

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
7 JUNE 2016**

Agenda Item	6.5
Report No	PLN/033/16

**16/01340/FUL : Mr Richard Pumphrey  
Land 50M NW of Leathley Lodge Edderton**

**Report by Area Planning Manager**

**SUMMARY**

**Description**

The application has various constituent parts:

- Formation of riding centre and upgrade of access onto public road, hardstanding area of 42m x 20m for the use of car parking
- Creation of an equine manège with 12m high floodlighting poles
- Erection of wooden stable block
- Siting of static caravan for storage of feed and tack
- Siting of portable office unit
- Siting of portable toilet

**Recommendation - GRANT**

**Ward :** 05 - East Sutherland and Edderton

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee :** Objections from the public residing at five or more addresses.

**1. PROPOSED DEVELOPMENT**

1.1 Members will recall consideration of an application at the North Planning Applications Committee on 16 February 2016:

**15/02287/FUL - Formation of riding centre with associated access and parking (in retrospect), manège and floodlights, installation of caravan, stable and portable office building (As Amended)**

The Committee agreed to defer the application to ask the applicants to revise their application and relocate the parking area.

Following this, the applicants have re-assessed their proposal and have submitted a new planning application. The new site area is less expansive, with the boundary having been tightened around the key parts of the development, which include

- Formation of riding centre and upgrade of access onto public road, hardstanding/car parking
- Equine manège (an enclosed area in which horses and riders are trained) with floodlighting poles
- Wooden stable block
- Siting of static caravan for storage of feed and tack; portable office unit; portable toilet

1.2 Discussions with applicant undertaken following the previous application being considered by North Planning Applications Committee on 16 February 2016.

1.3 Water and sewerage pipes cross site.

1.4 Supporting statement submitted with application

1.5 **Variations:** None

## **2. SITE DESCRIPTION**

2.1 The site is located off the single track public road at Bogrow Edderton, which is to the north of the A836 from Tain to Edderton village. It is around 1km to the south of the A836 and sits in an elevated position overlooking the Dornoch Firth to the north. The land generally slopes from south to north and is currently used for agricultural grazing. The public road rises steeply to the site from the A836. The road is relatively quiet as it has only a few houses and primarily serves these and the associated agricultural land, as well as providing access to the forestry plantations at Edderton Hill. The closest residential property is Leathley Lodge, approximately 50m to the south east of the site, and to the south side of the public road.

2.2 Access is currently obtained from an agricultural entrance to the site. This is positioned on a bend in the road at the end of the long straight climb to the site from Edderton Mains to the north. An overhead telephone line with terminal pole is also located adjacent to the access; it is understood that the applicant has explored the removal of the pole and undergrounding of the cable with BT. To the south side of the public road opposite the proposed access point is a separate access to a small Scottish Water installation.

## **3. PLANNING HISTORY**

- 3.1
- 15/02287/FUL Formation of riding centre with associated access and parking (in retrospect), ménage and floodlights, installation of caravan and portable office building (as amended).  
Application was considered at the North Planning Applications Committee on 16 February 2016. Members had raised concerns about the unsuitability of the proposed parking area directly in front of the nearest house to the site, Leathley Lodge. The Committee agreed to defer the application to ask the applicants to revise their application and relocate the parking area.

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Unknown Neighbours (expiry 22.04.2016) representation deadline : 22.04.2016

Timeous representations : 7

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Impact on amenity of Leathley Lodge; Detrimental impact on amenity of Leathley Lodge; Car park would be within 15m of Leathley Lodge
- Significant space, more sympathetic siting
- Additional traffic on road gives rise to road safety concerns
- Floodlights - cause disturbance with night time lighting, impacting on Dark Skies, lighting will be visible from the Dornoch National Scenic Area; late operation of floodlighting to 9pm, height of lighting columns
- Noise from manège
- Proximity of site to Scottish Water main
- No details of dung storage; run-off from the dung
- No details of stable block drainage
- Alternative site should be considered; suggest developer asked to move the entire complex at least a further 50 metres
- Business provides horse and pony riding facilities and trekking.
- Provide upgraded facility benefit rural community business; safer riding and parking
- Impact on septic tank
- Edderton Community Council (21.04.2016) - This is to confirm that Edderton Community Council have unanimously agreed to support the revised application for the Riding Centre at Edderton Mains.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Transport Planning** (06/04/2016) – In terms of roads and transport, the application does not differ from the earlier related application, 15/02287/FUL; we therefore have nothing further to add to comments previously provided:

**(25.01.2016)** (previous application 15/02287/FUL) - Further to our previous correspondence of 27.07.15 and 16.10.15 regarding this development, I note that a new drawing has been submitted by the applicant, Proposed Entrance to Riding Centre, ref. PA/02287/FUL. This would indicate that an SDB 2 type access is to be provided at the point of access to the site; however, no details of junction visibility splays have been provided. I can find no other new information regarding the development proposed.

