

Application No: C/05/00472/FUL

Date Registered: 30th March 2005

**Applicant:** Mr G. Gillougley  
Breckenridge House  
Riggend  
Airdrie  
Lanarkshire

Agent: Keppie Planning Ltd  
160 West Regent Street  
Glasgow  
G2 4RL

**Development:** Use of Site for Storage/Distribution Business (In Retrospect)

**Location:** Breckenridge House  
Riggend  
Airdrie  
Lanarkshire

Ward: 45 New Monklands West Councillor S. Coyle

Grid Reference: 276442 670698

File Reference: RGS7285012000-IJ/LR

Site History: Enforcement Notice – Unauthorised use of site as Pet Food Storage & Distribution Business - Appeal Dismissed 22<sup>nd</sup> April 1993.

Development Plan: The site is covered by policy GB1 (Restrict Development in Green Belt) in the Monklands District Local Plan 1991.

Contrary to Development Plan: Yes

**Consultations:** Scottish Environment Protection Agency (No objections)  
Scottish Water (No objections)  
British Gas (No objections)  
Scottish Power (No objections)

**Representations:** 4 Letters of Representation

Newspaper Advertisement: Advertised on 6th April 2005

**Recommendation: Refuse**

For the reason that the proposed use of the application site as a Storage/Distribution outlet is contrary to Policy GB1 Restrict Development in Green Belt of the Monklands District Local Plan 1991 as such a use is not related to forestry or agriculture nor does it require a rural location.



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Planning Application No C/05/00472/FUL  
 Use of Site for Storage/Distribution Business

Breckenridge House, Riggend Airdrie  
 \* Representation



Not to Scale



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**Background Papers:**

Application form and plans received 30th March 2005  
Monklands District Local Plan 1991

Memo from Protective Services Section received 20th April 2005  
Letter from Scottish Environment Protection Agency received 28th April 2005  
Letter from Scottish Water received 21st April 2005  
Letter from British Gas received 7th April 2005  
Letter from Scottish Power received 13th April 2005

Letters from W McAllistar, Arcadia Pet Hotel, Stirling Road, Riggend, Airdrie, ML6 7SS received 8<sup>th</sup> & 13th April 2005, 1<sup>st</sup> June 2005, 21<sup>st</sup> June 2005

Any person wishing to inspect these documents should contact Mr Ian Johnston at 01236 812382.

## APPLICATION NO. C/05/00472/FUL

### REPORT

#### 1. Description of Site and Proposal

- 1.1 The application site comprises the existing dwellinghouse and outbuildings of the former Whinrigg Farm, Stirling Road, Riggend. The site is located to the north of Airdrie within a predominantly rural area and is bounded to the west by the A73 Dual Carriageway, to the south and east by the B8033 Stirling Road, and to the north by a touring caravan depot. The site currently accommodates a refurbished dwellinghouse and a number of outbuildings including one large former farm building that has been utilised for use as part of an Import & Distribution operation. An office area has been formed within an existing single storey outbuilding while an attached large building is being used for general (domestic) storage purposes.
- 1.2 Retrospective planning permission is being sought for the continuation of the Import & Distribution business from the site. The on-going operations are contained solely within a single large outbuilding and an adjacent small office building. The large building is used primarily for storage purposes between delivery and distribution and the total number of employees at present is 3. The business itself is restricted to the storage and distribution of high quality specialised light equipment (received from the USA) to operations throughout the UK including many of the emergency services. There is no storage of materials outwith the building and service/delivery vehicles are restricted to a single transit van daily.

#### 2. Development Plan

- 2.1 The site is covered by Policies GB1 (Restrict Development in Green Belt) and LI1/1 (High Quality Landscape) in the Monklands District Local Plan 1991. While located within the Metropolitan Green Belt the development is not of a scale which is of strategic significance.

#### 3. Consultations and Representations

- 3.1 None of the statutory consultees, the Transportation Section or the Protective Services Section have offered any objections to this proposal.
- 3.2 Following the standard neighbour notification and public advertisement procedures four letters of objection were received against this proposal. The main points of objection are as follows:
- The development is contrary to the development plan in respect of policy GB1. A previous decision by the Council, which was supported by the then Secretary of State for Scotland on appeal, determined that the site and structures should only be used for agricultural purposes.
  - The site contains a number of new buildings erected without permission including a new office building, enlargement to dwellinghouse etc.
  - Contrary to the information supplied by the applicant, evidence has been given (by photograph) of a large delivery lorry parked on the public road and delivering goods to the application site. There is also more than one transit van a day serving the site.
  - The applicants brother-in-law operates a builders or joiners business from the property.

