



## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

- 1.1 Erection of garage with upper floor hobby accommodation at land to the South of Turner House, Gowanbank, Westfield.

#### 2 DETAILS

Reference no.	<a href="#">0161/FUL/21</a>	Owner of site	Mr Andrew Provan
Applicant	Mr Andrew Provan	Ward & local members	Ward Councillor Stuart Borrowman Councillor Sarah King Councillor Andrew McGuire
Case officer	Kirsty Hope	Contact details	01324 282413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** Request by Councillor Stuart Borrowman and Councillor Sarah King

#### 3 RECOMMENDATION

- 3.1 Refuse Planning Permission.

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. Planning permission is sought for the erection of a one and half storey building to be used as a domestic garage on the ground floor with hobby accommodation on the upper floor.
- 4.2 The applicant has advised the garage is required for storage of machinery to maintain the 0.41 hectares of woodland located west of the property. The application site would be accessed via a track road that is the main access route to Gowanbank.

##### History

- 4.3 Planning application 1130/FUL/20 - Erection of garage with upper floor hobby accommodation was refused planning permission on 29 January 2021.
- 4.4 Planning application LIVE/1043/FUL/00 - Change of use from former coach house to workshop was granted temporary consented on 6 February 2001.
- 4.5 Planning application LIVE/0505/FUL/97 - Installation of a temporary portacabin was granted planning permission on 30 July 1997.

## 5. REPRESENTATIONS

5.1 Two letters of objection were received.

5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>Previous objections for 1130/FUL/20 apply for this application. (even if this is a smaller development)</li> </ul>	<ul style="list-style-type: none"> <li>Each application is considered in its own merits. The material considerations raised in the representations for this application will be considered.</li> </ul>
<ul style="list-style-type: none"> <li>Consult Historic Environment Scotland</li> </ul>	<ul style="list-style-type: none"> <li>HES were consulted during the course of this application.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns raised with flooding immediately in front of the entrance</li> </ul>	<ul style="list-style-type: none"> <li>See comments from WLC Flooding with regard to flood risk at the site.</li> </ul>
<ul style="list-style-type: none"> <li>Gowanbank is supplied with mains water and not aware of a private water supply in the area</li> </ul>	<ul style="list-style-type: none"> <li>It is noted the application form advises of a private water supply.</li> </ul>
<ul style="list-style-type: none"> <li>Noted errors within the planning statement - application postcode, the application site not being located within the listing, the Byre is 400m from the development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The postcode is incorrect in the planning statement.</li> </ul>
<ul style="list-style-type: none"> <li>To access neighbouring property - this modern proposal is visible within the grounds of A listed properties.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>No connection to sewage system and question the need for a toilet facility within a garage.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is assumed private sewage connect would be required however this is not a material planning consideration. The application is assessed on the details provided.</li> </ul>
<ul style="list-style-type: none"> <li>Does the proposal require 2 chimneys?</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This is a design feature of the proposal.</li> </ul>
<ul style="list-style-type: none"> <li>0618/FUL/16 - is hidden from view and listed buildings – this application has no reference to this proposal</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Dominating scale and obscure views of listed buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Excessive footprint for use</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Land is not 3m lower than surrounding land.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>No details of internal construction materials</li> </ul>	<ul style="list-style-type: none"> <li>Noted. There is no requirement for this, building standards will</li> </ul>

Comments	Response
	require more details at the warrant stage.
<ul style="list-style-type: none"> <li>Unclear how the applicant intends to access land with forestry machinery.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Access over private land is not a material planning consideration.</li> </ul>

## 6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	None	Noted
WLC Flood Risk Management	No	The council has no records to suggest site is at risk of flooding. Request drainage layout and measures to treat, store and control flow from surface water run-off.	Noted
Historic Environment Scotland	No	The proposal has the potential to affect Gowanbank Farmhouse, Steading and Cottage. No comments to make on the proposal but this should not be taken as support for the proposals.	Noted