On the basis of the new drawing submitted, I have **no objection in principle to the access now proposed subject to**; the geometric standards indicated being met, the provision and maintenance of visibility splays appropriate to the assessed speed of traffic on the adjacent public road, and compliance in all other respects (including construction) with the requirements of the Access to Single Houses and Small Developments guidance.

Should planning permission for the access be granted, you will note that appropriate permission from the Roads Authority will be required prior to the start of any works within or alongside the public road fronting the site.

5.2 **Environmental Health** : No objection. Applicants will need to be re-licensed.

5.3 **Scottish Water** : No response received

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### 6.1 **Highland Wide Local Development Plan 2012**

28 Sustainable Design

64 Flood Risk

66 Surface Water Drainage

### 6.2 **Sutherland Local Plan (as continued in force 2012)**

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (Supplementary Guidance) - Unobtrusive developments – notes that:

*The quality of the dark night skies is a significant contribution to the sense of wildness that can be experienced in the Highlands. To maintain this quality, all developments should minimise the light pollution which they create during both the construction phase and the use of the development. Consideration should be given to how disturbance from light pollution can be minimised where external lighting is required. Opportunities to look at lighting that can be dimmed / turned off when not in use, for example, on demand street lighting, should also be considered.*

### 7.2 **Scottish Government Planning Policy and Guidance**

Not applicable

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 Development Plan Policy Assessment

The proposal is partly in retrospect for elements of the overall proposal including the access to the public road / hardstanding / parking.

The other main elements of the proposal that are not retrospective include:

- Equine manège (42m x 20m)
- Floodlighting (2x 12m high poles with 150W lights)
- Wooden L- shaped 3 stable block
- Static caravan (storage of feed and tack)
- Portable office unit and portable toilet

It should be noted that the hardstanding / parking area as currently formed is proposed to be relocated further to the southwest of its current position in order to reduce the potential impact on the amenity of the neighbouring house, Leathley Lodge. The northeastern boundary of the car park/hardstanding is approximately in line with the southwestern gable of Leathley Lodge. The car park/hardstanding, office, stable, caravan and manège are all to be located to the west/southwest of Leathley Lodge; the caravan, stable, office and toilet are identified between the hardstanding / car park, manège and public road.

8.4 The site is currently used for grazing and is within a rural location with relatively few proximate properties. Traffic levels on the adjacent public road are low and reflective of the rural nature of the area, with no through traffic on the single track road.

### 8.5 The applicant has indicated in a Supporting Statement:

*Operating a Trekking/Riding Centre from the rented steadings at Edderton Mains for 3 years now. Due to an increase in clients, the need for better facilities and to remove the danger posed by drivers to our riders using the road, we would like to relocate to the land 50m northwest of Leathley Lodge. Our horses graze in this area too and this would reduce the use of the single track road by horses being brought in for work and consolidate our facilities. Our choice of site is solely based on utilizing previous unused waste ground. This area has been overgrown and ungrazed for the last 20 years and this development will clear and tidy a previously unsightly area with no impact or loss of Agricultural ground.*

*On information given from the planning department work was started in April 2015, however it was subsequently found that regulations over access roads and hard standings had recently changed and all work was stopped. No work has taken place since.*

*We are seeking planning for the following:*

- *The formation of a new access over the existing field access and a new roadway; this has been designed to meet Roads Authority requirements and will lead into a car parking area for customers and staff.*
- *The portable modular building will be used for office space. This building was chosen over a permanent structure for reasons of cost and timescale.*
- *The stable block will be used for stabling. With reference to the site plan and elevation drawings the stable will be 'handed' from the elevation/floor plans.*

- *The static caravan will be used for the purpose of storing tack and feed.*
- *The manège will be fenced off and have a rubber surface, for the use of riding activities. The manège will be floodlight from opposite corners. These will be dual 150w floodlights set at 12m high. This height is necessary to avoid dangerous glare to both horse and rider and is a standard specification.*

*Currently as with all other Equestrian businesses locally we operate with no fixed trading hours. However, we are happy to have the floodlights set on a timer to operate between the hours of 8am to 9pm in the interest of local amenity.*

*The current facilities at Edderton Mains have no toilets as these are not required by the Council as Licencing Authority; however a portaloos will be available on the new development and will be sited according to necessity.*

*In overview this application is to help facilitate the running of our rural business in a safe and controlled environment while providing a service and outdoor recreational sport for local people and tourists. This is within the encouraged planning criteria set out by the Scottish Government.*

## 8.6 Planning Assessment

The proposal is a **revised application** in response to the comments made and concerns outlined by the North Planning Applications Committee (16.02.2016) on the previous application (15/02287/FUL). These matters mainly related to the location of the proposed parking area for the development and how it related to the nearby house, Leathley Lodge.

