

**THIS PAPER RELATES TO
ITEM 3 (d)
ON THE AGENDA**

Refusal of Planning Permission

**Balquharn Stables, Back Road,
Alva, FK12 5LH**

Planning Reference: 15/00159/FULL

CLACKMANNANSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
REFUSAL OF PLANNING PERMISSION

Applicant

Mr John Marshall
The Arns
Back Road
ALVA
FK12 5LH

Agent

Bobby Halliday Architects
Alexandra Croll
The Studio
3 The Avenue
Bridge Of Allan
FK9 4NR

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Demolition Of Existing Stables Building And Erection Of 1 No. House With Driveway and Garden
Balquharn Stables, Back Road, Alva, Clackmannanshire, FK12 5NZ

in accordance with your application and plans Ref. No:- 15/00159/FULL dated 20th July 2015

For the following reasons:-

1. The proposal is contrary to Policies SC23 (Development in the Countryside - General Principles) and SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan, as it involves development in the countryside where it has not been demonstrated that there is a requirement for a countryside location.
2. The proposal is contrary to Policy EA8 (Green Belt) of the Clackmannanshire Local Development Plan, as it involves development in the Green Belt that would not justify a Green Belt location based on any of the criteria set out in this policy.
3. The proposal is contrary to Policy SC23, Policy EA4 and Policy EA8 of the Clackmannanshire Local Development Plan as the proposed house, by virtue of its size and location would have a detrimental impact on the landscape character of the site and wider hillside it sits within, and appear as an additional element of linear development to the west of Alva, which would change the character of this part of the Green Belt and Special Landscape Area.

Dated: 21 September 2015



DEVELOPMENT AND ENVIRONMENT SERVICES

Plan Numbers Relating to the Decision

Plan No	Title
1.	Location Plan, Site Plan, Elevations & Floor Plans
2.	Existing Site Survey
3.	Proposed Site Plan & Section

Submit a Planning Application online at www.eplanning.scotland.gov.uk

View forms, drawings and comments at www.clacksweb.org.uk/eplanning/

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
 - (i) If the decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review should be addressed to:-

Clerk to the Local Review Body
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB

The Notice of Review form is available to download on the Council website at www.clacksweb.org.uk. Alternatively, send an e-mail with your name and address to planning@clacks.gov.uk and we will arrange to send a form to you.
 - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal with the Directorate for Planning and Environmental Appeals (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our Clacksweb site, or you can request paper forms from:

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Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk, FK1 1XR
Telephone 01324 696400

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control. Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control. The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development

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which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

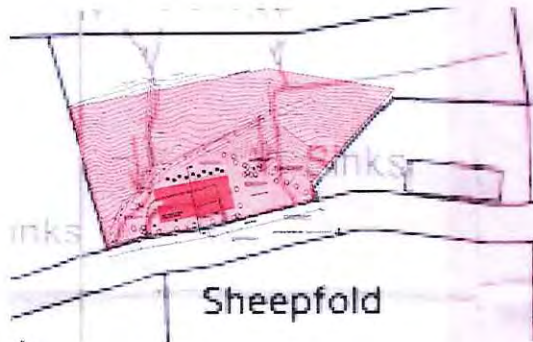
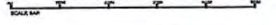
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

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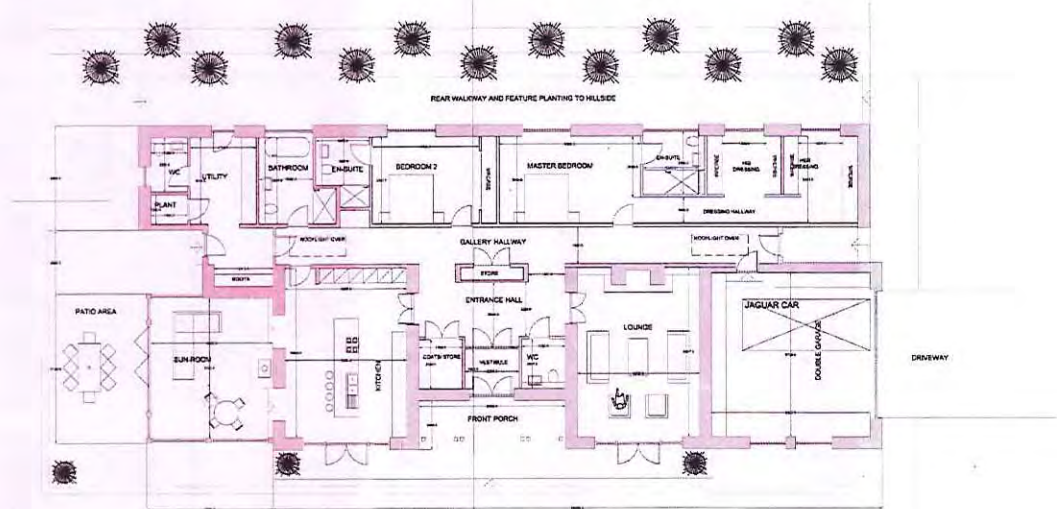
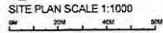
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LOCATION PLAN SCALE 1:5000
 PROJAMP LICENCE REF: 100202402



