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Report to: Planning Committee

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Date of Meeting: 4<sup>th</sup> November 2021

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**Subject: Planning Appeal Decision - Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households) and Siting of 2 No Static Caravans and 4 No Touring Caravans With Related Infrastructure (Retrospective) - Renewal Of Permission For A Further 2 Years – Cow Wood, Forestmill, Clackmannanshire – 20/00214/FULL**

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Report by: Grant Baxter, Principal Planner

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## **1.0 Purpose**

- 1.1. This report advises Members of the recent appeal decision on the above proposed development and is for noting only.

## **2.0 Recommendations**

- 2.1. It is recommended that Members note the decision of the Reporter in respect of the planning appeal

## **3.0 Considerations**

- 3.1. Members will recall the decision of the Planning Committee at its meeting on 21<sup>st</sup> January 2021 to refuse the planning application, seeking an additional 2 year extension of the previous temporary planning permission for a gypsy/traveller site and associated caravans and infrastructure on land at Cow Wood, near Forestmill.
- 3.2. The Planning Committee's decision followed its previous decision in September 2017, to grant temporary permission for the development for a period of 3 years, subject to a number of planning conditions.
- 3.3. The Report of Handling to the Committee of 21<sup>st</sup> January recommended that the temporary permission be granted for an additional one year period, which was considered an appropriate period of time to allow the applicants to address outstanding planning conditions prior to any application for a permanent development was considered.
- 3.4. In refusing the application, the Committee considered the applicants had failed to comply with the conditions set out in the original three year consent, and did not consider that any additional time period should be granted.

- 3.5. The applicants lodged an appeal against the Council's decision to Scottish Ministers on 19<sup>th</sup> April 2021. The Reporter appointed by Ministers issued a decision on 30<sup>th</sup> July 2021 that overturned the Council's decision and allowed the appeal; granting planning permission for a two year period, and subject to other conditions limiting occupation of the site to two gypsy/traveller families, requiring details of planting and utilities provision, noise limits on machinery and retention of site enclosures.
- 3.6. In conclusion, the Reporter noted that, whilst the proposed development did not accord overall with the relevant provisions of the development plan, allowing the appeal was justified, taking account of the needs of the Gypsy/Traveller families involved and the potential for the provision of services and adverse visual effects to be satisfactorily addressed through conditions.
- 3.7. Whilst the Reporter's decision overturns that of the Council, Planning and Legal Services do not consider that there is any cause to challenge the basis upon which it has been made.
- 3.8. The Planning Service will continue to monitor the site, seek discharge of planning conditions and bring a report back to the Committee at the end of the two year period the Reporter has granted.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

- 5.1. Financial Details
- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes
- 5.3. Finance have been consulted and has agreed the financial implications as set out in the report. Yes

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes  No

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".


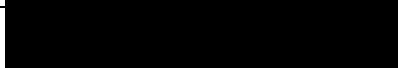
**11.0 Background Papers**

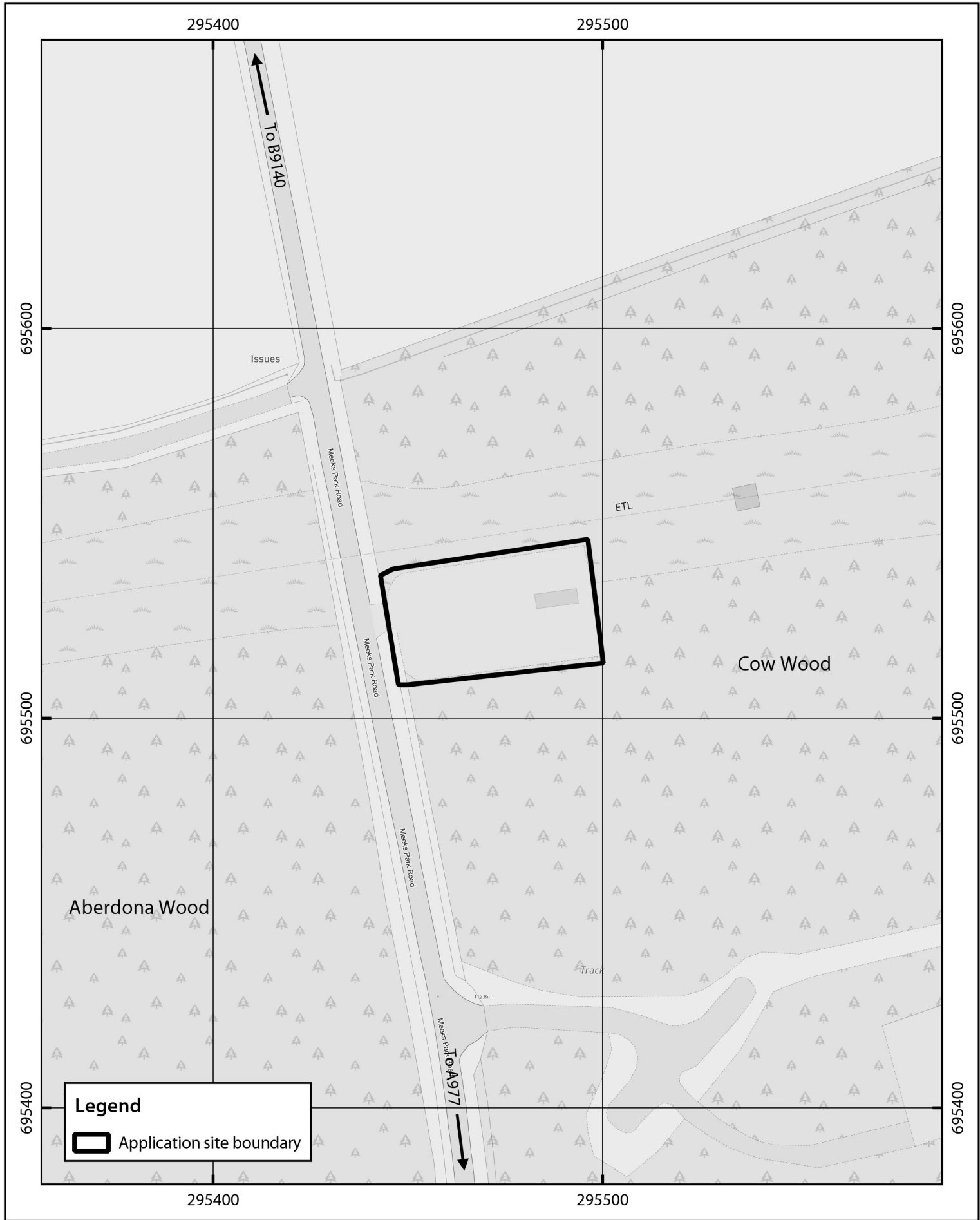
- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes  (please list the documents below) No


**Author(s)**

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**Approved by**

NAME	DESIGNATION	
Allan Finlayson	Team Leader	
Emma Fyvie	Senior Manager Development	





Date:  
21 Oct 2021


**20/00214/FULL – Cow Wood, Forestmill**

Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households) and Siting of 2 No Static Caravans and 4 No Touring Caravans With Related Infrastructure (Retrospective) - Renewal Of Permission For A Further 2 Years

Ward: Clackmannanshire East

0 10 20 30 40 50 metres

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