The **differences between the original application and the current application** are:

- Parking area has been relocated further to the southwest (from the current area as formed on site) and accordingly further away from Leathley Lodge.
- Extension of access track from public road (due to the parking area being relocated)
- Full details of the proposed modular building (office space), stabling block, static caravan now submitted

The **use of the land for a consolidation of the existing small equine business** by way of the provision of an equine manège with associated access, hard standing, and siting of static caravan for storage, **is considered to generally be compatible with this rural location and Development Plan policy.**

8.7 The siting of the static caravan and portable building on the site can be controlled by a specific time limited condition, thus allowing their physical condition to be monitored over a period of time, and thus preventing them from becoming a permanent and potentially deteriorating fixture on the site. If the development is successful then more permanent buildings in place of the temporary structures could be considered for the future.

8.8 Elements of the proposal are in retrospect – for the initial formation of the access and parking – and it is very disappointing that these works were undertaken on the site before planning permission was applied for. The parking area is also close (approximately 17m) to the only nearby house, Leathley Lodge. Furthermore, part

of the foul drainage system for the house is located to the northwest side of the public road within the area proposed for parking. It has been suggested that this foul drainage system has been damaged (and repaired) during the course of the unauthorised works, which are now subject to the planning application. Whilst alleged damage and repair to a foul drainage system are private matters for the parties involved and not material planning considerations, they have been an unnecessary cause of concern to the parties involved, and could have been avoided.

## 8.9 Material Considerations

**Representations** on the proposal relate to various matters:

### **i) Amenity**

The impact of the development on the residents of Leathley Lodge, with proposed car park within 17m of it; Detrimental impact on amenity of Leathley Lodge; significant space, more sympathetic siting

*Planning response* – the proposed development site has been relocated southwest by around 30m to that of the originally proposed location (as per 15/02287/FUL). This adjusted position is considered to be better than that original siting, with less impact on the amenity and outlook from the nearest property, Leathley Lodge. Whilst there will be a visual impact – as it introduces something new in the foreground when viewed from the house and the road – this visual impact is not considered to be significantly detrimental to individual or community residential amenity (as set out by Development Plan Policy 28). The difference in elevation between the proposed development site and Leathley Lodge is also considered to assist in mitigating impacts as the development is below the adjacent house, rather than above it.

### **ii) Road Safety**

*Planning response* – The application has been assessed by Transport Planning and subject to adjustments to the proposed access point to the public road, the proposal is considered to be acceptable. The adjustments can be addressed by condition.

There is an existing access of agricultural standard into the field. Works have been undertaken by the applicant to improve this, by adjusting the size of the bellmouth and the geometry of the access point onto the public road. However the formation or improvement of an access onto this road for agricultural purposes would not in itself require planning permission. Works to the road not connected with agriculture do however require planning permission. Although the proposed use is one which would typically be found within and associated to an area where agriculture is a predominant land use, the proposed land use (development of equine manège and associated works) is not in itself defined as “agriculture” within Planning legislation. Therefore the complete development of the site, including works to provide access to the proposed new planning unit, does require planning permission.

The developer does propose some limited works to the access to the public road which would in itself benefit from agricultural permitted development rights (that is not require planning permission) but the works thereafter do need planning permission. The normal standard for such an access would be that the new access point is formed at right angles onto the public road with a minimum visibility splay in each direction. With a development of this nature on a road such as this the minimum required visibility would be 2.5m x 90m, which can be achieved in this instance.

This is based on an assessment of the proposed access arrangements which examines various factors:

- assessed road speed (low at around 30mph) and achievable visibility splay (90m)
- likely typical type of vehicle traffic (including larger agricultural vehicles, horse boxes and trailers);
- levels of traffic; and
- the direction of most traffic into/out of the site (to/from Edderton Mains to the north and downhill); and

This would suggest that the works which have already been undertaken to the existing agricultural access (including widening the bellmouth and removal of some roadside vegetation and trees) have already significantly improved the visibility into and out of the site for all vehicles. The original access joined the road at an angle which had restricted visibility to the south east. In light of concerns, this has been amended so that vehicles approach the junction at a right angle.

The BT pole in the southern visibility splay will need to be removed before the commencement of development; this is addressed by condition.

Accordingly, the assessment of the potential impact of the development on the road at this location is that it is not considered to be significantly detrimental with regards to road servicing provision as identified by Development Plan Policy 28 Sustainable Design.

This has been confirmed by the most recent assessment of the proposal by Transport Planning (25.01.2016) which advises that the proposal would be acceptable provided that the Council's SDB2 access standard is met; and the maintenance of visibility splays from this access point is achieved.