## 7. ASSESSMENT

7.1 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.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)  DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form.	The proposal would be highly visible on route to a grouping of grade 'A' listed buildings. The proposal in terms of design and scale is out of character with the surrounding area and in turn would be detrimental to the character of the area.	No
West Lothian LDP  ENV3 - Other Development in the Countryside	Development will only be permitted subject to meeting one of the 5 criteria (a-e).	The proposal does not meet the terms of the criteria – see further assessment below.	No
West Lothian LDP  ENV9 (Woodlands and trees)	There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided.	No tree survey was submitted to ensure the nearby trees will be retained/unaffected by the proposal.	No
West Lothian LDP  ENV28 (Listed Buildings)	In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any	The proposal is located within close proximity to the category 'A' listed properties and by virtue of its scale and location it would be determinantal to the setting of the surrounding area.	No

Plan	Policy Summary	Assessment	Conform ?
	development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.		
West Lothian LDP  EMG3 (Sustainable Drainage)	This policy states that developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	No drainage details have been provided by the applicant.	No

7.4 The determining issues of the application are listed below:

- 7.5 The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. This application is for a revised proposal to application 1130/FUL/20 which was refused earlier this year. Application 1130/FUL/20 proposed a one and a half storey outbuilding measuring 17m length by 8m wide and 7.25m in height.
- 7.6 This proposed development is for a one and half storey outbuilding measuring 12m in length, 7.8m width and 6m in height. It is to be used as a domestic garage on the ground floor with hobby accommodation on the upper level. The exterior of the building is proposed as timber cladding on the walls with a slate roof and two chimney flues.
- 7.7 The applicant has advised that the ground floor will also be used to store machinery for nearby forestry operations adjacent to the dwelling. It is not clear where the machinery is stored at present, by the photos within the supporting statement these may be stored outside. All the examples of outbuildings within the supporting statement are single storey outbuildings and are not located off the main access to Gowanbank.
- 7.8 The proposed building would be accessed by a private track that leads to Gowanbank. The site historically had temporary permission for a cabin and historic photographs provided by the applicant show part of a wall in this location. No building has occupied this site for many years. The site has been cleared. It is not considered that the existing

site detracts from the visual amenity of the surrounding area. As noted within the council's supplementary guidance 'Development in the Countryside', it is important to be aware that not every rural brownfield site will be appropriate for redevelopment.

- 7.9 The proposed garage has the appearance of a dominant modern styled building of which the footprint is similar to the existing houses at Gowanbank. The garage would be highly visible on the approach route to these category A listed buildings. There is no justification for the scale and design of the proposed building in this rural location. The proposed building, by virtue of its position, overall footprint and design would harm the setting of the category A listed buildings at Gowanbank.
- 7.10 There are trees adjacent to the site and no assessment of impact on these trees has been submitted by the applicant.
- 7.11 There are also no surface water drainage details showing the temporary storage, treatment and controlled flow of surface water.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The proposed garage with hobby accommodation on the upper floor is contrary to policies DES1 (Design Principles), ENV3 (Other Development in the Countryside), ENV9 (Woodlands and trees), ENV28 (Listed Buildings), EMG3 (Sustainable Drainage) and Supplementary Guidance on Development in the Countryside of the West Lothian Local Development Plan 2018.
- 8.2 It is therefore recommended that planning permission be refused.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft reasons for refusal
- Location Plan
- Elevations
- Floor Plan
- Representations
- Local Member Referral Form

Craig McCorriston  
Head of Planning, Economic Development and Regeneration      Date: 9 June 2021

**DRAFT REASONS FOR REFUSAL – APPLICATION 0161/FUL/21**

## Reason for refusal

1. The scale and footprint of the proposal is similar to the existing houses at Gowanbank and the garage would be highly visible on the approach to these category A listed buildings which would harm their setting. The proposal represents unjustified development in the countryside and is contrary to policies DES 1 (Design Principles), ENV 3 (Other Development in the Countryside), ENV 28 (Listed Buildings) and the Supplementary Guidance Development in the Countryside of the West Lothian Local Development Plan, 2018.
2. The applicant has not satisfactorily demonstrated that the adjacent trees will not be detrimentally affected by the proposal and as such, the proposal is contrary to Policy DES 1 (Design Principles) and ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan, 2018.
3. The applicant has not satisfactorily demonstrated that the surface drainage water can be treated, stored and controlled and as such, the proposal is contrary to Policy EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan, 2018.

