



FINALISED
SUPPLEMENTARY PLANNING GUIDANCE

DEVELOPMENT IN THE COUNTRYSIDE
The redevelopment of redundant poultry sheds
and intensive livestock rearing units

1.0 INTRODUCTION

- 1.1 The national framework for housing in the countryside is Scottish Planning Policy 3 *Land for Housing* (2003) (SPP3) and Scottish Planning Policy 15 *Planning for Rural Development* (2005) (SPP15).
- 1.2 While SPP15 recognises the changing role of the countryside and rural areas in Scotland and introduces a more permissive, imaginative and dynamic approach to rural development, it does not, however, encourage the suburbanisation of the countryside. Rather, planning is seen as the means of ‘advancing the vision’ of balanced and sustainable rural development, allowing for economic development but protecting environmental interests”.
- 1.3 Further government advice is set out in Planning Advice Note 44 *Fitting New Housing Development into the Landscape* (1994)(PAN 44), Planning Advice Note 36 *Siting and Design of New Housing in the Countryside* (1991)(PAN36), Planning Advice Note 72 *Housing in the Countryside* (2005) (PAN 72), Planning Advice Note 73 *Rural Diversification* (2005) (PAN 73) and
- 1.4 The council’s policy on housing development in the countryside is expressed in policies ENV 31 to ENV 35 of the Finalised West Lothian Local Plan 2005 and there remains a general presumption against permitting new development in the countryside, especially in areas designated for protection due to their biodiversity, landscape or agricultural importance.
- 1.5 Notwithstanding this, the council recognises in the Finalised West Lothian Local Plan 2005 that there may, in some limited and very specific circumstances, be justification for allowing a modest element of new housing in the countryside particularly where it can help sustain a viable rural economy and enhance the environment.
- 1.6 The purpose of this supplementary planning guidance is to set out and explain the council’s policy with particular regard to the redevelopment of industrial scale poultry and intensive livestock rearing units which have ceased to be required for their original purpose
- 1.7 Further supplementary planning guidance on other aspects of development in the countryside will be prepared by the council in due course.

2.0 SCOPE OF THIS GUIDANCE

- 2.1 Planning Advice Note 73 *Rural Diversification* states that Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and defines these as sites which are occupied by redundant or unused buildings or land that has been significantly degraded by a former activity.
- 2.2 While Policy HOU 2 of the Edinburgh & the Lothians Structure Plan 2015 does not explicitly refer to rural brownfield sites, it does, nevertheless, support diversification of an appropriate scale and character, the reuse of appropriate redundant rural buildings and development which effects landscape improvement.
- 2.3 When such facilities are no longer required, are abandoned and become derelict, they have the potential to detract seriously from the visual and environmental amenity of an area and can pollute watercourses. It is recognised that re-development could, therefore, serve to enhance landscape quality by reducing the physical mass and presence of intrusive buildings within the countryside and that sensitive re-development proposals could bring about net environmental benefits.
- 2.4 Focusing on these particular sites also means that a significant contribution can be made towards meeting the demand for new housing in the countryside without the loss of previously undeveloped land and at the same time maximising the use of existing infrastructure.
- 2.5 The conversion and reuse of the existing buildings on rural brownfield sites should always be the first option. Policy EV 3 of the Edinburgh and the Lothians Structure Plan and Policy ENV 34 of the Finalised West Lothian Local Plan 2005 explicitly support this and there is a wealth of helpful advice on this subject contained in Planning Advice Note 36 *Siting and Design of New Housing in the Countryside* and Planning Advice Note 72 *Housing in the Countryside* in particular. Only where conversion and reuse is not practicable or desirable will the redevelopment of sites be considered.
- 2.6 Furthermore, only proposals which clearly demonstrate that they will bring about a *significant* improvement to the environmental quality of the rural area will be afforded favourable consideration. It is extremely important that it is understood that not every redundant poultry shed, piggery or intensive livestock rearing unit in West Lothian will justify redevelopment and this policy does not, therefore, provide blanket or unfettered support.
- 2.7 Given the widely differing characteristics such sites exhibit, each has varying potential for redevelopment with some lending themselves more readily to redevelopment than others. The definition of what constitutes the special circumstances necessary to justify redevelopment can only, therefore, be assessed by the council on a case by case basis. The onus will be on applicants to demonstrate why an exception should be made and why permission should be granted in the particular circumstances of their site. A supporting statement must be submitted with every planning application relating to such sites.
- 2.8 Buildings associated with such uses are commonly found in rural locations and may, therefore, be an accepted and non-contentious element of the established landscape character of an area. Consequently, their presence and impact may not actually be perceived negatively and replacing them with new houses could have an unintended urbanising effect upon the existing countryside which would be potentially more damaging than if the buildings remained in situ. There is a potential for a large number of such planning applications to come forward and, if all were approved the character of the rural landscape would be fundamentally altered. The council is, therefore, obliged to be extremely discerning when considering proposals for redevelopment.