The single track road has relatively few passing places. Transport Planning have not requested the provision of additional passing places. However, there are passing places and as with most single track roads in rural areas, drivers have to adjust their driving style to accommodate this and the more limited manoeuvring opportunities.

It is considered that the necessary works to the access point onto the public road should be undertaken and completed before any further works are undertaken on the rest of the development. This can be addressed by condition.

### **iii) Other material matters**

**Floodlights** – Disturbance with night time lighting; late operation of floodlighting to 9pm; light pollution, height of lighting columns – *Planning response* – The applicants have indicated 2No. floodlights of between 8-12m high will be erected in



opposing corners of the manège. The exact details of the height and positioning of the floodlights can be controlled by condition. Given the scale of the proposal coupled with its rural location and subject to appropriate conditions it is not considered their operation will have an adverse impact on the adjoin property or wider landscape to its detriment.

**Noise from manège** – *Planning response* – Whilst there will be additional noise from the development of the site, it is considered that the proposed land use is compatible with the rural location and that this would not be such so as to merit a recommendation of refusal. Any suggested noise nuisance would be assessed by Environmental Health.

No details of **dung storage**; run-off from the dung – *Planning response* – The site is a large agricultural field and the storage of dung is not considered to be significant within this context.

Details of **stable block drainage** – *Planning response* – The exact detail of the stable block drainage can be addressed by condition.

Business provides horse and pony riding facilities and trekking, with an upgraded facility benefitting rural community business; safer riding and parking.

Connection to **public water main** and its safeguarding - *Planning response* – This is a matter to be discussed and agreed between the developer, Scottish Water and any other third parties.

#### 8.10 **Other Considerations – not material**

- Alternative sites further away from nearby house

#### 8.11 **Matters to be secured by Section 75 Agreement**

None

### 9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### 10. **RECOMMENDATION**

#### **Action required before decision issued** n

**Subject to the above**, it is recommended the application be **Approved** subject to the following conditions and reasons / notes to applicant:

1. Planning permission for the portaloo and static caravan as an office/changing space only and for no other use is hereby granted for a temporary period of 3 years only and shall cease to have effect on 07.06.2019 (the 'cessation date'). Prior to the cessation date, the portaloo and static caravan along with all associated fixtures and fittings shall be cleared from the application site shall approved under the terms of this permission.

**Reason :** it is considered that the static caravan and portaloo by virtue of their design, finish and method of construction are not considered suitable for permanent retention and will adversely affect the wider landscape setting of this area.

2. For the avoidance of doubt, the **floodlighting** shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. The floodlighting system shall be fitted with an automatic cut-out timer to ensure that the system cannot operate outwith the hours of 21:00-09:00. The floodlighting shall not be installed until the exact details of the height (8-12m) have been confirmed to and agreed in writing by the Planning Authority. Thereafter only the approved details shall be implemented. The operation of the floodlighting shall be reviewed by the Planning Authority during the first dark season following its installation so as to ensure proper working and minimising its impact on the amenity of the area. Any necessary adjustments shall be undertaken by the developer in consultation with the Planning Authority within 2 weeks following such review and thereafter maintained in perpetuity by the developer.

**Reason :** In order to ensure that the development hereby approved does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

3. The **hours of operation** of the site shall be 09:00 and 21:00 Monday to Sunday unless otherwise agreed in exceptional circumstances with the prior written agreement of the Planning Authority.

**Reason :** As no details have been provided and in order to minimise any impact on individual or community residential amenity.

4. All development works associated with the **formation of the access point** to the public road shall be completed before any further works on the rest of the development as a riding centre, as shown on the Access Layout Plan docketed hereto, to the satisfaction of the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt visibility splays of 2.5m x 90m and the service bay shall be provided, and that the BT pole within the southern access splay shall be removed before the commencement of any development.

