows. Furthermore, it is considered by the applicant that it would be uneconomical to lease a storage unit when Hill Farm could be used instead, and as Hill Farm is now no longer used as a working farm, and the buildings could deteriorate if no suitable use is found for them. The applicant has indicated that VG Energy now employs approximately 40 people and that losing the ability to store turbines at Hill Farm will have a dramatic impact upon the operations of his business and could result in job losses.

Impact on the amenity of the area

6.5 The proposal will have an effect on amenity in terms of vehicle movement; and the resultant disturbance to surrounding residential properties in excess of what would normally be expected in the rural area. The storage of the turbines will change the appearance of the area to that of an industrial storage premises rather than that of an agricultural nature, and this will have an effect on the quality of life for the surrounding residents.

Planning History

6.6 The Planning and Economic Development Service received a complaint regarding the property at Hill Farm and on inspection it transpired that unauthorised works were being carried out. No formal enforcement action has yet been undertaken, as the applicant submitted this retrospective planning application, which effectively sists any enforcement action until the application is determined. The application was, however, submitted against

officer advice. Officers suggested to the applicant that there was adequate and more suitable land available at Waterside Farm for the storage of turbines, which would be naturally screened, and where less residential properties in the would be affected by heavy vehicular movements. The applicant, however, maintains it is not economically viable to carry this out at Waterside Farm.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 As detailed previously in this report the proposal is considered to be contrary to the applicable policies in the Development Plan and therefore should be refused unless material considerations indicate otherwise.

8.3 In this regard it is considered that the concerns of the objectors have not wholly been met, and the impact on the amenity of objectors has a bearing on the determination of the application. Whilst the use of this property at Hill Farm would provide a low cost solution to an expanding, successful local business, it is considered that the proposal will to some degree have a detrimental effect on surrounding properties

8.4 Nonetheless, it is noted that the Supporting Statement by the applicant indicates that the proposed development is necessary for the continued operation of a successful local company, and consequently a balance has to be made in terms of fostering the local economy and supporting a business which employs a number of local people and in this regard, socio-economic considerations are also material to the determination of this application.

8.5 It is considered therefore that in this case approval of the application on the basis of a time limited consent would present an appropriate way forward as it would allow a period of time for the business to continue to operate the application be granted for a temporary period to assist in the economic benefit of the proposal, but also to be able to review the proposal in the near future to monitor and assess the impact on surrounding properties over this period. Ultimately it would also allow time, if necessary, for the company to identify other premises from which the business could be conducted.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that this application be approved contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Full Council as it would not be a significant departure from Council Policy.

Alan Neish
Head of Planning and Economic Development

MF/HM/MF
03 August 2011

FV/HM

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. Letters of Representation
4. Consultation Responses
5. Supporting Statement by Applicant
6. Adopted East Ayrshire Local Plan 2010

Anyone wishing to inspect the above papers should contact Marion Fergusson, Senior Planning Officer on 01563 576797.

Implementation Officer: Hugh Melvin

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0938/PP

Location	Hill Farm, Galston
Nature of Proposal:	Proposed change of use from redundant byre to business storage/farm machinery store and formation of yard
Name and Address of Applicant:	Mr. James Paterson Alton Muirhouse Farm Newmilns KA16 9LJ
Name and Address of Agent	JWM Architectural Drawing Services 25 Woodside Avenue Kilmarnock KA1 1TU

SPO's Ref: Marion Fergusson
(01563) 576769

The above application for PLANNING PERMISSION should be granted subject to the following conditions:

1. Permission is granted for a limited period of 2 years from the date hereof, and the use of the land and buildings shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON: To enable the Planning Authority to retain effective planning control over the use of the site and to monitor and review the situation in the interests residential amenity.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order revoking and re-enacting that order, the business storage use hereby granted relates solely to the storage of wind turbine components and other components related to the renewable energy business operated by the applicant, and shall not be used for any other business storage activities or uses unless a further application is submitted to and approved by the planning Authority.

REASON: To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity.

3. The use hereby approved, including the movement of commercial vehicles associated with this use, shall not be carried out before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1300 hours on Saturdays, and not at any time on Sundays.

REASON: To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

4. The stacking of materials or components on the site at no time shall exceed 2 metres in height above ground level.

REASON: To safeguard the residential amenity of the area and in the interest of visual amenity.

