

### List of Enclosures – Agenda Item 5

	<u>Page(s)</u>
1. Notice of Review dated 19 September 2013 and associated documents.	591 - 602
2. Application for Planning Permission dated 14 July 2012 and associated plan.	603 - 611
3. Additional Supporting Statement from applicant dated 26 May 2012.	612
4. Report of Handling dated 5 October 2012.	613 - 615
5. Refusal of Planning Permission dated 15 August 2013.	616
6. Consultation Response from Roads Development Unit dated 10 August 2012.	617 - 618
7. Further Consultation Response from Roads Development Unit dated 19 September 2013.	619
8. Consultation Response from Scottish Water dated 6 August 2012.	620 - 621
9. Consultation Response from Environmental Health dated 4 September 2012.	622
10. Online representation from Dr Joanne Graham undated.	623
11. Letter of representation from Alison Kirkpatrick dated 7 September 2012.	624
12. Extract from Falkirk Council Local Plan – Policy SC3 Housing Development in the Countryside.	625
13. Extract from Falkirk Council Structure Plan – Policy ENV.1 Countryside and Protected Areas.	626

## NOTICE OF REVIEW



Falkirk Council

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)  
ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

**IMPORTANT:** Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review. Please note that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use BLOCK CAPITALS if completing by hand.

Applicant(s)		Agent	
Name	ANDREW KANE	Name	
Address	83A SPALLING RD	Address	
	GLASGOW		
	FALKIRK		
Postcode:	EK5 4SQ	Postcode:	
Tel		Tel	
Mobile		Mobile	
Fax		Fax	
e-mail *		e-mail *	

Mark this box to confirm all contact should be through your agent or representative: ☐

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority's application reference number

P/12/0421/PPA

Site address

Description of proposed development

LAND TO THE WEST OF EASTER GREENRIG  
SMALL HOUSE

Date planning application declared  
valid by Planning Authority

JULY 17 2012

Date of Decision (Leave blank if  
appeal against non-determination)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

## Nature of application

- Application for planning permission (including householder application) ☒
- Application for planning permission in principle ☒
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

## Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

### Review procedure

The Planning Review Committee will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Previous submissions of the plan were not fully submitted/reviewed.

### Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

It would be fairer and helpful if I were present to explain the nature of the proposal.

### Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State in the space provided the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Are you submitting a statement of reasons for review in a separate document?

Yes  
☐

No  
☐

#### Reasons for Notice of Review

See Typed documents, within This folder.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  
☒

No  
☐

Are you submitting additional documentation?

☒

☐

If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

Other new rural dwellings near my site.

#### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1.	SUMMITT GOVERNMENTS NOTES
2.	TYPED PAGE GIVING REASONS FOR SEEKING REVIEW
3.	DESCRIPTION OF PHOTOS
4.	PHOTOS
5.	POSING STATEMENT.
6.	
7.	
8.	
9.	
10.	

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

#### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☐

Statement of your reasons for requiring a review ☐

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☐

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

#### Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature]

Date

16/9/2013

This form and other documents should be returned to:

The Development Manager,  
Development Services,  
Abbotsford House,  
Davids Loan,  
Falkirk FK2 7YZ

Front Cover page of:

## **Notice of Review Submission**

**Planning Ref. P/12/0421/PPP**

**Pages 1-4 Notice of Review ( official forms )**

**Pages 5 Supplemental Notes**

**Pages 6-9 Photos in Support of Review**

**Page 10 Closing Statement**



**From the Scottish Government:**

### **Scottish Planning Policy Planning for Rural Development:**

"This SPP encourages a more supportive attitude towards 'appropriate' development whilst acknowledging the enormous diversity of rural Scotland

4. Rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it, providing for people who want to continue to live and work there and welcoming newcomers. Traditional ways of living will remain but new ones should function alongside. The intention is to have vigorous and prosperous rural communities.

9. Planning's role in advancing the Vision is to enable and help create opportunities for development in sustainable locations whenever appropriate.

11. In the less populated areas there should be greater scope for having more innovative planning policies. Scottish Ministers see considerable

potential for encouraging diversification, distinctiveness and individuality e.g. promoting new ways of working from home, using new energy technologies, developing activities such as aquaculture, equestrianism and many others."

3

The dwelling we are being refused planning for is a small one bedroom cottage with a tiny footprint and of single storey construction. Photo 1 gives an idea of what it would look like.

Not only was this cottage going to fit in with the country side by looking 100 years old, it was have a carbon zero rating due to the technologies being used in its construction and on-going running.

With the government trying to encourage people to live greener lives and and bring production from under utilised rural land, together with the fact that there are many new houses being allowed in rural locations in Falkirk Region ( see photos ), then it feels unreasonable and discriminatory that this small cottage and farm is refused planning.

Several huge houses most within 5 miles of our land, and with no farming seemingly taking place are approved. Several photos are included in this folder. One shows how enormous some of the houses Falkirk Planning has approved in the same or close to the period that our one bedroom small cottage is being refused.

Our small holding of land is almost 4 acres and a land survey undertaken highlighted that the land was unsuitable for heavy livestock such as cattle and horses. Since there were already sheep farming taking place by neighbours on either side, I submitted a plan detailing how the land would be used to farm prestige duck for the retail market. This plan was never published as part of the planning application. Planning, for some reason, choose not to publish this part of the application. This immediately undermines my application as the neighbours do not get to see and understand that I am not a competitor to their sheep farming.

My planning application was processed as being for a company Arlan Scotland Ltd. No such company exists. However, this could have influenced objections from neighbours as they may have thought some company with bigger and grander development plans were trying to develop an adjacent field.

The application was recorded as received as July 17.

The first Email that formally notified me of refusal was September 21<sup>st</sup>. 4 days past the two month deadline. As this deadline was missed, does this not automatically mean I have obtained planning?

3

This page with the help of the following pages of photographs, may help you understand why we feel we have been discriminated against.