- 2.9 For the integrity of the policy it is important to guard against opportunist developers deliberately cultivating the degradation and dereliction of sites and buildings in order to engineer the circumstances which might support the redevelopment of a particular site for housing. Where there is evidence of such manipulation having taken place, or where landscape degradation or impoverishment has resulted from a breach of planning control, sites will not be eligible for consideration under this policy.
- 2.10 Similarly, the council requires to be alert to developers establishing a poultry shed, piggery or livestock rearing unit with the intent of closing it within a relatively short period of time in order to exploit the redevelopment potential of the site. As a consequence the redevelopment of sites which currently accommodate poultry, piggery or livestock rearing facilities and which have been in situ for less than 10 years will ordinarily be excluded from consideration under this policy. In all of the circumstances described above the council will seek to enforce remediation of the site at the landowner's expense.
- 2.11 There are, of course, other mechanisms available to the council for remedying the condition and appearance of derelict land and buildings, such as the service of Amenity Notices. Planning contravention and enforcement notices also have a part to play in cases where there has been a breach of planning control and, in some instances, it may be that this course of action would be a more appropriate response.
- 2.12 Proposals which may result in:
- unacceptable environmental impacts;
 - suburbanisation;
 - coalescence with a neighbouring settlement;
 - ribbon development;
 - overloading of local facilities such as schools and health care services;
 - a significant increase in traffic generation;
 - inadequate access arrangements;
 - loss of historical or architecturally valuable buildings; and
 - loss of prime agricultural land, important areas of woodland or significant wildlife habitat or which materially prejudice farming operations or the amenity of people living nearby or are within 400m of an operational poultry shed or intensive livestock rearing unit;

are those which may not be considered acceptable.

3.0 DETAILED REQUIREMENTS

- 3.1 Sites which satisfy the initial screening process described above and which are concluded to be suitable candidates for redevelopment will ordinarily be considered favourably, providing they satisfy all of the following criteria:
- a) the buildings are evidenced to be surplus to requirements for the housing of poultry and livestock or other appropriate rural uses and / or are beyond economic repair and retention;
 - b) there is demonstrable, environmental and / or community benefit to be gained as a consequence of the redevelopment proposals;
 - c) the physical footprint of replacement buildings shall be no greater than that of the existing buildings and will, *in most instances, require to be significantly less*. This is particularly likely to be the case when considering the redevelopment of a very large building or a group of buildings;