**Reason:** In the interests of road safety.

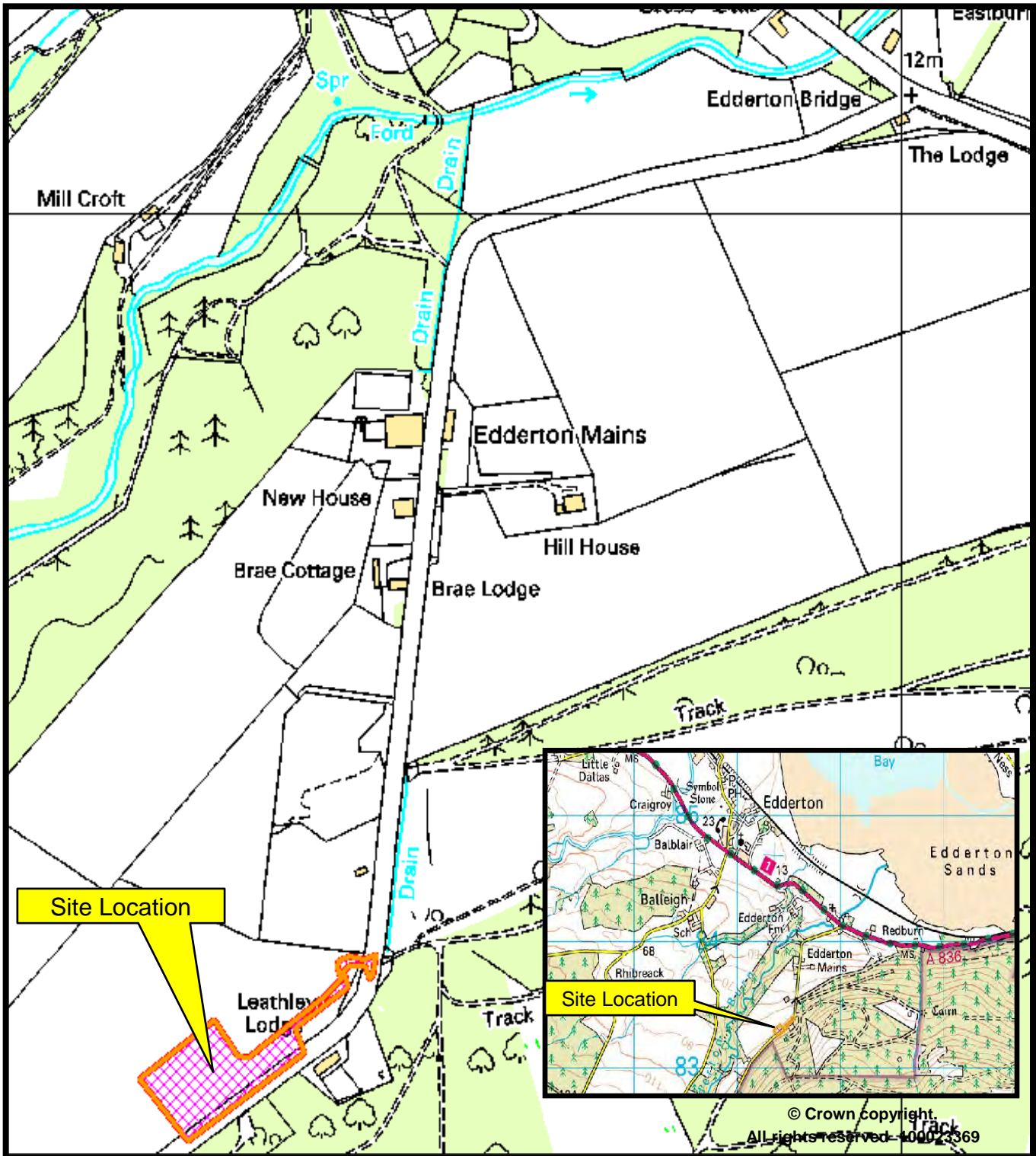
5. No development shall commence on site until the developer shall have provided written and plan details of the **surface water drainage for the stable block, caravan and portable building**. For the avoidance of doubt, the surface water drainage shall utilise land soakaways, all in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

6. Within the first available planting season following the completion of the car park, the area of **scraped field** to the northwest of Leathley Lodge shall have been reinstated and re-seeded by the developer, with finished ground levels to match the adjacent field profile, all to the satisfaction of the Planning Authority. For the avoidance of doubt, there shall be no parking of vehicles within the reinstated field.

