

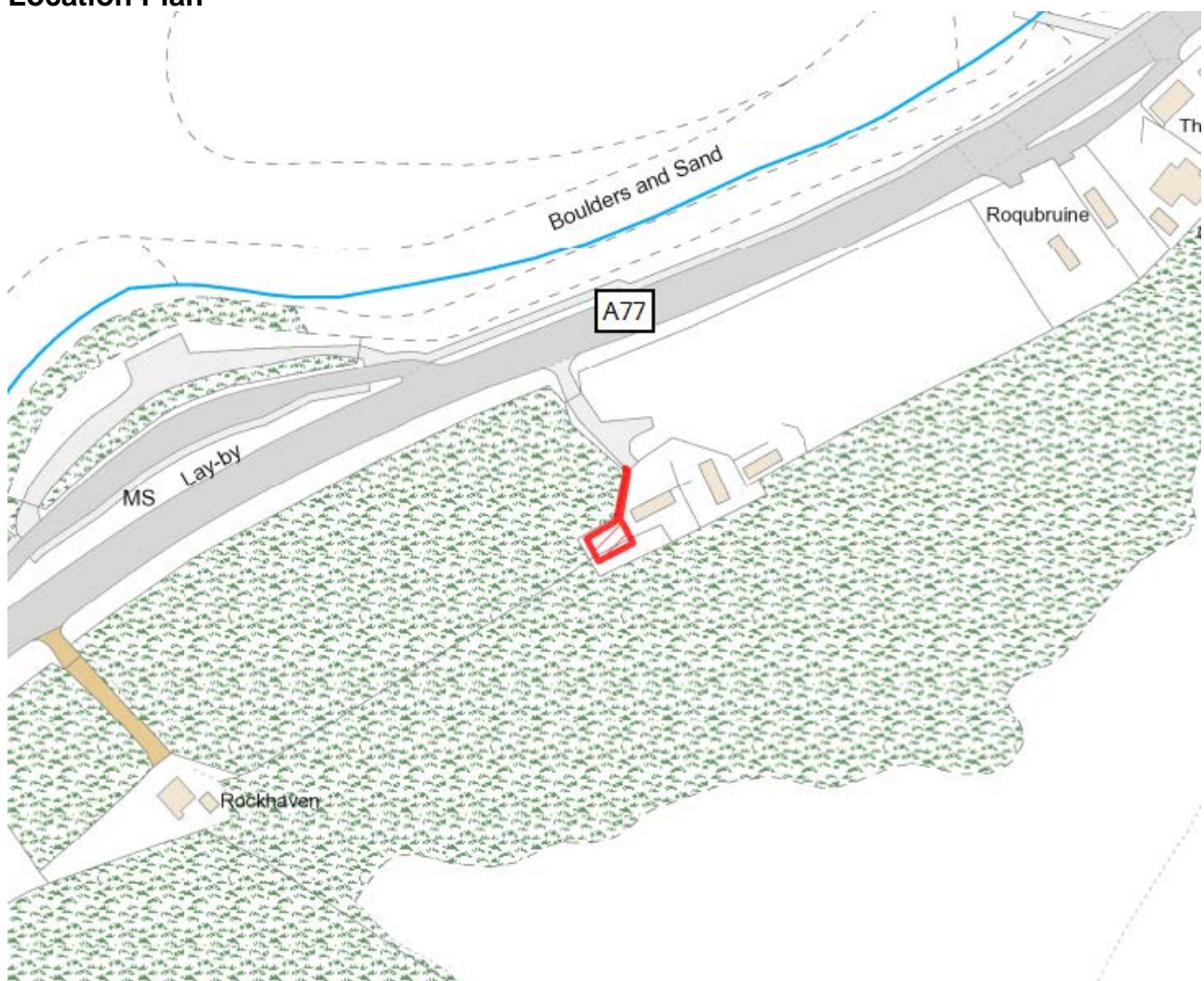
REGULATORY PANEL: 23 JUNE 2022

22/00334/APP

RETENTION OF EXISTING CONSTRUCTION SITE OFFICE BUILDING FOR USE AS A PERMANENT CARAVAN SITE OFFICE/ RECEPTION AND CONSTRUCTION OF ASSOCIATED ACCESS PATH AT LAND AT WHILK MEADOW, A77T FROM LENDALFOOT TO MAIN STREET BALLANTRAE, SOUTH AYRSHIRE

REPORT BY PLACE DIRECTORATE

Location Plan



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Summary

This application is for the retention of an existing construction site office building for use as a permanent caravan site office/reception and the construction of an associated path. Following review, it is considered that the proposal is capable of positive consideration against the terms of the Local Development Plan and associated guidance and it is therefore recommended that the application be approved, subject to conditions.



REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 23 JUNE 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00334/APP
SITE ADDRESS:	LAND AT WHILK MEADOW A77T FROM LENDALFOOT TO MAIN STREET BALLANTRAE BALLANTRAE SOUTH AYRSHIRE
DESCRIPTION:	RETENTION OF EXISTING CONSTRUCTION SITE OFFICE BUILDING FOR USE AS A PERMANENT CARAVAN SITE OFFICE/ RECEPTION AND CONSTRUCTION OF ASSOCIATED ACCESS PATH
RECOMMENDATION:	APPROVAL WITH CONDITIONS

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

1.1 Site Description

The application site comprises an area of ground contained within an open, elongated rectangular shaped low-lying parcel of land adjacent to the A77 to the south-west of Lendalfoot. The application site alongside the immediately neighbouring parcel of land to the north-east forms part of a caravan site and this has already been established as being an existing, lawful use through a Certificate of Lawfulness granted (Reference: 16/01091/COL) and separate Caravan Site Licenses granted by the Council's Environmental Health Service. This holiday caravan park on the wider site is under construction and is currently being developed for 18 caravans in line with the terms of the most recent Caravan Site License approval (Reference: CSL/53).

The site sits slightly elevated at the top of a modest slope and is positioned close to the bottom of a hillside which extends along the southern boundary which is defined by a post and wire fence. Access to the site is obtained to the immediate south of the application site via a lay-by off of the A77 which serves the caravan park. A planning application (Reference: 21/00251/APP) was granted in May 2021 to upgrade this vehicular access and also construct a foul drainage pipe in relation to the associated caravan site.

1.2 Planning History

Whilst the application site for the proposals is relatively modest in scale and footprint (covering approximately 70 square metres), as previously set out above, it forms part of a larger site which has an extensive planning history to it. The location plan supplied as part of this planning application provides clarification on the extent of the surrounding land owned by the applicant (area delineated by the blue boundary) and details of the planning history for the parcels of land to the northeast and southwest which form this area on the Location Plan are set out below:

- 02/01009/COL - *Certificate of lawfulness for existing use of caravan site (Permitted).*
- 08/00439/OUT - *Extension to existing caravan site for the siting of 27 units, toilet block and reception (Withdrawn).*
- 14/01232/PPP - *Planning permission in principle for the erection of 10 holiday chalets (Withdrawn).*
- 14/01458/APP – *Change of use of land to form extension to existing caravan park (Refused).*
- 15/00083/APP - *Change of use of land to form extension to existing caravan park (Withdrawn).*
- 15/00653/APP - *Change of use of land to form campsite, erection of facilities building and formation of parking area (Refused).*
- 15/00911/APP - *Change of use of land to form campsite, erection of facilities building and formation of parking area (Refused).*
- 16/01078/COL - *Certificate of lawfulness for existing use of land as caravan site (Permitted).*
- 21/00251/APP - *Upgrade to existing vehicular access and construction of foul drainage pipe (Permitted).*

1.3 Development Proposals

Planning permission is sought for the retention of an existing construction site office building for use as a permanent caravan site office/reception alongside the construction of an associated access path.

As previously set out and indicated by the development description, the construction site office building is already present on the site itself. At this time, the building benefits from 'permitted development' under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). This allows for the 'provision on land of buildings, moveable structures, works, plants or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land'. In this case, the construction site office building is in connection with the operation works associated with the construction of the Whilk Meadow holiday caravan park which is authorised in planning terms through the combination of the certificate of lawfulness and caravan site license(s) as previously set out.

Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) includes conditions (Part 3a) and 3b) of Class 14) which would require the building to be removed and the ground to be reinstated to its condition before the development was carried out, once the relevant operations have been completed on site. Following discussions with both the agent and the applicant during a separate enforcement enquiry, clarification was sought from both parties in terms of their intentions for the construction site office building going forward and as part of this they were made aware of the limitations in terms of the timescales afforded through the conditions of Class 14. In advance of the construction work associated with the holiday caravan park being completed on the site, the applicant has sought to apply for planning permission for the permanent retention of the building on the site; this forms the current application.

The building measures approximately 7.5 metres wide, 3.6 metres in depth and 3.3 metres in height to its highest point. It is approximately 27 square metres in footprint and internally it accommodates an office/reception area, a kitchen and a WC.

In terms of its design, it includes two full length windows and a double door on the front elevation with a single window on the northern facing side gable. The building is essentially flat roofed but incorporates a slanted/angled roof design (which declines front to back) and this includes a gutter just below the rear elevation roof eaves for roof water catchment which will percolate to an infiltration trench to deal with surface water drainage. The building also has a foul drainage connection which links to the site's overall foul drainage system. The material make-up of the building comprises of horizontal light grey cladding for the external walls and dark grey upvc doors, windows and rainwater goods. The building rests on a concrete base which projects out beyond the front elevation of the building and this has been topped with a gravel type material.

The proposed access path is to feed directly off of the internal vehicular access road to the site to the front of the building and as indicated on the proposed plans, this is to be formed with gravel.

This planning application is being reported to the Regulatory Panel, in accordance with the Council's Scheme of Delegation, as a Community Council has formally objected to the application.

2. Consultations:

- **Transport Scotland:** No objections.

3. Submitted Assessments/Reports:

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The application has been accompanied by a Location Plan, a Site Plan, a Floor Plan and a Elevation Plan.

4. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

1 representation have been received from Colmonell & Lendalfoot Community Council who object to the proposed development. The representation can be viewed in full online at www.south-ayrshire.gov.uk/planning. The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in sub-section V) 'Objector Concerns' of the Assessment section below.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, the impact of the proposal on the amenity of the locality and the representation received.

(i) Local Development Plan 1

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The following provisions of the development plan are considered relevant to the consideration of this application:

The following policies are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP1 Policy: Spatial Strategy (Carrick Investment Area)
- LDP1 Policy: Sustainable Development
- LDP1 Policy: The Coast
- LDP1 Policy: Tourism
- LDP1 Policy: Landscape Quality
- LDP1 Policy: Protecting the Landscape

A summary of each of these LDP1 policies and how they relate to the proposed development (where appropriate) is set out below:

- Spatial Strategy

This policy states that the Council will support development which encourages sustainable economic growth, improves the quality of the environment and helps to create sustainable communities. All development requires to be considered against the priorities set out in the spatial strategy (as below) and LDP Policy: Sustainable Development.

The Council will not support development outwith the boundaries of settlements (towns and villages), except where it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. The Spatial Strategy of the LDP sets out the settlement strategy for South Ayrshire and can be viewed as the foundation framework which provide the vision for how the Council wishes to see the towns and countryside areas develop over the duration of the plan. The terms of the Spatial Strategy are noted.

Within the Carrick investment area specifically (which applies in this case), the Council will encourage development if:

- it results in new housing at allocated housing sites (shown in the settlement maps);
- it promotes rural diversification and tourism;
- it results in the non residential re-use of a substantially intact building, which will benefit the local environment;
- it promotes the Galloway and Southern Ayrshire Biosphere and Galloway Forest Dark Sky Park; and wind farm developments are directed to preferred wind farm search areas.

The Carrick Investment Area policy of the LDP seeks to promote rural diversification and tourism. While the proposal is not in itself a tourism development, it is ancillary to the holiday caravan park use and the building is to be retained to act as a site office/reception for the caravan park and support its operation.