Photo 1, is a good illustration of what we had applied for. A small footprint, single storey, one bedroom cottage style constructed using the latest systems to ensure a green, economical, carbon zero house.

Photo 2. Is of a massive new construction currently taking place just 4 miles from my small holding. The site gives no indication of agriculture taking place nor did it appear to have a caravan lived in for 2 years prior to the construction starting. The house is massive. The footprint must be ten times that of what we are being refused.

Photo 3, is of a new 1.5 storey building about 1.1 miles from my location and it looks and "feels" fine. Our own would have been as equally suitable as a home and agricultural business in the country side.

Photos 5, 6 and 7 show three other new houses that have just recently sprung out of greenfield land. None appear to be agricultural business's and there were no 2 years of living in caravans prior to the constructions.

With so much success for the above families ( and we congratulate them and wish them all well) in obtaining planning permission, it certainly deepens the feeling that we have been treated unreasonably.



5

**Closing Statement:**

We are not rich property developers. We are unfamiliar with the processes and procedures the planners at Falkirk are accustomed to. We depended on them for their help and support in getting this small farm and house to reality.

We are not bad neighbours. We have lived in Larbert for twenty two years and all of our long term neighbours will give testimonials as to our neighbourliness.

We spent 6 years living in Gilston Park Polmont. Again there were zero fall outs with any of the neighbours.

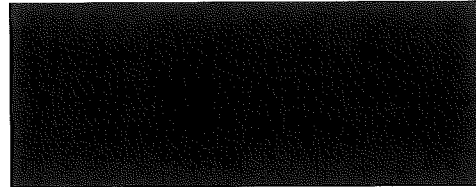
We lived 4 years in Slamannan where Barbara was born and grew up. There were never any disagreements with neighbours.

We are not criminals. We have raised our kids such that they have worked hard and aspired to live trouble free lives.

We truly believe this stretch of road, this plot of land and the overall community will benefit from this small house and farm being allowed to exist.

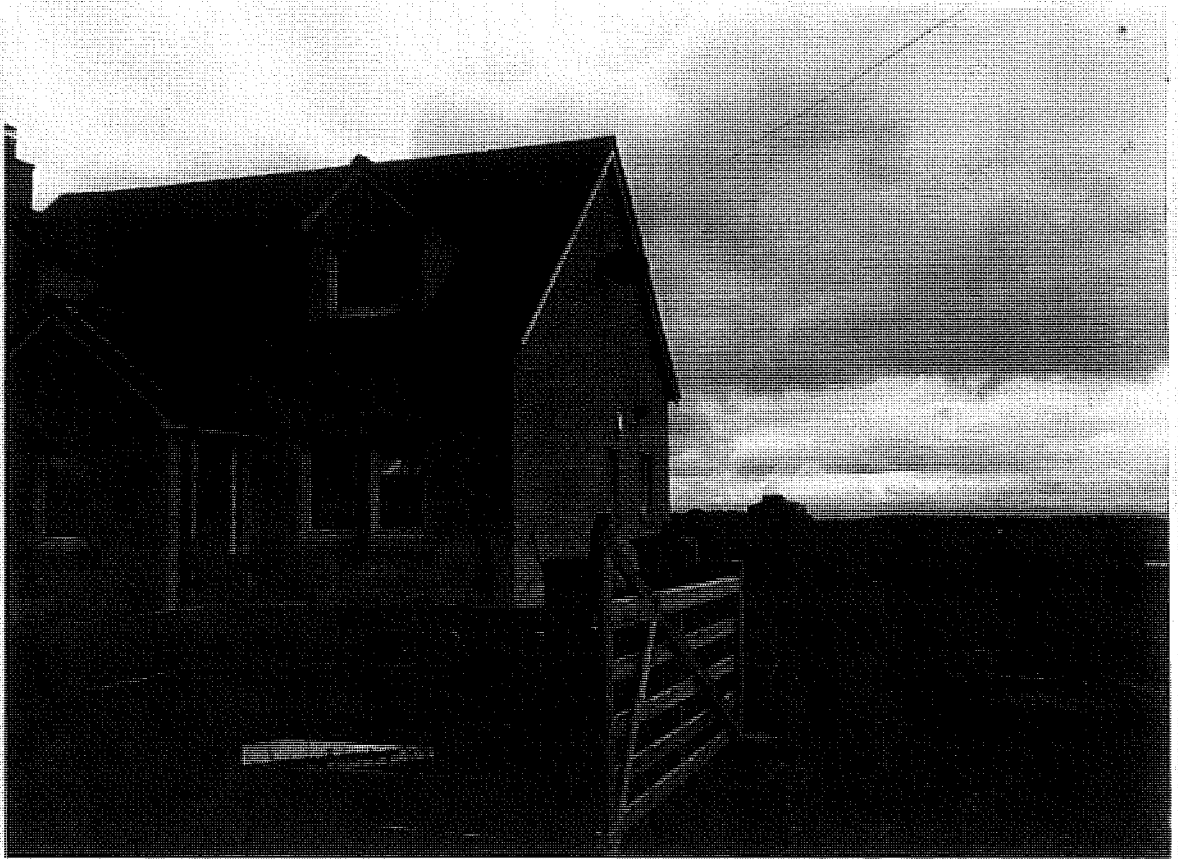
With faith.

