

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 MARCH 1997

**SUBJECT: PLANNING APPEAL DECISION
WESTMILL OF COLLISTON, BY ARBROATH**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report represents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal of Angus Council to grant consent for the change of use of a storage building to a workshop at Westmill of Colliston, by Arbroath.

1 RECOMMENDATION

It is recommended that the Committee notes the outcome of the above appeal.

2 INTRODUCTION

- 2.1 The Development Control Committee at the meeting on 23 May 1996 refused Planning Permission for the change of use of a storage building to a workshop at Westmill of Colliston, by Arbroath (application No. 01/96/0263).
- 2.2 The applicant, Mr. S. D. Reid appealed against the refusal and the Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 On the basis of the written submissions and the site inspection, I consider that the determining issue in this appeal is whether the proposal would be in accordance with the terms of the Development Plan.
- 3.2 In relation to the Development Plan, I note that the Local Plan provides for the use of redundant farm buildings in principle, subject to appropriate standards being set for access, servicing, amenity and operational impact. In the circumstances of the proposed change of use, I regard these four tests as providing an appropriate framework for the assessment of the planning merits of the appeal proposal. Prior to addressing these headings, I note that the site inspection showed that the appeal premises comprise a traditional barn-type structure that has been expanded and adapted to a wide variety of uses over the years. In particular, the inspection indicated that, whilst the current use relates to the stabling of horses, the keeping of dogs and the rearing of chickens, the range and nature of the tools, equipment and miscellaneous items within the building demonstrate that the pattern of use has evolved markedly in recent years. Moreover, whilst the structure would appear to have been linked functionally with the adjoining house for many years, the rapid changes in farming practice have meant that the two units are now in separate ownership.

- 3.3 From the submissions and the site inspection, I regard this historic pattern of the evolution and adaptation of large rural structures as being typical of many parts of the Angus countryside and as being essential if such structures are to survive in a sound and visually attractive condition. Unless this process does take place, such buildings will become run-down and eventually derelict. This concept appears to have justified the earlier grant of a planning consent for the change of use of the appeal structure to a recording studio, together with the new uses identified for various other countryside buildings in the submissions.
- 3.4 Turning to the four criteria that relate to the re-use of countryside buildings, I note that the existing access to the appeal building is an unmade, straight track that runs from the public road some 340 metres distant. This track services both your client's stable and the adjoining house, together with the surrounding fields. The track's surface, whilst potholed and lacking any formal passing places, can be used by conventional vehicles without undue danger. However, any increase in use by a business would inevitably lead to a marked rise in vehicular flows as a result of the combination of work-related traffic, of service vehicles and of employees' cars. In these circumstances, I consider that the upgrading of the access track to an acceptable standard (including the provision of one passing place), would be essential to meet the test outlined in the Local Plan. Unless these operations are undertaken, the excessive wear to the current surface would lead to mud and dust being deposited on the adjoining public roads, to the track becoming an eyesore and to the possibility that visitors' cars could be damaged. I conclude that any consent that may be granted should require that the track be upgraded to the satisfaction of the Local Authority prior to any permitted change of use taking place.
- 3.5 In relation to services, I note that both the Planning Authority and one objector have drawn specific attention to the need for the installation of any appropriate drainage system prior to any change of use taking place. Although I accept that such a step is not normally dealt with by way of a planning condition, in the circumstances of this appeal, I conclude that considerable importance should be attached to the need to install a modern system within the old structure timeously and that this factor warrants the imposition of a clearly worded, monitorable drainage condition upon any consent that may be granted.
- 3.6 With regard to amenity, I note that the large appeal building is solidly constructed, includes various internal spaces that could be readily adapted for work purposes and has a useful amount of surrounding ground for car parking and circulation. In these circumstances, a wide range of workshop type uses could take place within the stone structure without creating undue noise, dust or waste that would detract from the amenity of the nearby house. Moreover, the 340 metre separation distance from the main road would mean that passing drivers and pedestrians would not be able to identify most of the operations that were underway. Accordingly, I find that there are no overriding amenity based reasons that would justify a refusal of planning consent.
- 3.7 In respect of operational impact, I note that the objectors have raised concerns in relation to the hours of operation and to the scale and nature of the workshop use proposed. When the Planning Authority considered the previous application for a recording studio in 1986, these issues were not regarded as warranting a refusal of consent. Accordingly, subject to conditions that would limit the number of employees,

the hours of use, the definition of noise levels and the specific prohibition of scrap related activity (all of which were volunteered by your client in order to define a relevant limit for the intensity and scale of use of the appeal site), I find that the proposal at appeal would not have an inappropriate operational impact either upon the amenity of the nearby house or upon other structures in the wider area.

- 3.8 Finally, it is clear that your client wishes to occupy the appeal premises as a first stage in the progression towards the establishment of a fully fledged business enterprise and has indicated a general willingness to be granted a temporary consent. This approach of granting consents for a limited period normally applies to very special situations, notably where significant changes are likely in the foreseeable future. In the circumstances of this appeal, I note that the key concerns of the Planning Authority and the objectors can be met by the imposition of clear cut, readily monitorable conditions. Accordingly, given the fact that no major changes have been identified in the land use framework for the area. I am not persuaded that it would be appropriate to impose a time related condition in relation to the proposed change of use. In reaching this view, I have taken into account both the earlier consent for a recording studio which did not attract any condition limiting its operation and the lack of any comparable condition upon the other consents that have been highlighted in the submissions.
- 3.9 I have taken into account all the other matters raised but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain your client's appeal in relation to the change of use of the appeal premises to a workshop as set out in application No. 01/96/0263COU dated 28 March 1996 subject to the following conditions:-
1. The permission hereby granted shall lapse if the development is not begun within five years from the date of this decision.
 2. The use hereby permitted shall not take place outwith the hours 8.00 a.m. to 7.00 p.m. Monday to Friday and 8.00 a.m. to 1.00 p.m. on Saturdays.
 3. No scrap metal or disused vehicles shall be kept within the appeal site.
 4. Details of the proposed improvements to the access track (including the provision of at least one formal passing place) shall be submitted to the Planning Authority for its approval and shall be implemented in full prior to any change of use taking place.
 5. The scale of the business shall be limited to three full time and one part time employees.
 6. Noise levels emanating from the building shall not exceed 5dBA above ambient as measured at the boundary of the neighbouring property.
 7. The change of use hereby authorised shall not commence until appropriate drainage has been installed to the satisfaction of the Local Authority.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5 CONSULTATION

5.1 The Chief Executive, Director of Law and Administration and Director of Finance have been consulted in the preparation of this report.

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/KW
27 February 1997

Alex Anderson
Director of Planning, Transport & Economic Development