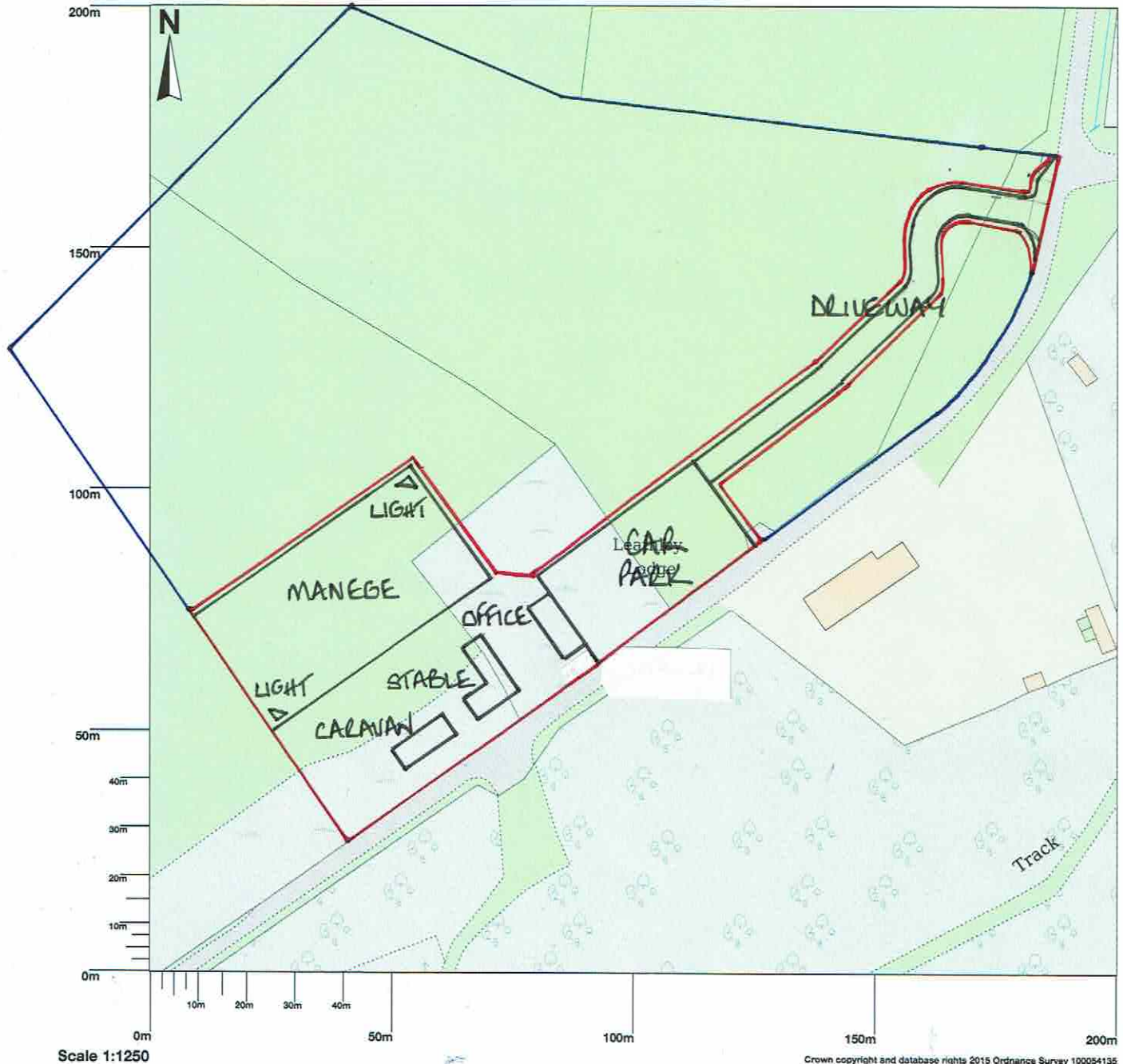
**Reason:** In the interests of amenity.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Bob Robertson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 2A – Site Layout Plan  
Plan 3A – Site layout  
Plan 4 Elevation (stables)  
Plan 5 Ground floor