5. Any loading and unloading of vehicles which may be required in connection with the use of the building and site shall take place within the curtilage of the site.

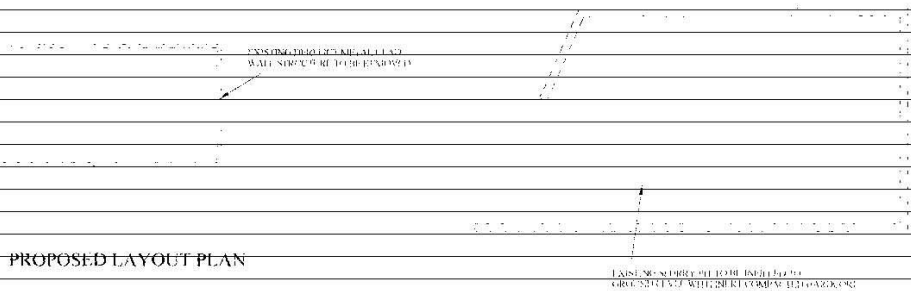
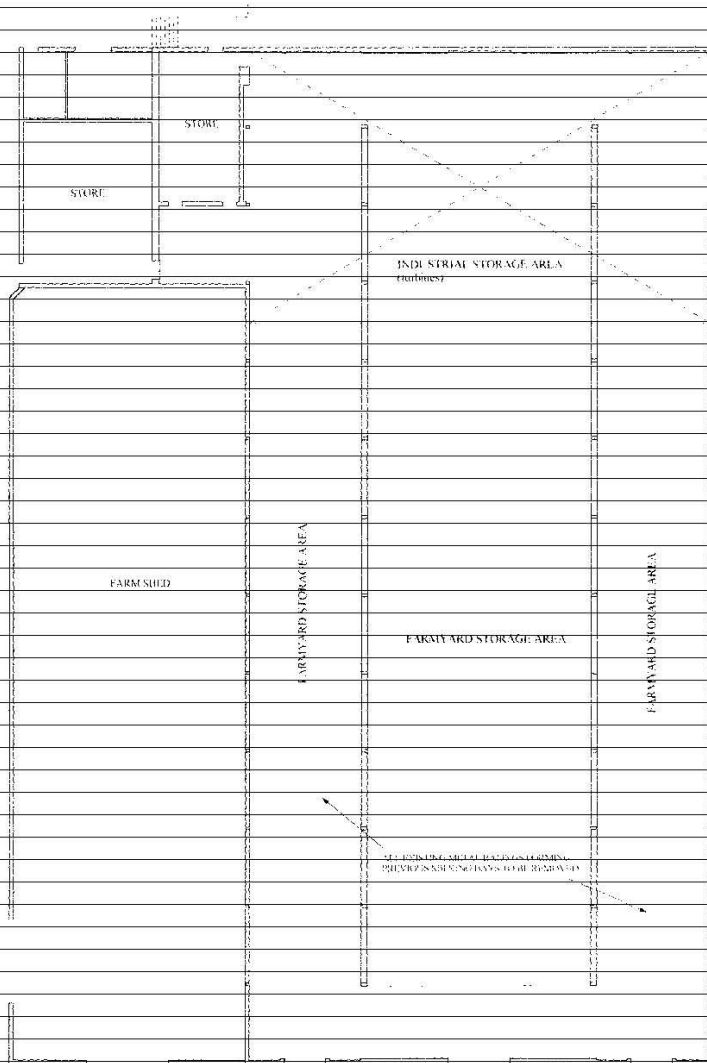
REASON: To safeguard the residential amenity of the area.

6. No waste materials associated with the use hereby approved shall be stored on site. Any waste materials generated shall be stored under cover of prior to disposal to an appropriately licensed waste management facility. At no time shall any waste material be burned on the site.

REASON: To safeguard the residential amenity of the area.

REASON FOR THE DECISION

In respect of all relevant matters and material considerations to be taken into account in the determination of this application, the Council considers that although the proposed development is not generally consistent with the development plan, the material considerations in respect of this application, particularly those of a socio-economic nature, justify a departure from the development plan and that approval of the application is appropriate, albeit on the basis of a time limited consent.