Andrew and Barbara Kane

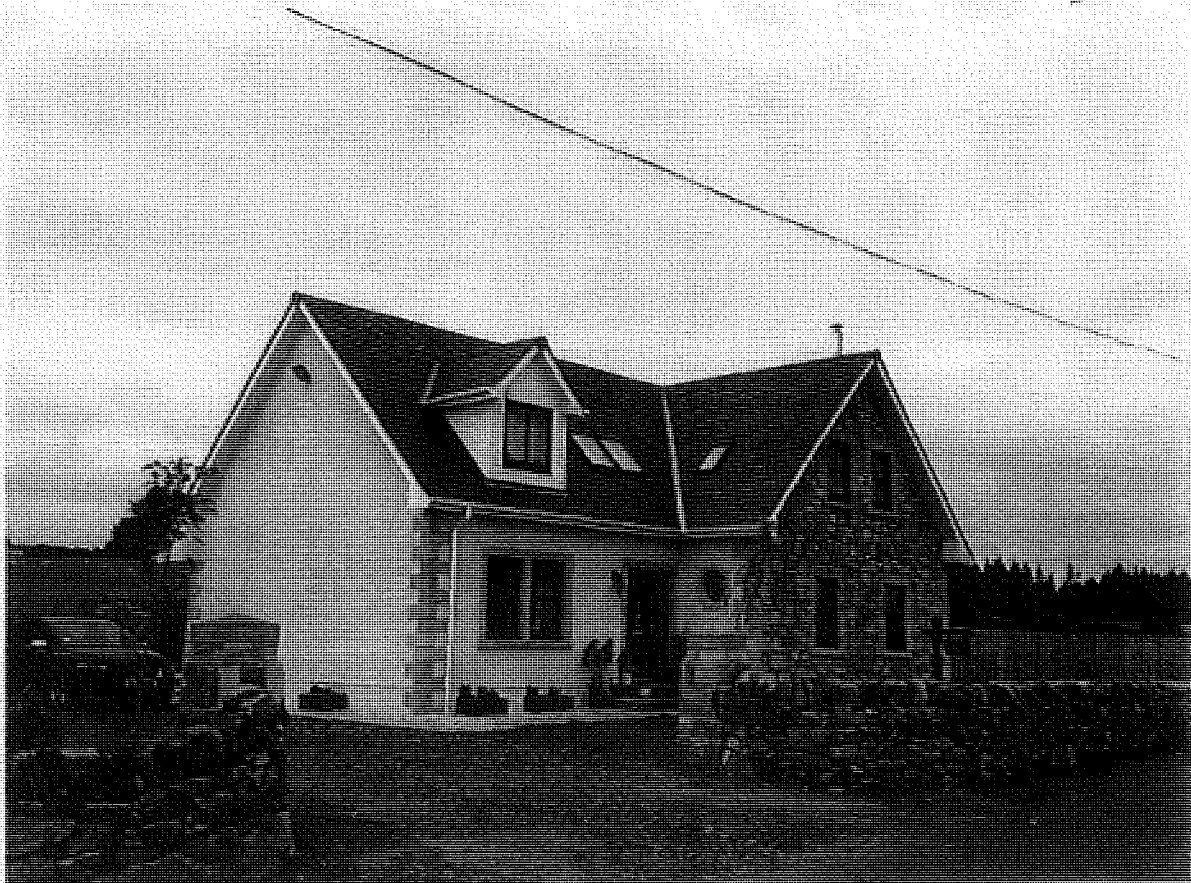


12

3



4

56



7



8

P112/0421/PPP

Print Form

**APPLICATION FOR PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<u>Mr.</u>	Ref No.	
Forename	<u>ANDREW</u>	Forename	
Surname	<u>KANE</u>	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	<u>83a STIRLING RD</u>	Address Line 1	
Address Line 2	<u>GLASGOW</u>	Address Line 2	
Town/City	<u>FALKIRK</u>	Town/City	
Postcode	<u>FK5 4SQ</u>	Postcode	
Telephone		Telephone	
Mobile	<u>u u u</u>	Mobile	
Fax		Fax	
Email		Email	
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
<u>Easter Greenrig Farm, Slamannan</u> <u>FK1</u>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission		<input checked="" type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

One dwellinghouse. Stone Style traditional cottage of one bedroom, one bathroom.  
See detailed notes attached for full detail

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Ref No.:

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):  Square Metre (sq.m.)

**8. Existing Use**

Please describe the current or most recent use:

Test and development of energy production  
Such as wind and solar.

**9. Access and Parking**

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

4-6 cars

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

no new

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

**10. Water Supply and Drainage Arrangements**

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network  
No, proposing to make private drainage arrangements  
Not applicable – only arrangement for water supply required

☐  
☒  
☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway  
Discharge to watercourse(s) (including partial soakaway)  
Discharge to coastal waters

☐  
☒  
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?  
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)  
Other private drainage arrangement (such as a chemical toilets or composting toilets)

☒  
☐  
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐



*Note:- Please include details of SUDS arrangements on your plans*

Are you proposing to connect to the public water supply network?

Yes ☐ No ☒

*If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)*

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

*If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.*

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

*If yes, please provide details and illustrate on plans.*

*If no, please provide details as to why no provision for refuse/recycling storage is being made:*

Council refuse collection to the neighbours to the east and west is in place.

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

1

*Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.*

See detailed notes in supporting statement.

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒*If yes, please provide details below:*

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

*Please provide details of internal floorspace(sq.m)*

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☒ No ☐ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☒ N/A ☐

Signature:



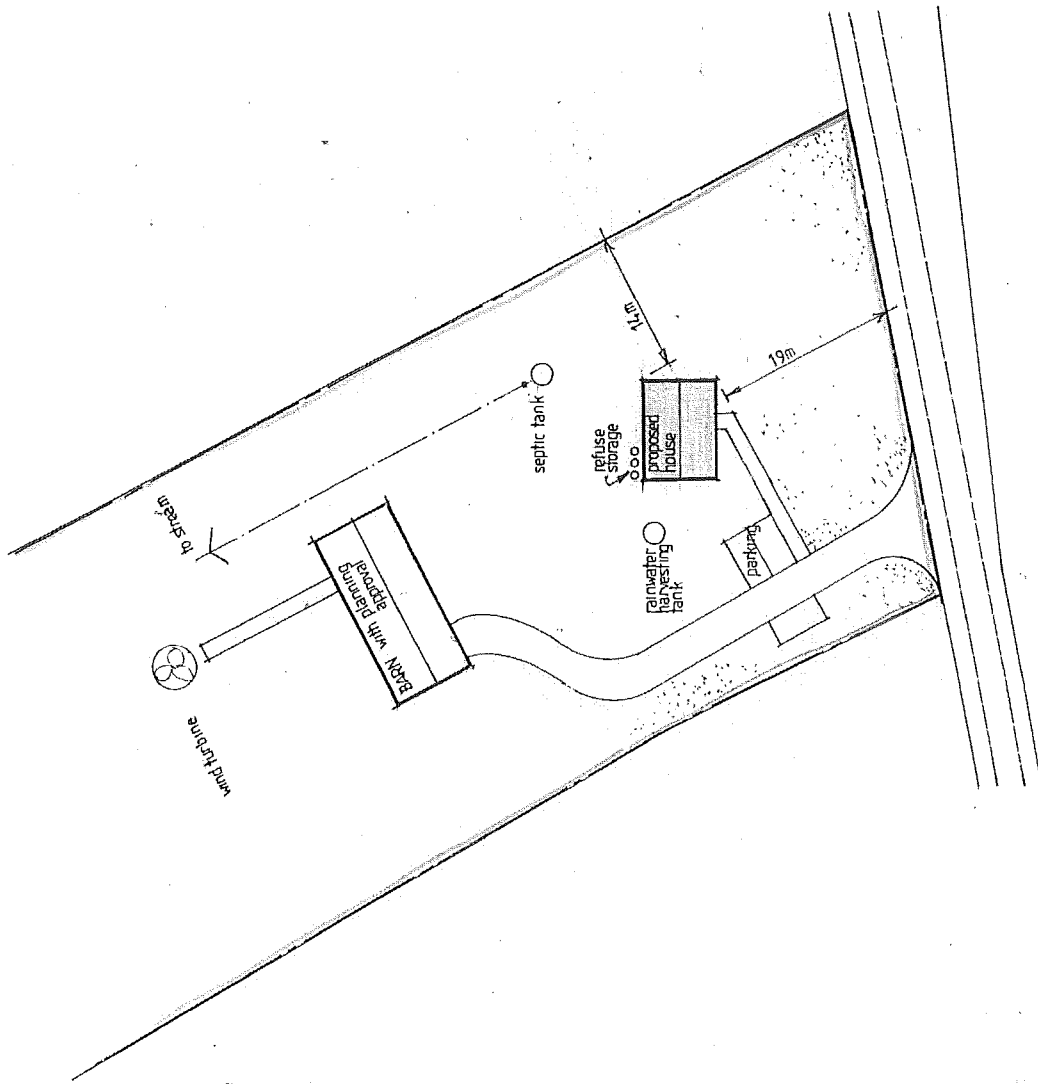
Name:

A. Kane

Date:

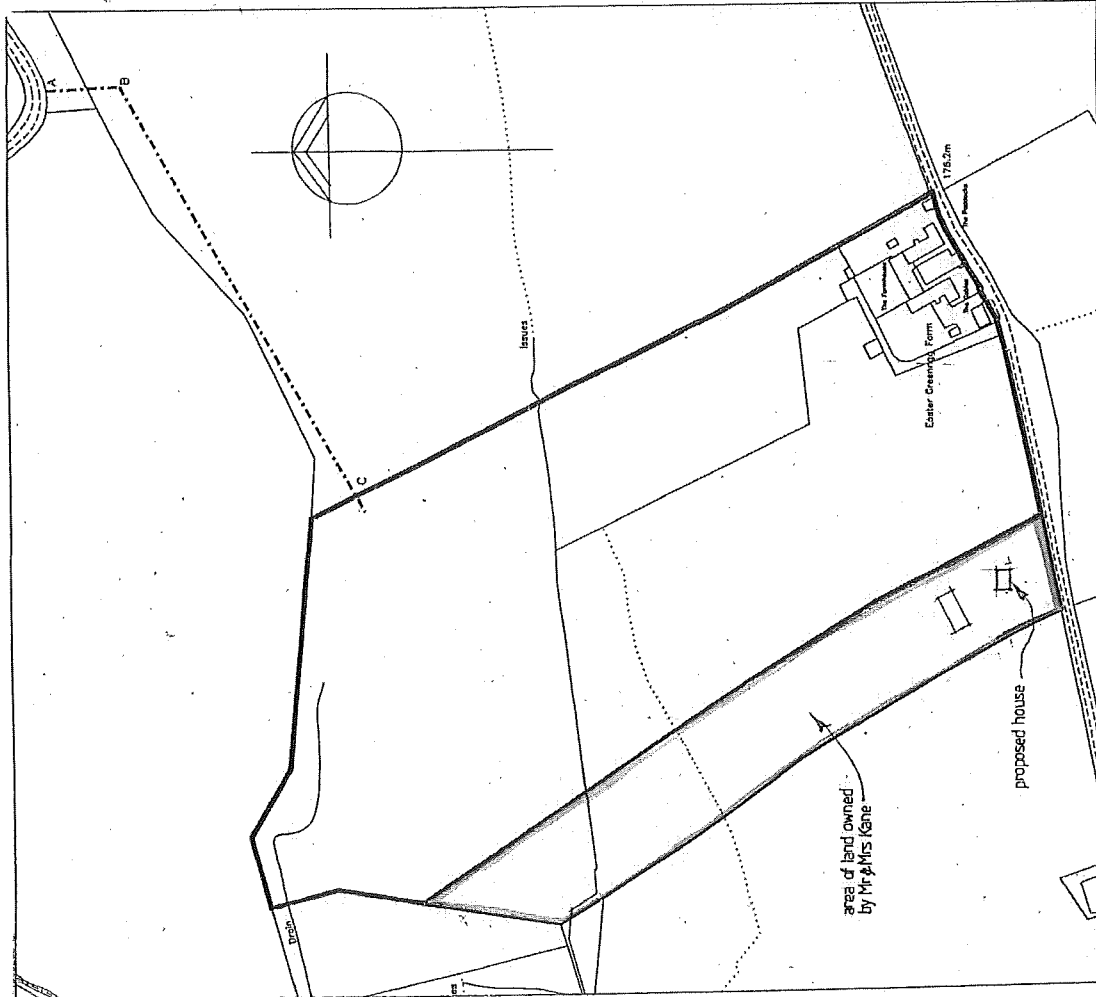
14 July 2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