- d) new buildings will ordinarily require to occupy the same position on a site as those which are to be replaced. Exceptionally, however, where improvements to the landscape can be clearly demonstrated, an adjustment to the precise siting may be permitted, but always on the proviso that the new building remains within the same general site area;
- e) where approval is given to erect new buildings in a different location to the original, the council will require the demolition and clearance of the original buildings and remediation of the land, including the removal of any contaminants, to an agreed condition and specification and prior to the construction of the replacement buildings;
- f) in all instances the number of new houses shall be minimised to what is absolutely necessary to secure the rehabilitation of the site and to return a modest commercial profit to the developer. As a consequence developers will be required to submit appropriate financial information to justify their proposals and to enable an appraisal of this aspect of their development to be made by the council. Developers who fail to provide this information, or proposals which seek to maximise development returns will not be supported. The council reserves the right to have any financial appraisal submitted scrutinised for accuracy by a third party at the developer / landowner's expense;
- g) the character, scale and design of any new buildings and associated works, including access, shall be sympathetic to the traditional form of rural buildings or be of a high quality, innovative in design and compatible with the landscape, archaeological and nature conservation policies of the Finalised West Lothian Local Plan 2005;
- h) exemplary environmental mitigation measures, including new structural landscaping, will be required to enhance the setting of the new development through the creation of a positive landscape framework. Where appropriate, environmental improvements such as woodland and hedge planting or wetland habitat creation may be required to be implemented across an applicant's entire landholding and not confined to the immediate environs of the new development;
- i) the existing rural environment and amenity must not be detrimentally affected in terms of traffic volume, noise, air quality or water quality. The likely level of traffic generated by proposals shall be within the capacity of existing access and approach roads and proposals which necessitate the formation of new public roads or require excessive and intrusive road engineering solutions will not normally be supported;
- j) the colours, finishes and materials of all buildings must integrate with the natural environment and boundary treatments shall be appropriate to a rural setting;
- k) the development must be serviced by an appropriate Sustainable Urban Drainage System (SUDS) and such schemes must comply with Planning Advice Note 61 - *Planning and Sustainable Urban Drainage Systems (2001)(PAN61)* and the *Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland*;

- l) applications for planning permission will required to be accompanied by a site specific Drainage Impact Assessment (DIA), the scoping of which must first be agreed in consultation with the council's flood prevention officer. In preparing a DIA, developers are referred to the document *Drainage Assessment - A Guide for Scotland* published by SEPA. Where development includes or is adjacent to a watercourse, including culverted watercourses, ponds or functional flood plain or is otherwise recognised as having a raised water table or being susceptible to flooding in any other way, developers will be expected to submit with the DIA a full Flood Risk Assessment complying with Annex B of the Scottish Environment Protection Agency Policy No. 4, *A SEPA Planning Authority Protocol*;
- m) where permission is granted, the council may require legal agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 to be entered into and / or impose conditions withdrawing particular categories of permitted development rights where it is considered reasonable to do so in order to protect the landscape setting of the site;
- n) any development will have to comply with all other relevant policies of the local plan and supplementary planning guidance approved by the council. This will include the council's affordable housing policy and education contribution policies;
- o) development which cannot be serviced by existing infrastructure including, but not exclusively, education, roads / transportation, water and drainage will not be permitted unless funding for necessary infrastructure improvements is fully committed;
- p) with specific reference to drainage, developers will be required to investigate all possible routes to establishing a sewer connection to the public foul sewer as the first option for sewage disposal. Direct connection is the preferred option, including pumping where necessary, followed by negotiation of developer contributions with Scottish Water to upgrade the existing sewerage network and / or increase capacity at the waste water treatment works;
- q) proposals will be assessed against the design and siting criteria set out in policy ENV 33 of the Finalised West Lothian Local Plan 2005 and must conform to the design guidance adopted by the council in the document *New Houses in The Countryside : Design Considerations*. They must also follow the comprehensive advice contained in PAN 72 and PAN 44. Proposals which fail to demonstrate compliance with these documents or other design guidance prepared by council will not be considered favourably.
- r) a full assessment of the applicant's land holding in relation to existing countryside recreation, access and potential opportunities for new additional access linkages must be supplied along with the redevelopment proposals. These opportunities will be considered by the council's countryside access officer and, where considered beneficial, must be implemented by the developer. This accords with policy ENV 25 of the Finalised West Lothian Local Plan 2005.