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant and should not be used for any other purpose without the prior written consent of the Architect.

It should not be assumed that the drawing is the sole description of works, and it should be read in conjunction with all other relevant contractual documentation.

No reliance should be placed on this drawing. Refer to contract documents for full details of the works to be carried out and any other relevant contractual documentation.

Contractor to check all dimensions on-site prior to commencement of works.

Contractor to adjust any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact:

Rev	REVISION	DATE	BY
A	Building footprint reduced	10/02/20	AB

Meeting Date - 16 June 2023

Item No. 6

WARRANT

CLIENT

Andrew Provan

The Turner House, Gowanbank, Falkirk FK11 2JY

PROJECT

Proposed garage with recreational area

TITLE

Proposed site / location plan

DRAWN BY AB

SCALE 1:200 @ A1

JOB No. 2020

DWG No. AL/00/001

REV. A

ANDY BELL

Architectural Service

12 NURSEY LANE

MAIDENHIRE

KA7 1EN

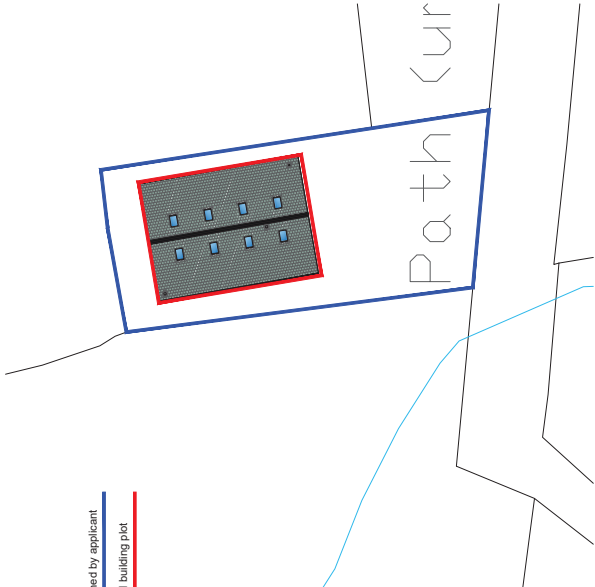
Tel: 07913987692

Email: andy59@hotmail.co.uk



Aerial view on site showing location of proposed building

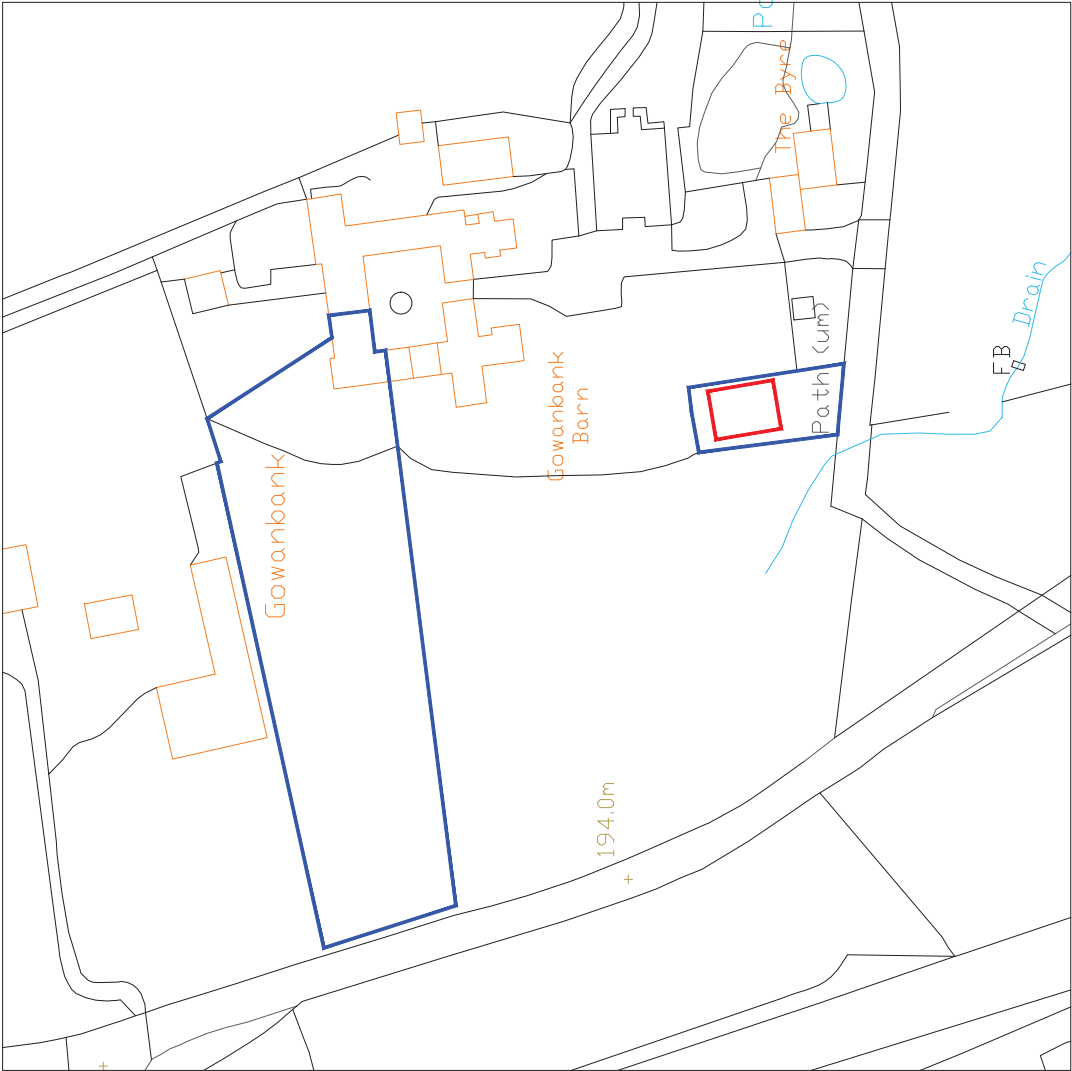
Key:  
Land owned by applicant  
Proposed building plot



Site Plan  
1:200 @ A1



View on site from access road



Location Plan  
1:500 @ A1



This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant only. It should not be used for any other purpose and is not intended to be a final design. It should not be assumed that the drawing is the sole description of works, and it should be read in conjunction with all other relevant contractual documentation.

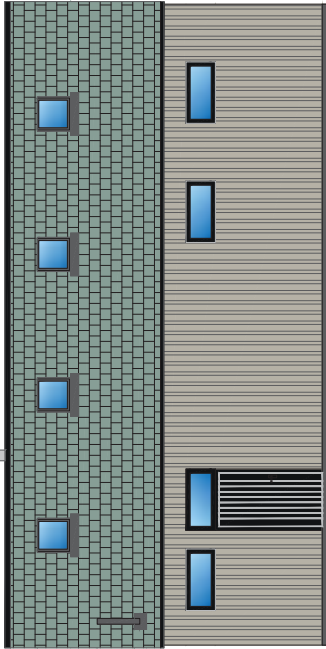
Any work shown in this drawing is intended to be completed by the Contractor. The Contractor is responsible for obtaining all necessary permissions and approvals from the relevant authorities and for ensuring that the work is completed in accordance with the relevant regulations and standards.

Contractor to check all dimensions on-site prior to commencement of works.