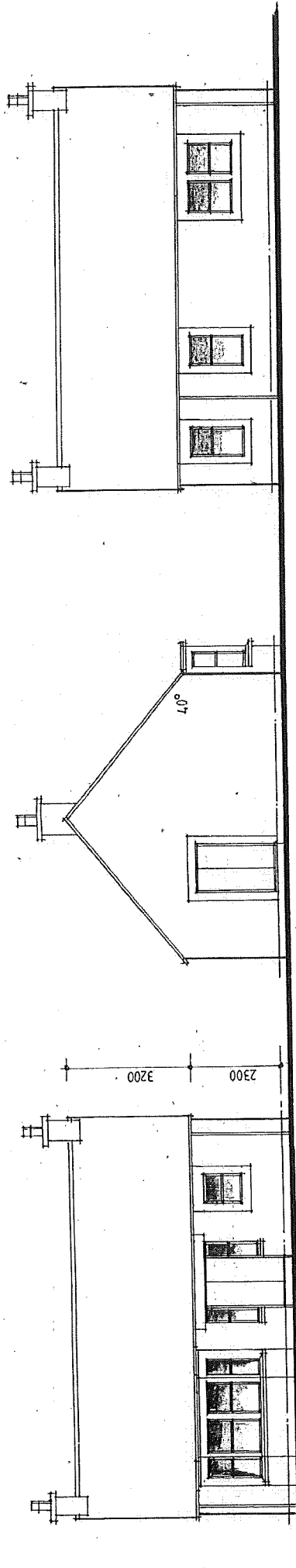


PART BLOCK PLAN 1:500

MR & MRS A. KANE  
proposed house  
EASTER GREENRIGG FARM  
SLAMANNAN FK1 3DS  
drg no 804/01



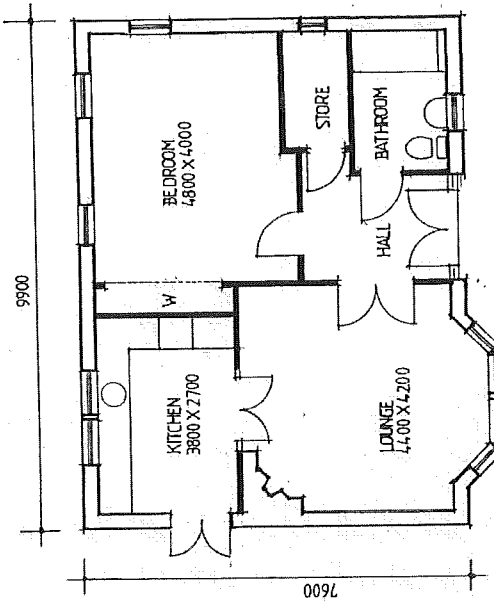
LOCATION PLAN 1:2500 grid ref. NS8273 NS8274



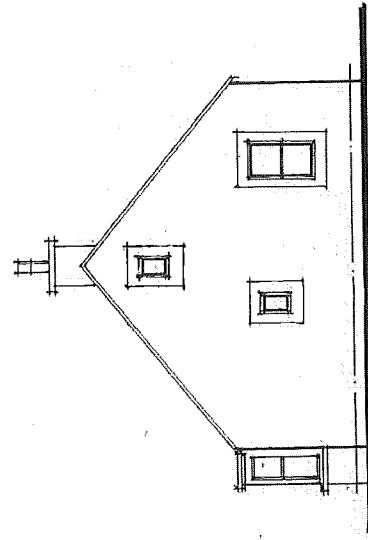
FRONT ELEVATION

SIDE ELEVATION

MATERIAL SPECIFICATION  
 ROOF natural slate — solar panels to front  
 WALLS powerwall render  
 WINDOWS white upvc — mock sash 'n case  
 DOORS black upvc  
 GUTTERS black upvc  
 RIPS



GROUND FLOOR PLAN 1:100



SIDE ELEVATION

MR & MRS A. KANE  
 proposed house  
 EASTER GREENRIGG FARM  
 SLAMANNAN FK1 3DS

## Supporting Statement for One Bedroom Traditional Cottage at Easter Greenrigg,

The cottage will achieve certification as "passive" with regard to its energy efficiency.

The house is a very small one bedroom cottage with the same appearance as a traditional 200 year old stone cottage. It will be built such that passers by cannot tell it is not as it appears. See the enclosed photo of a similar existing cottage.

The windows in the house are all double and triple glazed but are also of the type that prevents heat loss from the interior of the house.

All the large windows, the bay, the front doors and the bathroom are on the south facing wall to receive the maximum solar heat available into the those three rooms. Heat stores will exist under each of these three glass areas.

There will be solar PV across the entire south facing roof of the cottage. PV tiles is the preferred type of PV to be used.

A large battery pack will store any unused electric for "On Demand" use. A connection to the grid will allow for electricity to flow both ways to maximise the electric optimum for the cottage.

The very latest insulation technologies will be used in the construction of the house to ensure heat loss is of a minimum.

Rainwater Harvesting will be a feature of the cottage. A large cistern will be stored underground to ensure that there is sufficient rainwater harvesting to allow for toilets, showers, washing machine and car washing.

Mains water will be supplied and will be used for drinking, preparing food and all other situations where rainfall water may not be suitable.