- The Coast:

The LDP coastal policy requires development within the coastal areas to be in accordance with the coastal strategy, and to protect or improve the scenic and environmental quality of the area. The LDP (Appendix B) applies a presumption against development in the undeveloped coastal areas, except that associated with existing uses. Minimal development, which does not impinge upon the surrounding landscape and which has particular regard to visual amenity and nature conservation may be acceptable. Specifically, the provision of additional formal visitor facilities and development is not encouraged.

In this case, the exceptions afforded in the LDP apply as the building in question and the proposed path are associated with an existing use. More specifically, the application site sits within the wider Whilk Meadow holiday caravan park (which has a lawful existing use under a certificate of lawfulness as previously set out). Whilst the policy seeks to discourage the provision of additional formal visitor facilities, in this case the building in question and the associated path do not apply as they represent an ancillary feature to the primary facility on the site which operates as a holiday caravan park.

- Tourism:

The LDP Tourism policy is broadly supportive of proposals which provide or improve tourist and leisure facilities and sets specific criteria and requirements for tourist accommodation proposals. As the proposals are for the retention of a site office building and a new path, the tourist accommodation requirements of the policy do not directly apply. More broadly however, the proposed development is considered favourably in relation to the policy as the retention of the building to act as a site office/reception for the primary holiday caravan park use on the site will support and improve the running of the holiday caravan park facility.

- Landscape Quality and Protecting the Landscape:

The application site is located within a scenic area as defined in the LDP. The Landscape Quality policy seeks to ensure that development proposals do not have an adverse impact on the rural landscape setting of the scenic area and that they conserve features that contribute to local distinctiveness.

The LDP policy Protecting the Landscape sets conditions to which proposals within or next to a landscape character or scenic area need to be considered against. This includes the significance of impacts and cumulative impacts on the environment, landscape and visual effects, benefits to the economy and whether the proposals can be justified in the rural location sought.

The retention of the building as a site office/reception for the caravan park and the installation of a new path do not adversely impact upon the character and amenity of the surrounding area and landscape. Weight is given to the fact that the proposals represent modest ancillary features to the holiday caravan park use and that within the context of the site, they are commensurate and complimentary features which will not unduly impact upon the applicable landscape characters or the wider landscape itself.

- Summary of LD1 Policies

It is considered that the proposal accords with the provisions of the Development Plan. The specific matters covered by the policies above are considered further in the proceeding sub-section below.

(ii) Proposed Local Development Plan 2

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP2) and issued its Examination Report on 10th January 2022. At a special meeting of the Council on 10 March 2022, Members accepted the modified LDP2 and approved it for submission to Scottish Ministers as the Council's intended adopted Local Development Plan. LDP2 now forms a substantial material consideration in the determination of planning applications.

With respect to the proposed development, policies contained within LDP2 are not at significant variance with those of the adopted LDP1. These are set out below:

- LDP2 Policy: Core Principle B1
- LDP2 Policy: Core Principle C1
- LDP2 Policy: Strategic Policy 1 Sustainable Development
- LDP2 Policy: Strategic Policy 2 Development Management
- LDP2 Policy: Tourism
- LDP2 Policy: Landscape Quality
- LDP2 Policy: The Coast

It is considered that the proposal accords with the provisions of the Development Plan. The specific matters covered by the policies above are considered further in the proceeding sub-section below.

The provisions of LDP1 and LDP2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

(iii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy (2014) forms the statement of the Scottish Government's policy on nationally important land use planning matters. The SPP maintains a plan-led approach to development, and emphasises that "planning should direct the right development to the right place".

In terms of rural development Paragraph 75 states that the planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- Encourage rural development that supports prosperous and sustainable communities and business whilst protecting and enhancing environmental quality".

In essence, the SPP seeks to balance development and economic growth in a sustainable manner whilst also protecting and enhancing the environmental quality and landscape of an area. In implementing this approach, this will require development proposals to respond to the specific local character of the location, to fit sensitively and appropriately into the existing landscape setting of the area and not to adversely impact on the rural area in which it is set.

For the reasons noted elsewhere in this report the development proposal is considered to be compatible and commensurate for the site noting its design, location and the surrounding use to which it relates. As such the proposal is considered to comply to the provisions of Scottish Planning Policy.