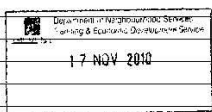


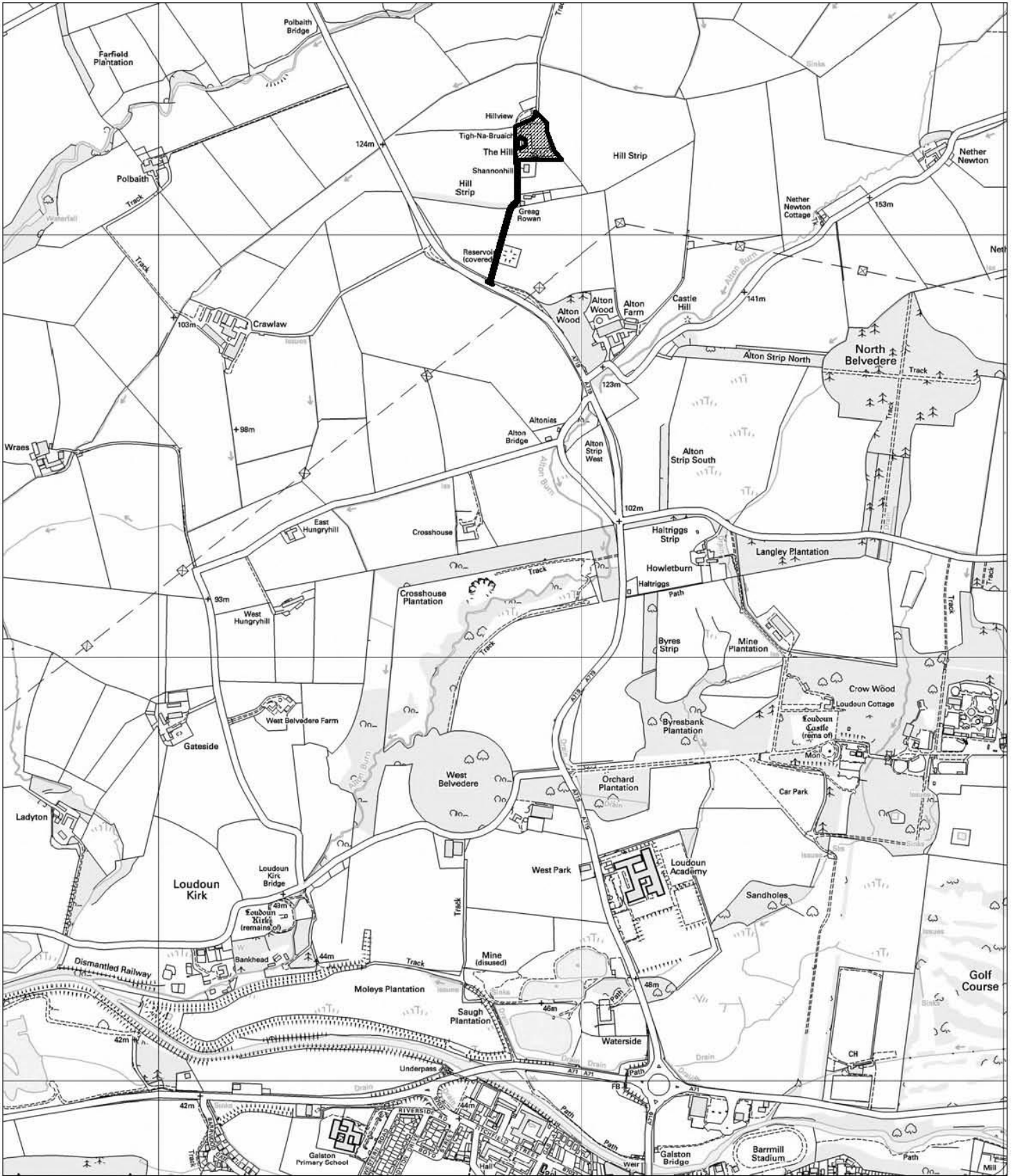
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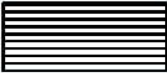
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PROPOSED CHANGE OF USE FROM
 REDUNDANT BYRE TO BUSINESS
 STORAGE - FARM MACHINERY STORE
 FORMATION OF YARD at
 THE FARM, NEWBATHEN, Scot
 Mr. J. PATERSON

Drawn: MRS
 Checked: []
 Date: November 2010





Title/Location Hill Farm Galston Application No. 10/0938/PP		East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 12/08/2011	
Key 	Application Site		

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