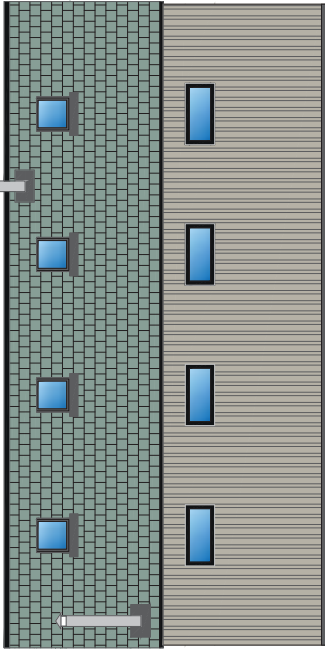
Contractor to report any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact.

Rev	Description	Date	By
A	Dimensions added	01.12.20	AB
B	Building related to size & material changes	05.02.21	AB



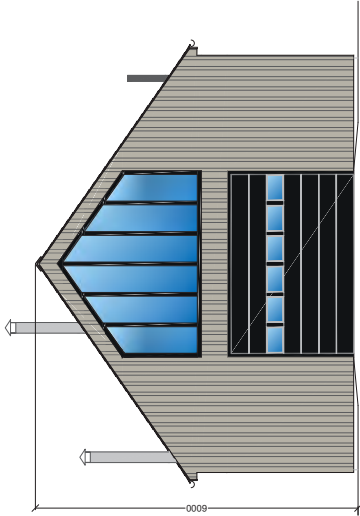
Side Elevation



Side Elevation



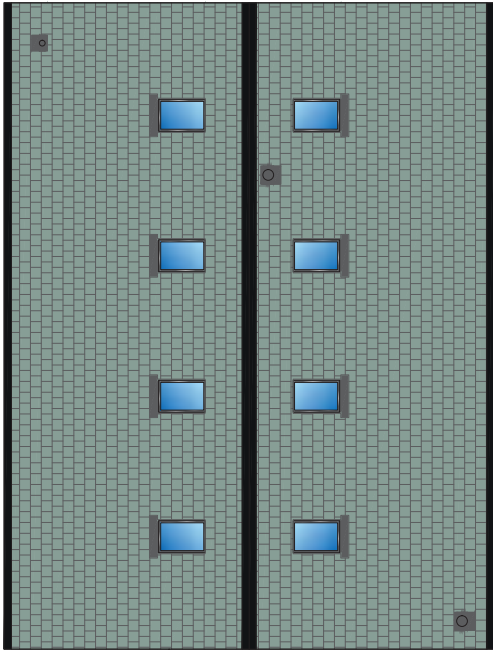
Natural timber cladding



Front Elevation

Note:

- Walls - natural timber cladding (Western Red Cedar or Siberian Larch) left to fade naturally and blend with the surrounding woodland
- Roof - Natural random slate with black clay interlocking ridge section. Velux roof lights recessed flush with slate to match existing.
- Gutters - Black PVC over open timber soffit.
- Windows and walk door - Powder coated aluminium RAL7016 Anthracite
- Garage door - Insulated up and over door RAL7016 Anthracite with vision at eye level



Roof Plan



View on slate roof showing flush roof windows

Meeting Date - 19 June 2021

Item No. 6

WARRANT			
CLIENT			
Andrew Prown			
The Turner House, Cowbank, Fallowfield, M20 2YJ			
PROJECT			
Proposed garage and recreational area			
TITLE			
Proposed Elevations & Roof Plan			
DRAWN BY			
AB			
Job No.			
2020			
DWG No.			
AL00/001			
REV.			
B			
ANDY BELL			
Architectural Service			
12 NURSEY LANE			
MILNERTON			
KA7 1EN			
Tel : 07913987692			
Email: andy.bell@hotmail.co.uk			

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant only. It should not be used for any other purpose and is not to be relied upon for any other purpose. It should not be assumed that the drawing is the sole description of works, and it should be read in conjunction with all other relevant construction documentation.