(iv) Impact on the Locality

It is considered that the continued siting of this building on a permanent basis will not give rise to residential or visual amenity concerns given both the location of the site and that the use of the building (site office/reception area) is ancillary to and commensurate with the use of the associated land to the north and northeast as a holiday caravan park. The building is appropriately located within the curtilage of the holiday caravan park currently being developed and set back from the road on the southern edge of the caravan park site, in close proximity to the primary entrance of the site. Once construction work associated with the caravan park is completed it is considered that it will represent a commensurate and compatible style of building which is both ordinarily and commonly associated with these types of uses. Given the use and operation of the site to which it relates and the built form associated with the use (including the caravans themselves), combined with the design and arrangement of the building itself, it is also not considered that the development would have any significant effect on the landscape character of the area, including the coastal and scenic area designations that apply to the site.

Following review, it has been established that it is not necessary to limit the presence of the building to a temporary consent/permission. The building itself is considered to be in a good condition and appearance and it is established on site with a concrete base/foundations and connections to drainage and sewage in place. All of these factors contribute to allow it to be understood and read as a permanent feature on the site. In addition to this, no conditions are required to limit or restrict the use and function of the building itself. The development description for the planning permission application is prescriptive and specific in terms of the proposed use and if planning permission is granted then this in itself will sufficiently define and limit the buildings use and functionality.

In addition to the building itself, the access path leading up to the building poses no issues and it is considered that this will be an inconspicuous addition in relation to the holiday caravan park itself.

(v) Objector Concerns

The representation received from Colmonell & Lendalfoot Community Council in relation to the proposal are summarised (*italics*), and responded to (**bold** and *italics*) below as follows:

- *The development of the field at the Whilk to form a caravan site with 18 pitches has not been properly consented and the Community Council has lodged a formal request with the Scottish Public Services Ombudsman for an independent review of the consenting of this development and South Ayrshire Council's response to the concerns raised by the Community Council. The planning process has been circumvented when in 2015 owner of the site applied for and South Ayrshire Council granted a Caravan Site License without there being any planning permission in place. The Community Council believe the Caravan Site License for the Whilk Caravan Site should be revoked and a full planning application for what is a material development should be required.*

The matters raised above have been reviewed and addressed separately by South Ayrshire Council as part of an extensive review and investigation. The position reached is that the site in question (which includes the application site for this particular application) benefits from an existing lawful use as a caravan site through a combination of a Certificate of Lawfulness granted by the Council (Reference: 16/01091/COL) and separate Caravan Site Licenses granted by the Council's Environmental Health Service. This holiday caravan park on the site and the wider land to the north and north east is under construction and is currently being developed for 18 caravans in line with the terms of the most recent Caravan Site License approval (Reference: CSL/53). Colmonell & Lendalfoot Community Council have been issued with formal written responses which set out the grounds to which the Council's position on this has been reached.

Given the Council's position and findings on these matters, the proposals subject to this application have been considered within the context of the lawful caravan site to which they relate, with the development being considered to be ancillary to the lawful use on the land. Beyond establishing this point (which is material for this proposal), this planning application requires to be considered on its own merits and as such the above matters, including the Community Council's opinion on the planning status of the site and other matters including the intentions for a separate independent review by the Public Services Ombudsman cannot be afforded due weight as part of the assessment and determination of this planning application.

- *In 2015 the same site was the subject of a number of planning applications for development that were the subject of local objection and refused.*

As previously set out and scheduled earlier in this Panel report, there were a number of planning applications submitted in both 2014 and 2015 which sought planning permission in principle and/or full planning permission to change the use of the land primarily to the southwest of this current application site to either extend the caravan park or to form a new campsite/holiday chalet development. These applications were either refused or withdrawn. The current application site for this planning application did in some cases sit within the auspices of the application site for these earlier applications in 2014 and 2015. Notwithstanding this, it is fundamental to note that the current application site forms part of the application site for Certificate of Lawfulness application; 16/01078/COL, which in 2016 granted an existing caravan site use on the land subject to this certificate. It is of material significance to the assessment of this application that the application site for this current planning application formed part of the land established as an existing caravan site use through the certificate granted.