## Leathley Lodge, Edderton, Tain, IV19 1LJ

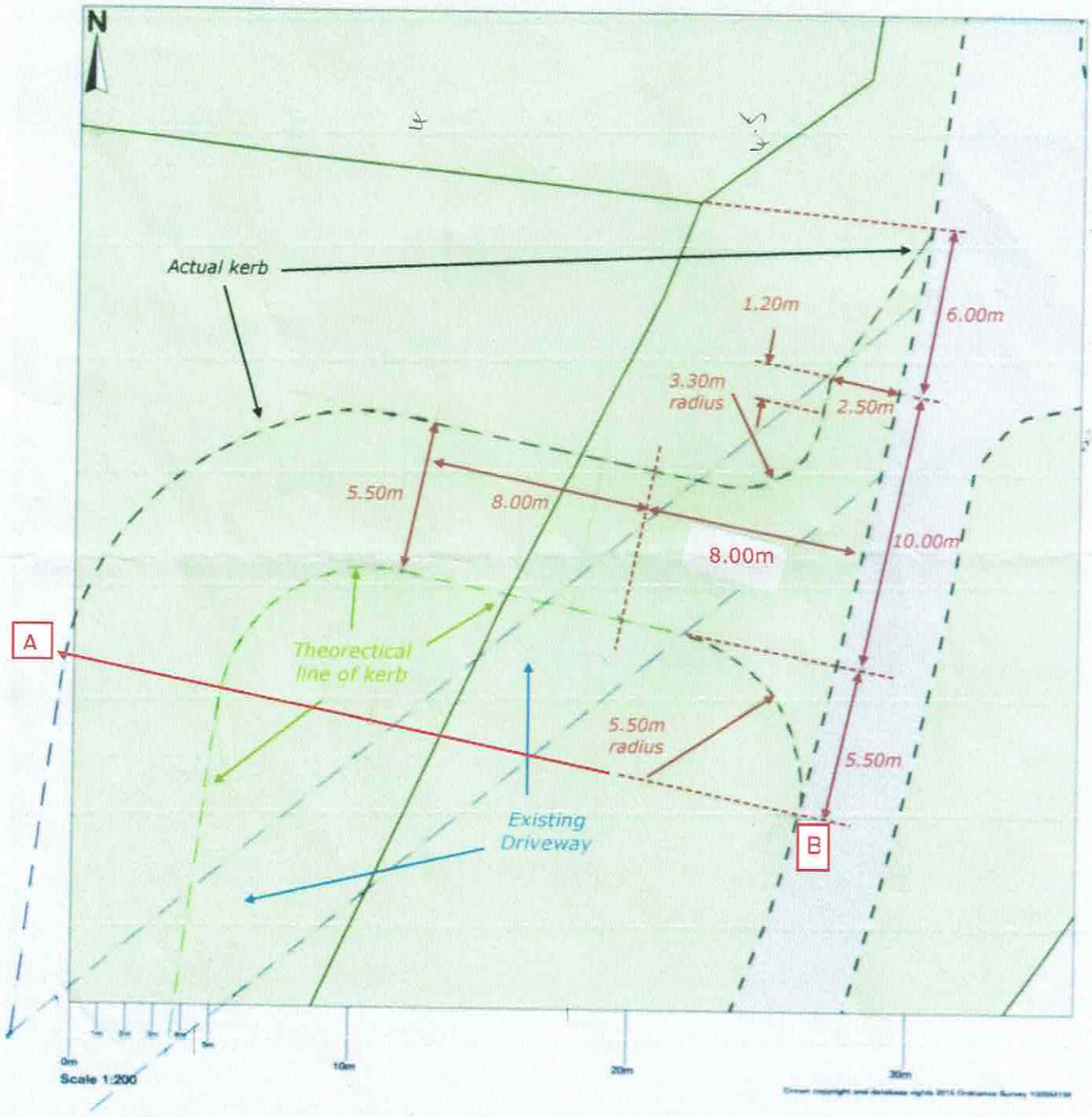


Map shows area bounded by: 271364.0,883232.0,271564.0,883432.0 at a scale of 1:1250. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 20 December 2015 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2015. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p4b/67548/94146. Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2015



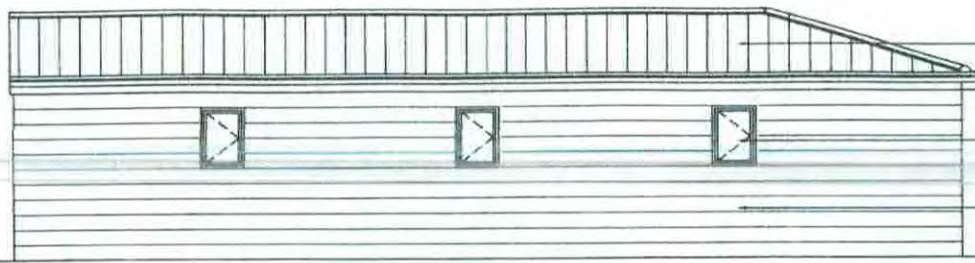
### Hollingwells Equestrian Centre, Edderton Mains, IV19 1LJ



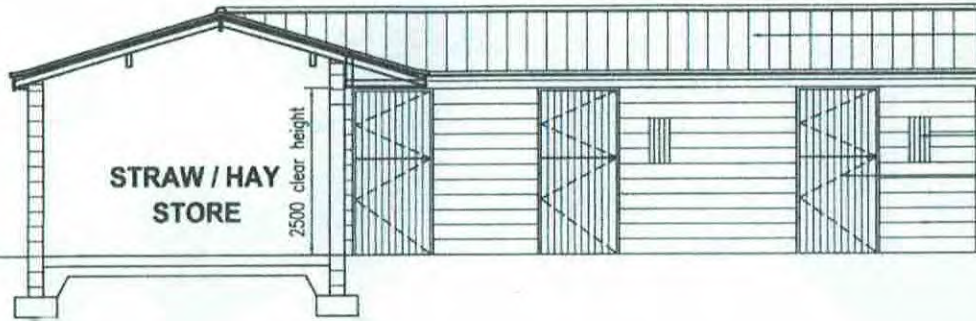
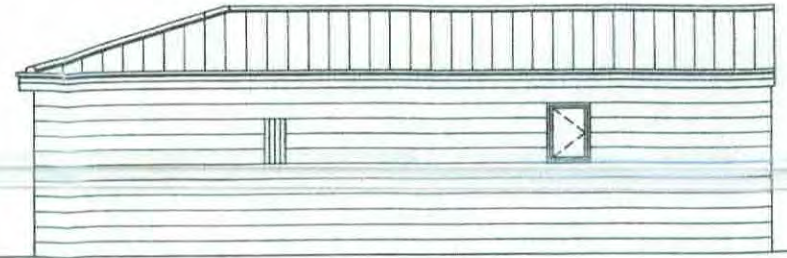
Map area bounded by: 271521.0,883373.0,271557.0,883409.0. Produced on 21 December 2015 from the OS National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2015. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b36b6771694383