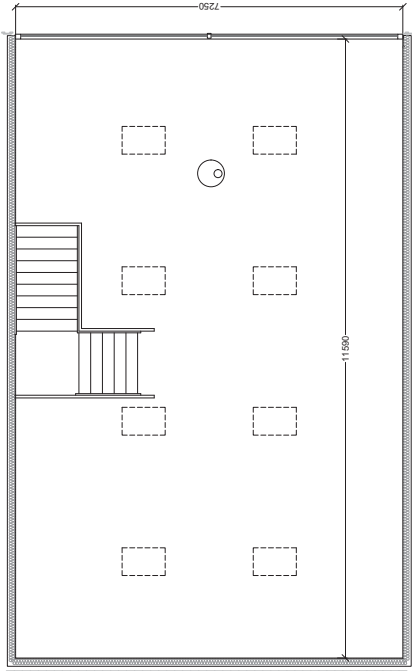
Any work shown in this drawing shall be completed in accordance with the Building Regulations and the Building Act 2004. The contractor shall be responsible for obtaining all necessary permissions and approvals from the relevant authorities.

Contractor to check all dimensions on-site prior to commencement of works.

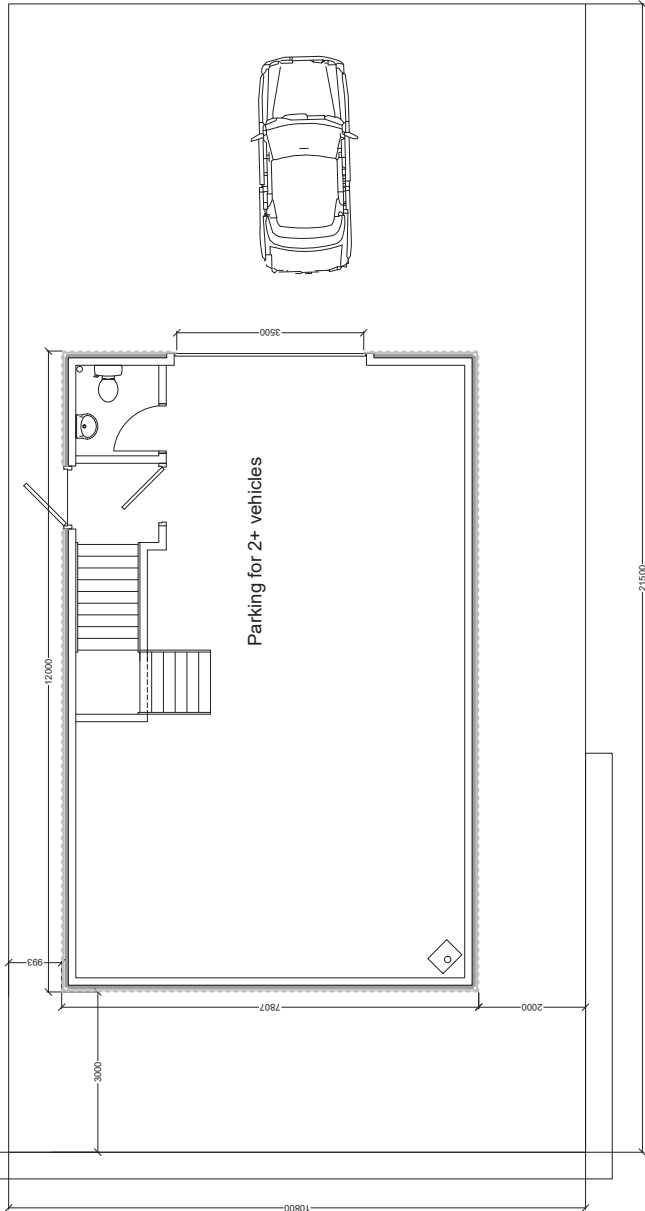
Contractor to report any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact.