- *The proposed development is contrary to the Local Development Plan adopted by South Ayrshire Council in 2014 which makes specific provision for the development of coastal areas. The proposed development goes against the priority of conservation of natural resources. The Community Council does not accept that the retention of the construction site office falls within the exception of being associated with existing use. The proposed development is inconsistent with the objective to enhance and manage the unspoilt nature of the area and the focus on concern for landscape and protection of natural beauty. The Community Council does not believe the retention of a prefabricated construction site office to be appropriate and believe it detracts from what is a unique stretch of coast with high amenity value.*

As set out earlier in the assessment section above, the Planning Service consider the building to represent an ancillary feature with the application site forming part of wider land established as a lawful existing caravan site use through the earlier certificate granted.

Taking the design and appearance of the building, its intended purpose and the wider use and development of the caravan park to which it relates, is not considered that the building detracts from the amenity of the area or any sensitive landscapes to a point which would warrant refusal of the application.

In addition to this and contrary to the point raised above, the Planning Service do consider that this building falls within the exception of being associated with the existing use as afforded through the terms of the relevant policy and that it is clearly an ancillary and subordinate feature which will be in place to support the wider use of the land to which it relates as a holiday caravan park.

- *Retention of the construction site office for use as a reception is against the Local Development Plan which discourages the provision of additional formal visitor facilities.*

The use of the building as a site office/reception is considered to be ancillary and subordinate to the overall use and function of the site as a lawful holiday caravan park. On this basis, it is not considered that this building in itself represents additional formal visitor facilities but instead relates to an ancillary feature associated with an existing tourism and visitor facility on the site (e.g. the holiday caravan park).

- *The Community Council understand the policy against the ribbon development of housing in hamlets and villages. Although rows of pitches are perhaps inherent in the design of a caravan park retaining the construction site office extends the development of the Whilk Caravan Site which itself disregards the policy against ribbon development.*

The ribbon development considerations set out above is primarily a matter which applies to new residential development in the countryside. As such, it is not considered to be applicable to this planning application noting the nature and purpose of the development.

- *Granting consent to this application would be inconsistent with the way planning policy has been applied in respect of other proposed developments including the refusal of planning application 17/00822/APP, a proposal to build two new houses in Lendalfoot in spite of broad support within the community.*

Each application has to be considered on its own merits taking into account the relevant policy context and other material considerations. Therefore, the application referenced above is not material to the assessment of the current planning application being considered.

- *If planning consent is granted, it should be subject to conditions that preclude use of the construction site office for residential purposes (including “glamping”). Furthermore, there should be protection against the further development of the remainder of the field.*

Following both review and assessment, the Planning Service did not consider that any planning conditions are required in this instance. As referenced earlier in the assessment section above, upon receipt of the application, the development description was amended by the Planning Service to reflect the proposed use of the building; ‘Retention of existing construction site office building for use as a permanent caravan site office/ reception’. If planning permission is granted, the development description is considered to be prescriptive enough as to sufficiently define and limit of the use of the building itself.

With regards to the point regarding the protection against further development of the remainder of the wider field, it would not be appropriate to impose any conditions to this effect as part of this particular planning application.

The application site for this planning application is situated within the auspices of the site boundary which was granted existing lawful use as a caravan site through the Certificate of Lawfulness in 2016 (Reference: 16/01078/COL). Any proposals for development or works to the undeveloped field to the southwest of this application site would require to be considered on their own merits as has been the case with various planning applications submitted and determined for this area of land in the past.

8. Conclusion:

Given the above assessment and having balanced the applicant's rights against the general interest, it is recommended that the application be approved.

9. Recommendation:

It is recommended that the application is approved.

List of Determined Plans:

- Location Plan (Drawing No. 5901-C-101 Rev B)
- Proposed Plan and Elevations (Drawing No. 5901-C-103)
- Proposed Site Plan (Drawing No. 5901-F-102)

Reason for Decision (where approved):

The siting and design of the retained building and the associated path are considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape.

Background Papers:

1. Application form, plans and submitted documentation
2. Representations
3. Adopted South Ayrshire Local Development Plan (LDP1)
4. Proposed South Ayrshire Local Development Plan (LDP2)
5. Scottish Planning Policy (SPP)

Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

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