Scale: 5mm to 1m

A-B = 26m (road verge to road verge)

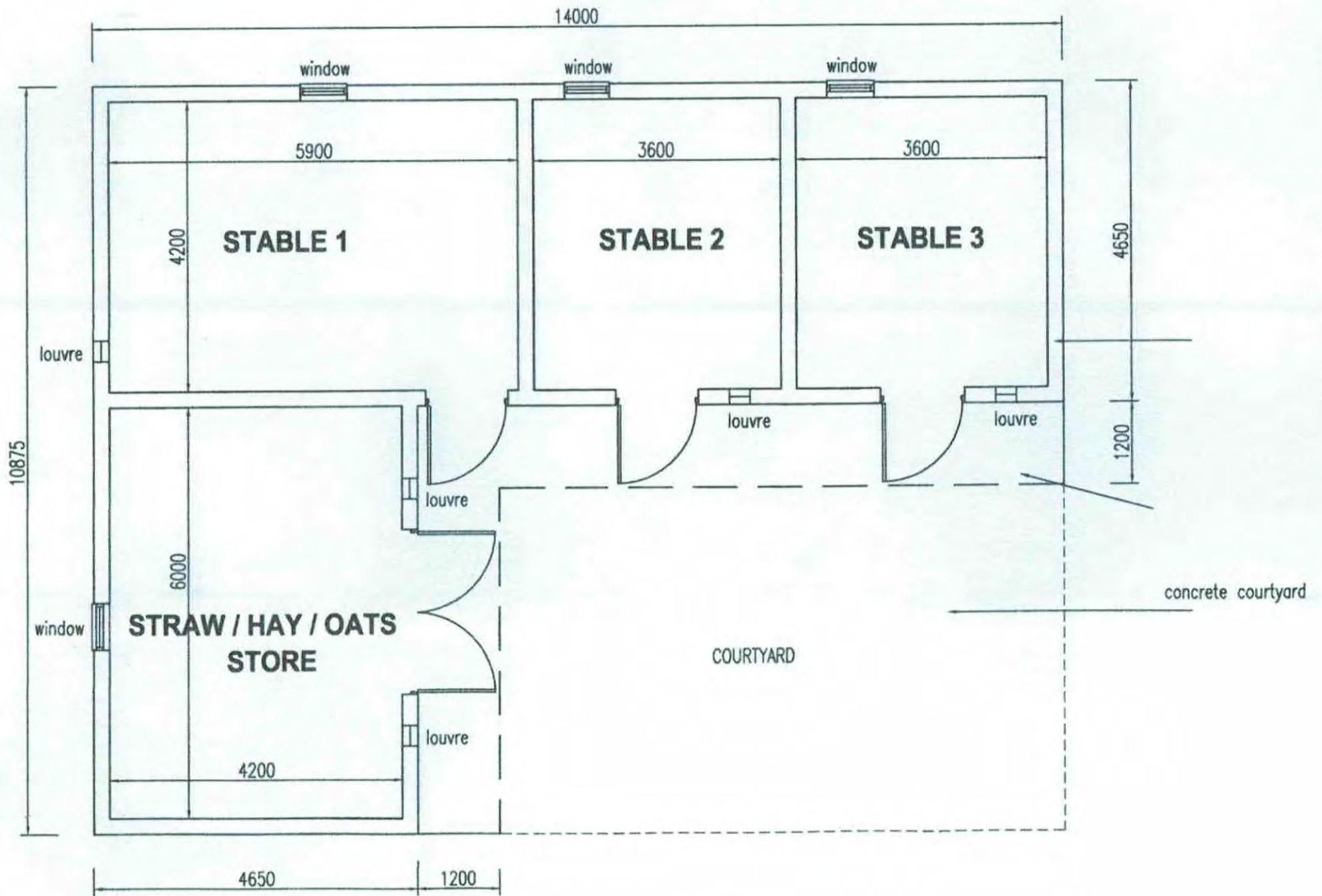


BOX PROFILE  
OPENING VENTS  
TIMBER CLADDING



BOX PROFILE  
OVERHANG  
LOUVERED VENTS  
STABLE DOORS  
CLADDING





**GROUND FLOOR LAYOUT**