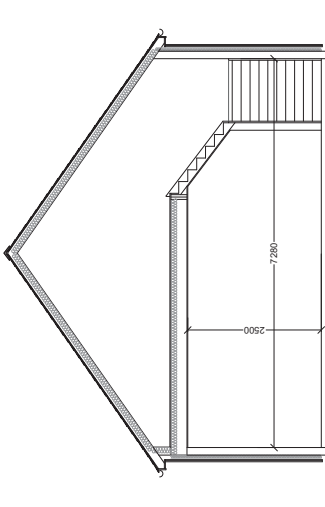
Rev	DESCRIPTION	DATE	BY
A	Building raised in area	10/02/20	AB



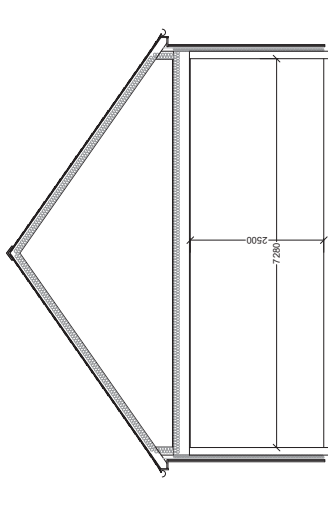
First Floor Plan (Hobby and educational area)



Ground Floor Plan (Fitness / recreational area and vehicle storage)



Section Through Stair



Typical Section

Note:

Drainage - Surface water will be collected via the gutters and diverted into a water attenuation system adjacent to the building before entering the adjacent ditch.

Foul drainage - Foul drain to be connected to the existing septic tank.

Meeting Date - 10 June 2020

Item No. 6

WARRANT	
CLIENT	Andrew Provan
PROJECT	The Turner House, Cowbank, Falkirk, G11 2JY
Proposed garage and recreational area	
TITLE	
Proposed Plans & Sections	
DRAWN BY	AB
SCALE	1:50
JOB No.	2020
DWG No.	AL/00/002
REV.	A

ANDY BELL	
Architectural Service	
12 NURSEY LANE	
MADISON VILLAGE	
KA7 1EN	
Tel :	07913987692
Email :	andy.bell@hotmail.co.uk

# Comments for Planning Application 0161/FUL/21

## Application Summary

Application Number: 0161/FUL/21

Address: Turner House Gowanbank Westfield West Lothian FK1 2JY

Proposal: Erection of garage with upper floor hobby accommodation

Case Officer: Kirsty Hope

## Customer Details

Name: Mr Allister Guy

Address: The Byre Gowanbank Avonbridge FK12JY

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are objecting to this application on the grounds detailed below.

1. The objections we raised on application 1130/FUL/20 apply equally to application 0161/FUL/21 and we think that West Lothian Planning Department might consider taking advice from Historic Environment Scotland before deciding on this application as it pertains to a List A property.

2. We note the reasons that application 1130/FUL/20 was refused and would like to further comment on the fourth reason for refusal. The entrance to Gowanbank estate is off the public road between the A89 and the B8028 (Mill Road). Immediately in front of the entrance, the road floods on a regular basis into the estate.

3. We note that the application 0161/FUL/21 indicates that the proposal is to use a private water supply. Gowanbank is supplied with mains water and we are not aware of a private water supply within the area.

Application 0161/FUL/21 is supported by a Planning Statement. The following comments and objections are based on this statement.

1. We note that the postcode is incorrect on the title page.

2. The statement that "this development is proposed outside the curtilage of the Grade A listed building, as shown below" (p.2) and that there is "no mention of the grounds in the HES description" (p.2) is clearly contradicted by the quoted passage on "the detached cattle byre" (p.3). The rather distinctive and unusual boundary wall is described in some detail as having "regularly raised coping; wall stepped" (p3). The wall on this List A property that matches that description is

the wall along the side of the public road between the A89 and the B8028 (Mill Road). Thus, application 0161/FUL/21 lies well within this boundary.