The timber frame construction of the house will employ the latest BAT ( best available technologies ) to ensure that the house has the qualities to ensure it is world leading in terms of carbon footprint in both construction and on going running costs.

A Biomass boiler will assist the heating systems of the cottage. This boiler will supply the central heating and domestic hot water

A significant part of the cottages 3.5 acres will be used for fast growing timber to help offset the biomass purchases required to run the heating systems.

Wind power may be employed to supplement the electric and heat produced by the other systems.

Ground Source heat will be employed to supplement the heat needed for the cottage.

The stone exterior of the house will be constructed from recycled stone sourced locally ( central Scotland ).

Our desire to spend our later years living rural at this location, comes from having spent large amounts of time growing up and working on farms. My wife spent a lot of her growing up in her grandmothers rural cottage in Drumlithie Stonehaven and worked all her summer holidays on the local farm there. I worked all weekends on my Grandfathers farm. We were both born in the villages surrounding Easter Greenrigg.

Regards

Andrew and Barbara Kane

July 14 2012

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2008

## CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself A. Kane was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐



83a Stirling  
Road  
Glenbervie  
FALKIRK  
FK54SQ

Development Services  
Abbotsford House  
Davids Loan  
Falkirk  
FK2 7YZ

Dear Sir or Madam,

This is an additional supporting document for our application for a dwelling at:

P/12/0421/PPP | Erection of Dwellinghouse | Land To The West Of The Gables Easter Greenrigg Farm Slamannan

Following discussions with Mr John Milne, I would propose to change the design and status of the dwelling in the above application.

1. The overall appearance of the dwelling will remain as is detailed in the original planning application.
- 2 The construction of the dwelling will be of a **temporary nature**.
3. The changes to construction will be as follows:
  - A. The main structure of the dwelling will be of pre-fabricated panels.
  - B. The external stone effect look will be constructed of 2m square concrete claddings which are fastened to the main structure.
  - C. The building will rest on a modular concrete slab.
  - D. The roof will be of SIP panels fastened to the main structure.

The concept of the dwelling being carbon passive remains together with all the technologies detailed in the supporting document sent to you on July 14 2012. The major changes being proposed to the design in this document, is that the entire structure can be disassembled and removed from the site.

The disassembly would take place when either ourselves, market conditions or the council deems the agricultural undertaking on the premises are no longer viable.

I would like to meet to discuss the above proposals in detail before investing in the engineering solutions required to achieve the above proposed assembly.

Yours faithfully.

  
Andrew Kane

26/05/2013

**PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING**

**PROPOSAL** : Erection of Dwellinghouse  
**LOCATION** : Land To The West Of The Gables, Easter Greenrigg Farm, Slamannan,  
**APPLICANT** : Arlan Scotland Ltd  
**APPN. NO.** : P/12/0421/PPP  
**REGISTRATION DATE** : 3 August 2012

**1. SITE LOCATION / DESCRIPTION OF PROPOSAL**

This application seeks the principle of the erection of a dwellinghouse within a rural location. The application site is currently open land, with an installed wind turbine and associated control cabin. The foundations of an agricultural shed have been installed.

**2. SITE HISTORY**

P/12/0067/FUL - Erection of 12 metre high wind turbine - granted 04.07.2012.  
P/12/0064/AGR - Erection of Agricultural Shed - Granted 15.03.2012.

**3. CONSULTATIONS**

The following responses to consultation were received:

Roads Development Unit	The Roads and Development Unit draw concern as to the limited nature and standard of the existing road access provision.
Scottish Water	No objection in principle.
Environmental Protection Unit	Matters of potential land contamination should be covered by planning condition. An informative regarding limits on noisy working should also be imposed.

Where the local Community Council requested consultation, their comments appear above.

**4. PUBLIC REPRESENTATION**

In the course of the application, contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Two letters of objection have been received, commenting that the proposal is without justification, contrary to Development Plan policy and, if approved, would set a precedent for similar forms of development.

**5. THE DEVELOPMENT PLAN**

The proposed development was assessed against the undernoted Development Plan(s):

**Falkirk Council Structure Plan.**

There are no relevant policies within the Falkirk Council Structure Plan.

**Falkirk Council Local Plan**



The proposed development was assessed against the following policy or policies:

SC03 - Housing Development in the Countryside

## **5A. MATERIAL CONSIDERATIONS**

Responses to Consultation

Information Submitted in Support of the Proposal

Assessment of Public Representations

## **6. PLANNING ASSESSMENT**

### **The Development Plan**

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

### **Local Plan Policies**

Falkirk Council Local Plan Policy SC3 - Housing Development in the Countryside - sets the range of criteria where new development will be considered appropriate. In particular, the applicant is required to demonstrate the operational need for any additional housing associated with a business. In this instance, there is currently no agricultural activity taking place on the site and the presence of the temporary turbine would not require long term residential occupation of the land.

### **Responses to Consultation**

There are no issues raised which, if the application were to be approved, could not be addressed through the imposition of planning conditions.

### **Information Submitted in Support of the Proposal**

The applicant has submitted a supporting statement drawing reference to the importance of a physical presence on the site, based on:-

- \_ The need to prevent further vandalism to the existing wind turbine,
- \_ The potential loss of investment to take place on the site, with the purchase of valuable farm stock and the development of the site for agricultural purposes.
- \_ The potential vandalism of the proposed agricultural building.

### **Assessment of Public Representations**

It is considered that the points raised regarding the application's status with regard to Development Plan policies and the concern of unwarranted precedent could be acknowledged.

## **7. CONCLUSION**

In conclusion, the applicant has not provided any supporting information which would justify the erection of a new dwellinghouse in this location, with only predictions of future agricultural activities. In addition, the issue of site security for the temporary wind turbine and agricultural shed are not considered of such substantial weight as to merit the erection of a new dwellinghouse, which - if approved - could demonstrate an unwarranted precedent readily repeated throughout the rural area.