Other relevant issues raised by the objector are as follows:

- e) The type of materials to be stored is not specified.
- f) The buildings were built and designed for animal use and should not be used for domestic or commercial use with the health and safety regulations being violated.
- g) No fire precautions are in force nor has the capacity of the septic tank been increased.
- h) The property was not run down when the applicant purchased the site.
- i) The property was purchased purely at a domestic price
- j) The applicant is not a farmer and therefore the provisions of SPP15 do not apply in terms of encouraging farmers to diversify.
- k) The area is not a declining community and therefore the provisions of PAN73 do not apply in terms of encouraging rural diversification to attract new people into declining communities.

#### **4. Planning Assessment and Conclusions**

- 4.1 Applications require to be assessed against the provisions of the Development Plan including any Design Guidance incorporated within the plan and any other material considerations.
- 4.2 In terms of the Monklands District Local Plan 1991(adopted 1995) the application site is located within a Policy GB1 (Green Belt) area which states that no development will be permitted except for; new houses for full time workers in Agriculture or forestry; non residential developments in connection with Agriculture or Forestry and uses requiring a rural location. When considered against the terms of the Green Belt policy the use of the site as a Storage & Distribution outlet is clearly a non-conforming use and therefore contrary to Green Belt policy. In terms of the Structure Plan the proposal is not a strategic issue.
- 4.3 It is firstly relevant to note that the application site was previously the subject of unauthorised use as a Pet Food Storage & Distribution Business. This resulted in the then Monklands District Council initiating Enforcement Action (in 1991) against the then owner of the site, to secure the cessation of that unauthorised use. Following a subsequent appeal the then Secretary of State for Scotland, in a decision letter dated 22nd April 1993, dismissed the appeal and refused planning permission for the development. The unauthorised use subsequently discontinued although the unauthorised shed was not removed as required.
- 4.4 Since adoption of the Monklands District Local Plan in 1995 new guidelines have been published by the Scottish Executive on appropriate diversification of farms no longer found viable for agricultural purposes with the most relevant advice being the Scottish Planning Policy 15 (SPP15) and Planning Advice Note 73 (PAN73). SPP15 document, which is entitled "Planning for Rural Development" encourages planning authorities to support a wide range of economic activity in rural Scotland. In particular it notes that the planning system can assist by adopting a more welcoming stance to development in rural Scotland including further refinement of the approach to diversification. PAN 73 defines rural diversification as "the establishment of new enterprises in rural locations" and recognises that such diversification "may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture". PAN 73 encourages the planning system to promote sustainable diversification in order to "attract new people into declining communities and help local economies grow" as well as to "bring brownfield sites back into use and help deliver environmental enhancements". It is recognised that the application site does not, and will not form part of a viable agricultural unit, the current use would retain a level of economic activity within the rural area and the substantial environmental improvements carried out will prevent the existing buildings from falling into the sort of dereliction that can blight the countryside.

4.5 With regard to the points of objection raised in the letters of representation my observations are as follows:

- a) The matter of conflict with local plan policy has been commented on above (Par. 4.2) and is accepted that the use of the site for Storage & Distribution is contrary to Green Belt policy.
- b) The current application is solely in respect of the use of site for Storage & Distribution purposes (in retrospect) and matters such as reputed unauthorised developments within the site will be investigated as separate issues. The applicant disputes that any new structures have been erected since he took entry to the site in 2002. It is accepted that a shed has been erected on site without the benefit of planning permission and under the terms of the Enforcement Notice that structure should have been removed. Pending the determination of this application the planning status of all structures on site will be fully investigated and appropriate action taken where required.
- c) The photographic evidence supplied by the objector confirms the inaccuracy of the applicants claim that only a single transit van services the site daily. The applicant has however claimed, albeit verbally, that any deliveries by large vehicles is infrequent and only on rare occasions.
- d) The applicant disputes the claim that his brother-in-law operates a commercial business from the site and there has been no evidence present on site of such a business being carried out.
- e) The types of material stored on site have been specified as high quality light equipment which includes security torches for the Police, Fire Brigade, Ambulance Service, with all equipment being small scale and stored in boxes within the building.
- f) & g) Matters such as structural suitability for use and lack of fire precaution measures are not relevant planning considerations.
- h) The previous condition of the properties on site is not a relevant consideration.
- i) The terms of sale is not a relevant planning consideration.
- j) It is not claimed by the applicant that he is a farmer and there is no agricultural land attached to the application site that could allow the subjects to revert back to an agricultural holding.
- k) In terms of agricultural activity the application site and surrounding land have experienced decline in that there has been a steady erosion from agriculture to a diversity of uses including caravan storage, dog kennelling etc.

4.6 In support of the application, the applicant's agents have submitted a letter containing a number of factors which they feel supports their clients case for the continued use of the site as an outlet for a Storage & Distribution business. The main points of the letter are as follows:

- i. The business started in 1998 with the support of North Lanarkshire Council, Monklands Enterprise and the West of Scotland Loan Fund and initially the business office was based in the family home with a small industrial unit in Coatbridge used for storage and distribution.
- ii. Following growth of the business it became necessary to relocate in 2002 and Whinn Rigg Farm was purchased. The farm buildings were run down, uninhabited for 7 months and had no land attached which made the buildings unsuitable for a return to a working farm use. £100,000 of investment has been put into the business and general improvements within the site.