3. The statement addressing forestry operations concerns the entitlement "to erect an agricultural shed if it could be located more than 400m from housing" (p.13). However, The Byre is approximately 40m from the proposed development.

Our principal objection is that, to access our property, The Byre, we will need to drive past a very visible, modern workshop within the grounds of list A properties.

# Comments for Planning Application 0161/FUL/21

## Application Summary

Application Number: 0161/FUL/21

Address: Turner House Gowanbank Westfield West Lothian FK1 2JY

Proposal: Erection of garage with upper floor hobby accommodation

Case Officer: Kirsty Hope

## Customer Details

Name: Mr mark smyth

Address: Gowanbank Barn gowanbank FALKIRK FK1 2JY

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: REF 0161-FUL-21

This is a repeat request for planning permission that was refused under planning REF 1130/FUL/20. We note that the new proposal is of a slightly smaller footprint but original reasons given by council for refusal still stand, which are stated in Council Handling report dated 21st Jan 2021 - point 1, 2,3 and 4. As such our original reasons for objections under REF 1130/FUL/20 are still valid. To date no one has requested connection to sewage system and we still question the need for a toilet in a domestic garage for storage of forestry equipment. Additional connection to current sewage system will change agreement from a domestic to commercial installation due to amount of properties utilizing same. With ref this does a storage space for forestry equipment also require two chimneys?

There is mention in planning application of 0618/FUL/16, but this planning application is out with the visual aspects of listed buildings and is within trees so hidden from view from both houses and access road. Therefore believe that this has no reference to proposal REF 0161/FUL/21.

While I have no issue with a domestic garage being built on Turner House property as per REF 0161/FUL/21, we do have concern with height of roof pitch which will dominate and obscure the access road views of listed buildings, plus a 90+ sq metre footprint seems excessive for a domestic garage for storage for forestry equipment. There is mention on planning that site is 3 metres lower than surrounding land but that is not the case. I have attached (emailed) a photo showing current wall recently erected which stands 2.7 meters tall, the adjacent land can be seen which is approx. 2mtrs. As can be seen from photo a 6 metres tall building on site will obscure outlook and dominate.

Please note also that the planning application states Gowanbank Barn in photo given. The Turner house (which planning is for) is behind Gowanbank Barn and as such the Turner House won't be the house with outlook to front of a 6 metres tall building, it will be Gowanbank Barn will.

While proposal states will be clad in wood, there is no mention of what integral structure of building

is made from?

Finally it was not mentioned on planning application how proposer intends to access land with said forestry machinery as both access points are not within his boundaries.



Development Management

## WEEKLY LIST OF APPLICATIONS RECEIVED

### ☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

*Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Wendy McCorriston, Development Management Manager, as soon as possible and no later than:*

**PLEASE NOTE:**

*The planning application details will also be available for inspection within the Planning & Building Standards web site by clicking on the link below.*

<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

*We are trying to encourage people to use the web site as much as possible so you may wish to inspect the application online rather than make a request for a paper copy.*

<b>Action Required</b> (please tick ✓)	<b>Application Number</b>
<input type="checkbox"/> Contact me to discuss these proposals	...0161/FUL/21.....
<input checked="" type="checkbox"/> Refer this application to the Development Management Committee	<b>Member</b>
<input type="checkbox"/> Other (please specify)	.....BORROWMAN.....
	<b>Signed</b>
	.....
	<b>Dated</b>
	.....7 APRIL 2021.....

My reasons for this action are:  
Written request by applicant



West Lothian  
Council

Planning Services  
Development Management Committee

## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

*Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.*

*The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performanceOption.do?action=search>*

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<b>Application Reference Number</b> 0161/FUL/21 .....	<b>Applicant Request</b> ..... <input type="checkbox"/>
<b>Site Address</b> Turner House ..... .....	<b>Constituent Request</b> ..... ✓
<b>Title of Application</b> Ancillary building to Turner House ..... .....	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b>  Cllr Sarah King .....	
<b>Date</b> 08/04/2021 .....	