Therefore, the proposal is considered to offend the above noted policies of the Development Plan.

## 8. RECOMMENDATION

Refuse Outline Planning Permission

**Refusal is recommended for the following ;**

Reason(s):

1. The proposal is considered contrary to Policy ENV.1- Countryside and Protected Areas - of the Falkirk Council Structure Plan and Policy SC3 - Housing Development in the Countryside - of The Falkirk Council Local Plan in that it has not been established that a countryside location is essential for the dwellinghouse, with no established agricultural or commercial activity which justifies residential occupation of the site.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02

  
Director of Development Services

Contact Officer : John Milne  
(Senior Planning Officer) 01324 504815

5/10/12  
Date

Reference No. P/12/0421/PPP



**Town and Country Planning (Scotland) Act 1997 as Amended  
Issued under a Statutory Scheme of Delegation.**

**Falkirk Council**

**Refusal of Planning Permission**

**Applicant**

Arlan Scotland Ltd  
FAO Mr Andrew Kane  
83A Stirling Road  
Larbert  
FK5 4SQ

This Notice refers to your application registered on 3 August 2012 for permission in respect of the following development:-

**Development**      Erection of Dwellinghouse at

**Location**          Land To The West Of The Gables, Easter Greenrigg Farm, Slamannan,

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online by inserting your application number at <http://eplanning.falkirk.gov.uk/online/>

In accordance with the plans docketted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

**Refuses Planning Permission in Principle**

The Council has made this decision for the following reasons:-

1. The proposal is considered contrary to Policy ENV.1- Countryside and Protected Areas - of the Falkirk Council Structure Plan and Policy SC3 - Housing Development in the Countryside - of The Falkirk Council Local Plan in that it has not been established that a countryside location is essential for the dwellinghouse, with no established agricultural or commercial activity which justifies residential occupation of the site.

The Council's decision is based on the following reason(s):-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

**Informatives:**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02.

15 August 2013



Director of Development Services

**Morris, John**

---

**From:** MacKenzie, Roddy  
**Sent:** 10 August 2012 11:22  
**To:** adm1dmbscorr  
**Cc:** Steedman, Russell; Grant, Ross  
**Subject:** P-12-0421-PPP Easter Greenrigg Farm

---

## **Development Services**

---

---

## **Memo**

---

**To:** John Milne, Planning Officer  
Planning and Transportation (Development Control)

**From:** Roddy Mackenzie, Roads Development

**Date:** 10 Aug 2012

**Enquiries:** 4908

**Our Ref:** RMK/

**Your Ref:** P/12/0421/PPP

**Proposal :** Erection of Dwellinghouse

**Location :** Land to the west of The Gables, Easter Greenrigg Farm, Slamannan, Falkirk.

**Application :** P/12/0421/PPP

---

I refer to your consultation notice received on 03 Aug 2012, regarding the above application.

The application site is in a rural location to the north-west of Slamannan and is accessed off an unclassified single track rural road locally known as Oakersdykes Road, which is a typical rural road of restricted width and alignment that lacks footway and street lighting provision.

There are at least four existing dwellings neighbouring this site, and this application if granted, would increase the number of dwellings to at least five. Oakersdykes Road is a very narrow single-track rural road with a tight bridge chicane, restricted vertical and horizontal alignment, and with a lack of formal passing places.

I would not wish to encourage any further development on this section of the rural road network which could lead to the generation of additional vehicular and pedestrian traffic, and to the possible detriment of road safety. I would also contend that the granting of this consent may lead to further development at this rural location.

In view of the aforementioned I would advise that Oakersdykes Road is not a road suitable to serve any additional dwellings and could, therefore, be used to support a recommendation of refusal.

Regards.

RMK

---

\*\*\*\*\*

The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.

\*\*\*\*\*

**Morris, John**

---

**From:** MacKenzie, Roddy  
**Sent:** 19 September 2013 15:23  
**To:** adtm1dmbscorr  
**Cc:** Morris, John; Steedman, Russell  
**Subject:** P/12/0421/PPP Review

John,

I can confirm that we have no further comments to add regarding this applications review.

Roddy

---

\*\*\*\*\*  
The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.  
\*\*\*\*\*

06/08/2012

Falkirk Council,  
Abbotsford House David's Loan  
Falkirk  
FK2 7YZ

**SCOTTISH WATER**

Customer Connections  
419 Balmore Road  
Glasgow  
G22 6NU

Customer Support Team  
T: 0141 355 5511  
F: 0141 355 5386  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [connections@scottishwater.co.uk](mailto:connections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: P/12/0421/PPP**  
**DEVELOPMENT: Slamannan Easter Greenrigg Far**  
**OUR REFERENCE: 614002**  
**PROPOSAL: Erection of Dwellinghouse**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

There are no public sewers in the vicinity of the proposed development.

Carron Valley Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Timmy Sandher**  
Customer Connections Administrator



**Morris, John**

---

**From:** Henderson, Stuart  
**Sent:** 04 September 2012 11:56  
**To:** adm1dmbcorr  
**Subject:** P/12/0421/PPP

## ENVIRONMENTAL HEALTH

Noise need not be considered as a determining factor in considering this application.

Informative - The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

## CONTAMINATED LAND

Conditioned due to the presence of former quarry, unknown filled ground and potentially other contaminative activities within 250m of the site.

1. Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
2. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
3. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
4. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

Stuart Henderson  
 Environmental Health Officer  
 Falkirk Council  
 01324 504771

---

\*\*\*\*\*  
 The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.  
 \*\*\*\*\*

## Comments for Planning Application P/12/0421/PPP

### Application Summary

Application Number: P/12/0421/PPP

Address: Land To The West Of The Gables Easter Greenrigg Farm Slamannan

Proposal: Erection of Dwellinghouse

Case Officer: John Milne

### Customer Details

Name: Dr Joanne Graham

Address: The Paddocks Easter Greenrigg Farm Slamannan

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is surely contrary to Stirlingshire's Green Belt Policy and Development plan, and especially in the light of its proximity to an area of protected wildlife (Slamannan Plateau). There is no footprint of a previous property on this site, and no compelling need why the applicant needs to live on this site. In the absence of such need, surely approval of this application will set a dangerous precedent of building on a previously un-developed green field site which could have ramifications across the county, when Stirlingshire have been at pains to prevent this happening. In addition, the materials proposed are not in keeping with local build.