SITE PLAN SCALE 1:1000



PLAN AS PROPOSED 1:100



FRONT ELEVATION FACING SOUTH, AS PROPOSED, 1:100



SIDE ELEVATION FACING WEST AS PROPOSED 1:100



SIDE ELEVATION FACING EAST AS PROPOSED 1:100



REAR ELEVATION FACING NORTH AS PROPOSED 1:100

AMENDMENTS:
BOBBY HALLIDAY ARCHITECTS
 1 DUNDEE MEWS, GLENHOLM LANE, BROSE OF ALLAN, STRATHGROVE, FK9 4PP

THIS IS THE PLAN REFERRED TO IN THE APPLICATION

SIGNED: *[Signature]*
 DATED: 13/7/15
 ISSUE: Planning

PROPOSED DEMOLITION OF EXISTING STABLES BUILDING AND NEW BUILD DWELLING HOUSE AT BALQUHARN STABLES, BACK ROAD ALVA FK12 5LH

FOR MR AND MRS MARSHALL

DRWG NO : 14/34/P001

DATE : JULY 2015

DRAWN AEC

CHECKED BH

PLANNING

For *[Signature]*
 Date 20/7/15
 Plan No 145

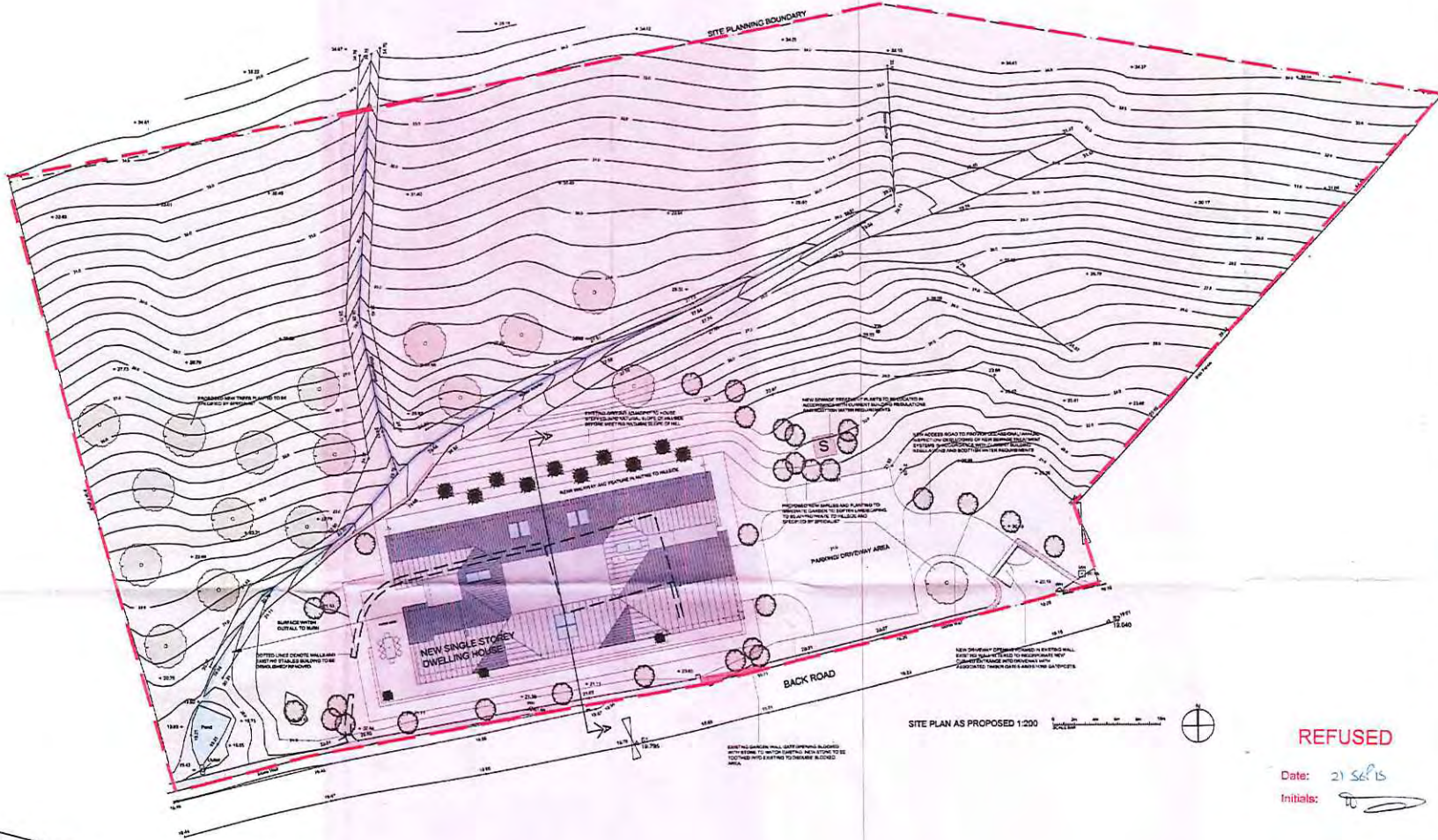
REFUSED

Date: 21.5.15
 Initials: *[Signature]*

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING WORK.
 NO DIMENSIONS TO BE SCALED FROM DRAWINGS.
 ALL DIMS MADE TO BE CONSTRUCTED TO THE SATISFACTION OF THE LOCAL AUTHORITY.