- iii. The industrial use of the site is restricted to one large outbuilding and one separate office building. It is non-offensive and has no visual noise impact with no mess, outdoor storage or signage attached to the units to suggest any business activity is occurring. Little additional traffic is generated by the business and the local community benefits through local employment and economic input through trade with shops, local suppliers etc.
- iv. The applicant and his family reside in the refurbished dwellinghouse and the other buildings on site are used for general storage purposes and to house the applicants model railway track.
- v. The business comprises of the importation of specialised high quality light equipment directly from USA and the distribution of that equipment throughout the UK. Service vehicles reputedly are restricted to a Transit van that delivers to and takes from the site equipment on a single occasion daily. Access into the site is gained only by security gates operated from the office area.
- vi. The business use can be justified against criteria "economic benefit", "infrastructure implications" and "environmental impact" of Local Plan Policy GB2: Restrict Development in Countryside Around Towns. This statement is incorrect and it should be noted however that the site is located within an area covered by policy GB1: Restrict Development in the Green Belt area.
- vii. The use represents, potentially, a wide range of economic activity in a rural area and is an example of environmental enhancement as a direct result of the business operations. Taken that the business represents a diversification of the rural economy through the re-use of vacant land and buildings then the business accords with the aims of SPP15: Planning for Rural Development.
- viii. The business use accords with PAN 73: Rural Diversification in respect of the establishment of new enterprises in rural locations including activities that are unrelated to agriculture which would "attract new people into declining communities and help local economies grow". PAN 73 stresses that it is "important for planners to consider the economic and social, as well as the environmental, implications for sustainability".
- ix. The applicant would be willing to accept a personal consent relating to the use of the site.

4.7 Having regard to the all of the foregoing it is important that the following issues should be highlighted in considering the acceptability or otherwise of this proposal:

- The current business was initially established within an industrial unit that is the correct location for the use. It was then built up and fully established within the application site without reference to the obvious requirements for planning permission.
- The site is within a policy GB1 area that does experience pressure for inappropriate development that has consistently been resisted by the Council.
- The use is not a secondary use of agricultural buildings that form an extension to a farming business. It is a use that is more appropriate at the location at which it was originally established.
- There has been no specific environmental enhancement of the site, only an improved maintenance of existing buildings which would be expected of a reasonable property owner.
- Any departure from long established policy of Monklands District Local Plan is a major concern. However, due consideration must also be given to any relevant Scottish Executive guidance (PAN's, SPP's etc.) as well as the emerging Local Plan.

4.8 While there may be some argument to be made in favour of the proposal, in view of recent Scottish Executive guidance on economic diversification in the rural area, the overriding factor in considering the acceptability of this proposal is in terms of the adopted Monklands District Local Plan 1991. The use is currently clearly contrary to Green Belt Policy. The emerging NLC Local Plan may establish new Local Plan policies that will have considered the views of residents in the local area and will require to pay due regard to Scottish Executive Policy. However, Policy GB 1 of the Monklands District Local Plan 1991 is the relevant policy under which this proposal must currently be assessed. There are no particular circumstances here which would allow an exception to be made to grant planning permission to this unauthorised use. There would be a concern that if such permission was given at this time there would be a strong precedent set for the re-use of similar redundant buildings in this area of the Green Belt for inappropriate uses.

4.9 I therefore recommend that planning permission be refused for the stated reason.



## PLANNING AND ENVIRONMENT COMMITTEE

### PROCEDURE FOR HEARINGS

- 1) Deputations to the Planning and Environment Committee to address the meeting will normally consist of no more than three representatives from each party.
- 2) Prior to the address by either party, the Director of Planning and Environment will, for the benefit of those attending, summarise the background to the case.
- 3) With respect to the planning application, the Convenor will invite the Applicant to put forward the case for the development. **Submissions should be restricted to a maximum of five minutes.**
- 4) Thereafter, the Objectors are given the opportunity to put forward their case against the application. **Submissions should be restricted to a maximum of five minutes.**
- 5) Both parties to the Hearing will then be given the opportunity to cross question each other.
- 6) The local Member(s) will then be invited to comment on the application.
- 7) Thereafter Members will be given the opportunity to put questions to both Parties.
- 8) The Applicant will then be given the opportunity to **briefly** summarise their case with no new material facts being introduced.
- 9) The Objectors will then be given the opportunity to **briefly** summarise their case with no new material facts being introduced.
- 10) Following discussion and questions to the Director of Planning and Environment as necessary, the Convenor will seek a proposition from the Members present and a decision will be taken and relayed to both Parties at that time.