624

Ack - 11/09/12



Kirkpatrick Bros  
Grangeneuk Farm  
Slamannan  
Falkirk  
FK1 3DS

07 Sep. 12

To whom it may concern,

**Objection to Planning Application Number P/12/0421/PPP**

I am writing to you with regards to the proposed erection of a dwellinghouse on the land to the west of The Gables, Easter Greenrigg Farm, Slamannan. As the closest neighbour to the west of the land, I have several grievances relating to the planning process and the application itself:

1. As close neighbours of this development, we expected to receive full and proper notification of the application. However, we have received no information or notification regarding the application and we have only learned of the nature and timeline via another neighbour. It appears as though Mr. Kane has been able to do as he pleases regarding the planning application and now appears to be able to circumvent any issues and objections that anyone else has to pass. Although Mr Kane has now made an application for planning permission, his windmill was up for the majority of last year with seemingly no permission whatsoever.
2. The application itself makes several incorrect claims; one of which is in section 9 where the applicant has claimed there will be no altered access from a public road. This is despite the fact he has already created an entrance off the road to the site (again apparently without any permission). Surely, the applicant should have mentioned this work at some stage during his planning application. Also he states that there is parking for 4-6 cars which is also incorrect as there is no surface on the plot suitable for parking and whenever he is there at the moment he is parked on the single track road in front of the plot.
3. This application is for a house on a green-field site with no history of buildings, it is essentially part of a chopped up field which he is now calling a plot, in which case ourselves and several other land owners in the area could also just split up our land and put up houses and barns as we please. Local farmers have great difficulty getting planning permission for a house beside their current homes for family members who work on the farm but Mr Kane seems to be able to get whatever he likes.

I look forward to your reply regarding these issues and if any further information is required to confirm any of my points please do not hesitate to contact me.

Yours Sincerely

Allison Kirkpatrick

### Windfall Housing Development within the Urban and Village Limits

- 4.10 In addition to the housing proposals identified specifically in the Local Plan, other housing development within the Urban or Village Limits will be supported where it meets the criteria set out in Policy SC2. Such windfall development will generally be on brownfield sites and will assist in meeting the general objective of recycling redundant land and minimising take up of greenfield sites. However, sites must meet requirements in terms of accessibility, amenity and infrastructure availability. An estimate of the output from windfall sites has been built into the housing land requirement calculation, and monitoring will take place to check the actual output against the estimate.

4.11

#### SC2 WINDFALL HOUSING DEVELOPMENT WITHIN THE URBAN/VILLAGE LIMIT

Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and
- (6) There is no conflict with any other Local Plan policy or proposal.

### Housing in the Countryside

- 4.12 There is continuing pressure for the development of individual houses or groups of houses in the countryside. Structure Plan Policy ENV.1 and Local Plan Policy EQ19 set out the broad approach of restricting new development in the countryside unless a countryside location is required. Policy SC3 contains detailed criteria for assessing the acceptability of proposals. In general, housing will be permitted where it is required to support a genuine rural economic activity. Further opportunities will arise from the rehabilitation of redundant properties and from appropriate infill sites.

4.13

#### SC3 HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate all of the following:
  - The operational need for the additional house in association with the business;
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding;
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse; and
  - That the business as a whole is capable of providing the main source of income for the occupant;
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where all of the following criteria are met:
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape;
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer;
  - The restored or converted building is of comparable scale and character to the original building; and
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or
- (3) Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.

## Policies

### Countryside and Landscape

#### POLICY ENV.1

##### COUNTRYSIDE AND PROTECTED AREAS

- 1 There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.
- 2 The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.

- 5.3 Existing Local Plans identify the boundaries between urban areas and the countryside. To protect the amenity of the countryside, the aim is generally to confine built development to the urban areas, unless it can be demonstrated that it is essential for the development to be located in the countryside or it is an appropriate form of agricultural diversification. Examples of acceptable forms of development would include agricultural buildings, forestry related development, mineral workings, rural based tourism and recreation projects, telecommunications, renewable energy proposals etc. Where it is established that a countryside location is essential the proposal will also be assessed against any other policies appropriate to specific areas and to ensure that the scale, siting and design of any proposal minimises its visual impact. These will be set out in the relevant Local Plan.

- 5.4 Within this broad area of countryside, and overlapping with it, there are specific areas, designated for particular purposes. These are set out in Schedule Env.1 and Env.3 below. Areas of Great Landscape Value relate to 3 areas which are considered to have particular landscape qualities where greater attention needs to be paid to protection and enhancement. The Green Belt relates to the urban fringe and is intended to ensure that there is a separation between, and a setting for, the main urban settlements in the Council area. They are also a focus for recreation and landscape enhancement (see Policy Env.6). Historic Gardens, Prime Quality Agricultural Land and the nature conservation areas (see Schedule Env.3) are intended to protect a particular kind of resource. The detailed definition of these areas and the policies applicable within them will be set out in the relevant Local Plan.

- 5.5 Map 2 sets out the Council's Indicative Forestry Strategy. It indicates those areas which will be sensitive for proposals for forestry and areas where forestry would be preferred. It provides only broad guidance and at a site specific level there may be other issues that have to be taken into account. It is based on the Indicative Strategy used in the previous Central 2000 Structure Plan and will be reviewed as necessary particularly with regard to any changing needs as a result of the development of the Central Scotland Forest.

#### POLICY ENV.2

##### GREEN BELT

There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.