 ELECTRICAL INSTALLATION TO COMPLY WITH THE LATEST IEE REGULATIONS.
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER ARCHITECT'S CONSULTANTS, SPECIALISTS AND SUB CONTRACTORS DRAWINGS.
 THIS DRAWING IS THE PROPERTY OF BOBBY HALLIDAY ARCHITECTS AND CANNOT BE REPRODUCED WITHOUT PERMISSION.
 IF IN DOUBT ASK, DO NOT SCALE
 ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY WORKS COMMENCING, ANY DISCREPANCY TO BE REPORTED TO BOBBY HALLIDAY ARCHITECT

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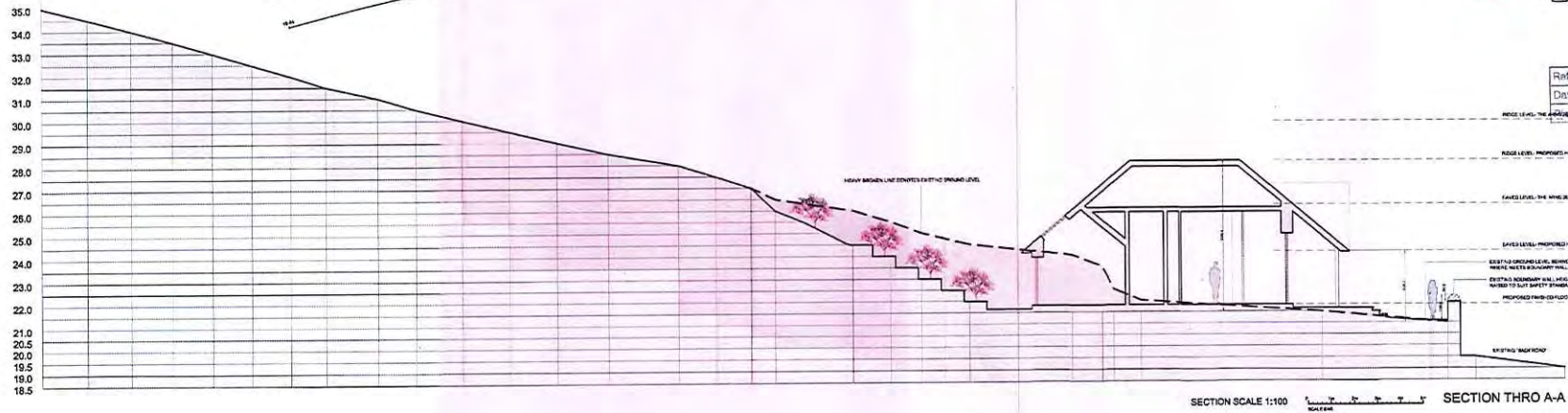
60



REFUSED

Date: 21 SEP 15

Initials: [Signature]



AMENDMENTS

BOBBY HALLIDAY ARCHITECTS

4/10 DENNEH DRIVE, QUEENSLAND BRIDGE OF ALLAN, STIRLING, VIC 3447

THIS IS THE PLAN REFERRED TO IN THE APPLICATION

SIGNED: [Signature]

DATED: 13/7/15

ISSUE: [Signature]

PROPOSED DEMOLITION OF EXISTING STABLES BUILDING AND NEW BUILD DWELLING HOUSE AT BALQUHARN STABLES, BACK ROAD ALVA FK12 5LH

