

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 May 1996

**SUBJECT: PLANNING APPEAL DECISION
1 BENZIL COTTAGES, BY FORFAR**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine an appeal against the refusal by Angus District Council to grant consent for erection of a workshop at 1 Benzil Cottage, near Forfar.

1 RECOMMENDATION

It is recommended that the Committee notes the findings of the Secretary of State's Reporter

2 INTRODUCTION

2.1 With reference to Angus District Council minute 540(2)(6)/95, the Planning and Development Committee at their meeting of 30 May 1994 refused consent for an extension to the house and erection of a new workshop at 1 Benzil Cottage, near Forfar. Application No 01/95/1026.

3 REPORTER'S DECISION

3.1 None of the parties have raised any objections to the proposed house extension which forms part of the planning application, and I agree that this would be acceptable. The council did not refuse the proposed workshop on grounds of its visual appearance, and recently granted planning permission for a garage building of similar size and appearance to be sited in the rear garden of the adjoining house. I agree that the visual appearance of the proposed workshop would also be acceptable in this location.

3.2 In determining any planning application or appeal, where regard is to be had to the development plan, it is necessary for the determination to be made in accordance with its provisions, unless material considerations indicate otherwise. On the basis of the written submissions and the site inspection, I consider therefore that the determining issues in this appeal are:-

- 1 whether the proposed workshop would accord with the terms of the adopted local plan; and,
- 2 if so, whether refusal would still be justified on the grounds that it would have a significant adverse impact on residential amenity due to noise.

- 3.3 I consider that the proposal for a workshop does not represent a kind of visually intrusive use or a type of commercial development which would be covered by local plan policies ID.12 and ID.25 respectively.
- 3.4 Policy ID.8 indicates support for agricultural and forestry related industries in countryside locations, subject to normal planning considerations. The appeal site lies within a countryside location and I accept, from the evidence submitted, that the appellant's business makes an important contribution to the rural economy by providing a mobile repair service mainly for vehicles and equipment belonging to farms and other rural enterprises. While I also accept that a proportion this work is carried out at the appeal site, I consider that the proposed workshop would broadly accord with policy ID.8 of the local plan.
- 3.5 The activities carried out in association with your client's business can be a source of noise and disturbance to residential neighbours. I consider that the proposed workshop would not only provide an appropriate base for the operation of this mobile rural business, but would allow any essential on-site servicing or repair work to be carried out indoors rather than outdoors. I accept that there may still be some adverse impact on neighbouring residents in terms of noise, but I consider that this would be much reduced from previous levels and, subject to controls to avoid disturbance during unsociable hours, not unreasonable in a working rural environment.
- 3.6 I conclude that the proposed workshop would accord with the terms of policy ID.8 of the local plan, and that refusal of planning permission would not be justified by the likely impact on residential amenity due to noise.
- 3.7 I have considered the other matters raised in the written submissions but they do not lead me to alter my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain this appeal and grant planning permission for the development proposed in the planning application dated 17 March 1995 and in accordance with the plans submitted, subject to the following conditions:-
- 1 That the development hereby permitted shall be begun within five years of the date of this letter.
 - 2 That the proposed workshop shall not be used for the servicing of repair of vehicles or equipment outwith the period 0800 hours to 1900 hours on Mondays to Saturdays, and not at all on Sundays.
 - 3 That provision shall be made for the collection and disposal of liquid wastes from the workshop, to the satisfaction of the planning authority in consultation with the Scottish Environment Protection Agency.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

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.

AA/JJ/SP

Alex Anderson
Director of Planning, Transport & Economic Development