FOR MR AND MRS MARSHALL

DRWG NO : 14/34/P003

DATE : JULY 2015

DRAWN AEC

CHECKED BH

PLANNING

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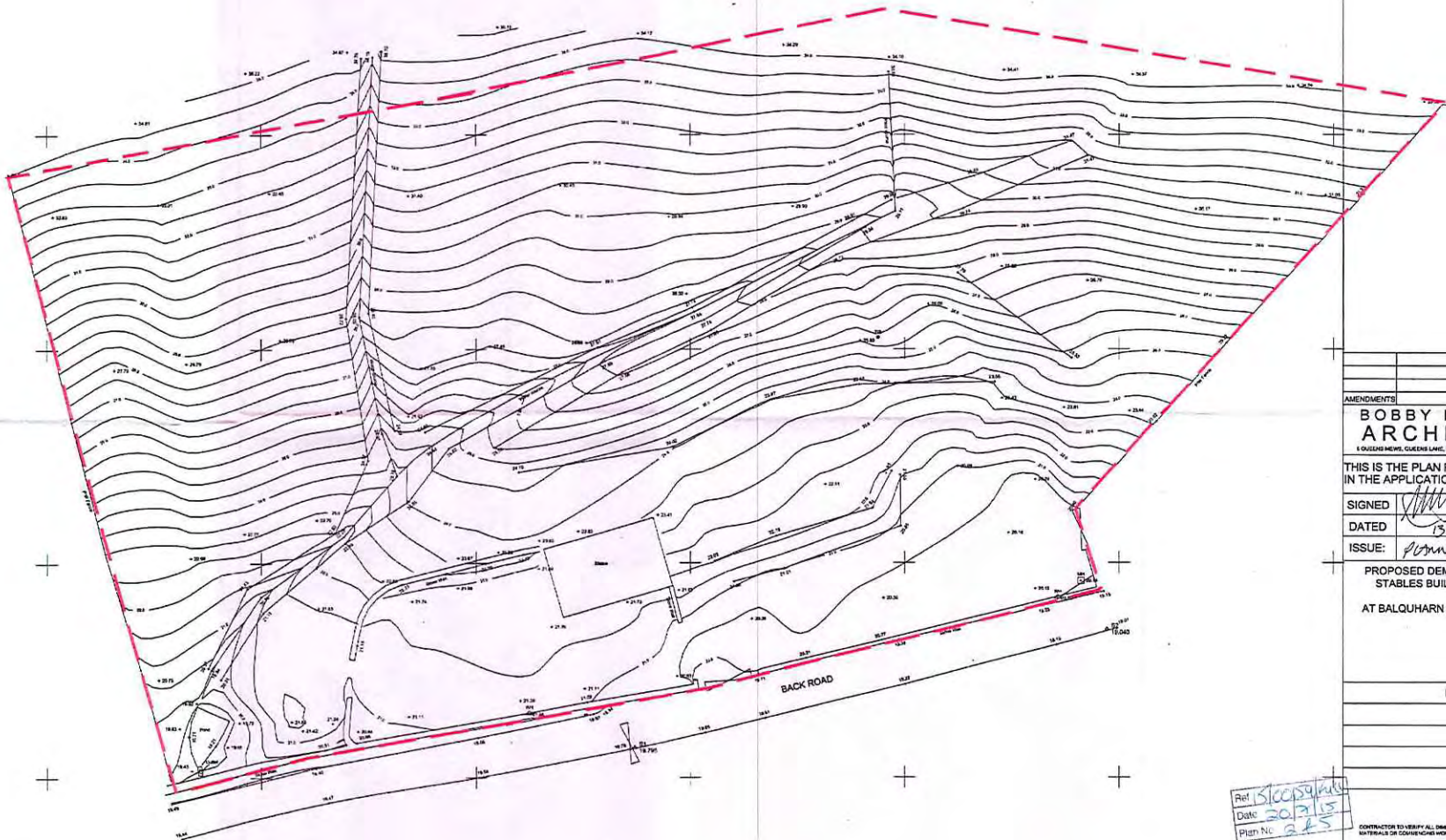
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SITE PLAN AS EXISTING 1:200



AMENDMENTS	
BOBBY HALLIDAY ARCHITECTS	
<small>6 QUEENSDALE, QUEENSLAND, BRIDGE OF ALLIANCE STRILING PARK</small>	
THIS IS THE PLAN REFERRED TO IN THE APPLICATION	
SIGNED	<i>[Signature]</i>
DATED	19/7/15
ISSUE:	<i>[Signature]</i>
PROPOSED DEMOLITION OF EXISTING STABLES BUILDING AND NEW BUILD DWELLING HOUSE AT BALLOUHARN STABLES, BACK ROAD ALVA FK12 5LH	
FOR MR AND MRS MARSHALL	
DRAWING NO: 14/34/P002	
DATE: JULY 2015	
DRAWN AEC	
CHECKED BH	
PLANNING	

Ref: *[Handwritten]*
 Date: 20/7/15
 Plan No: 2/25

REFUSED
 Date: 21 Sep 15
 Initials: *[Handwritten]*

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING WORK.
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