

List of Enclosures – Agenda Item 4

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### 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 SARKING RD CLACKMANNON FALKIRK	Address	/
Postcode:	EK5 4SD	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/PPP

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

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

#### Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. 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

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.	SCOTTISH GOVERNMENTS NOTES
2.	TYPED PAGE GIVING REASONS FOR SEEKING REVIEW
3.	DESCRIPTION OF PHOTOS
4.	PHOTOS
5.	LOSING 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 box]

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.

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**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.**

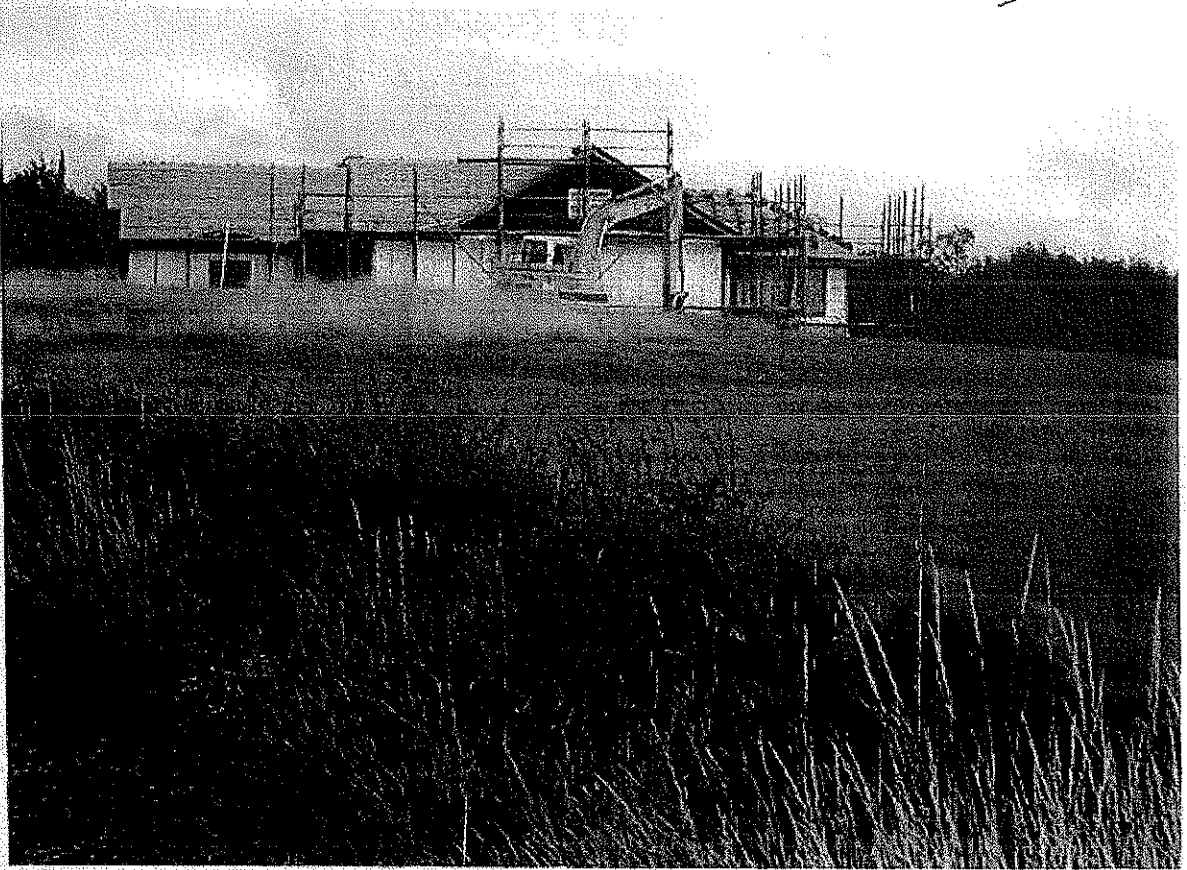
**Andrew and Barbara Kane**



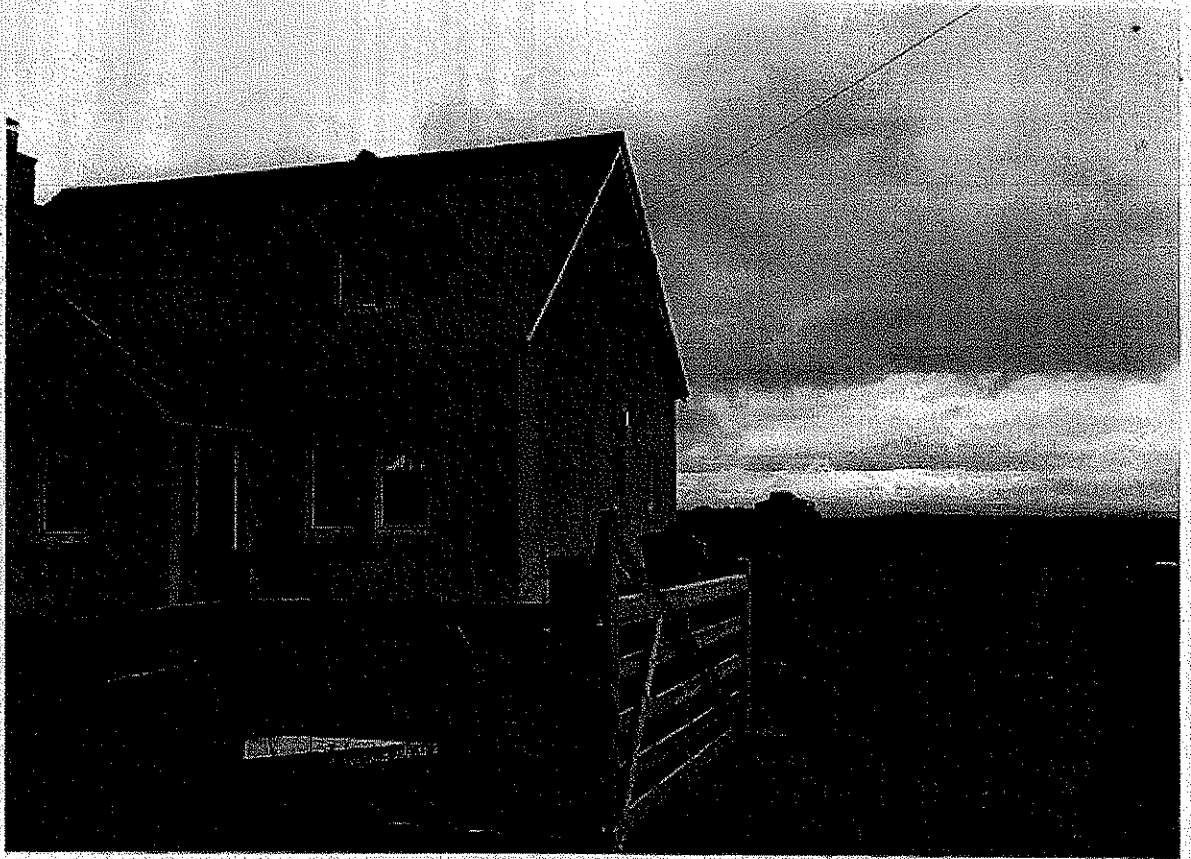
1



2

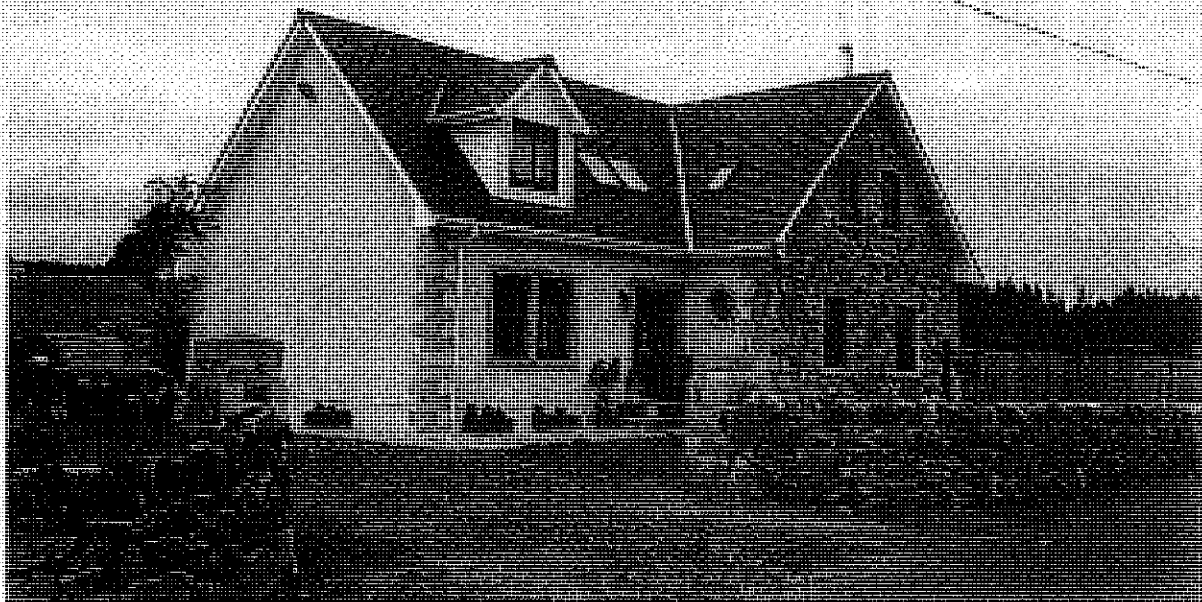


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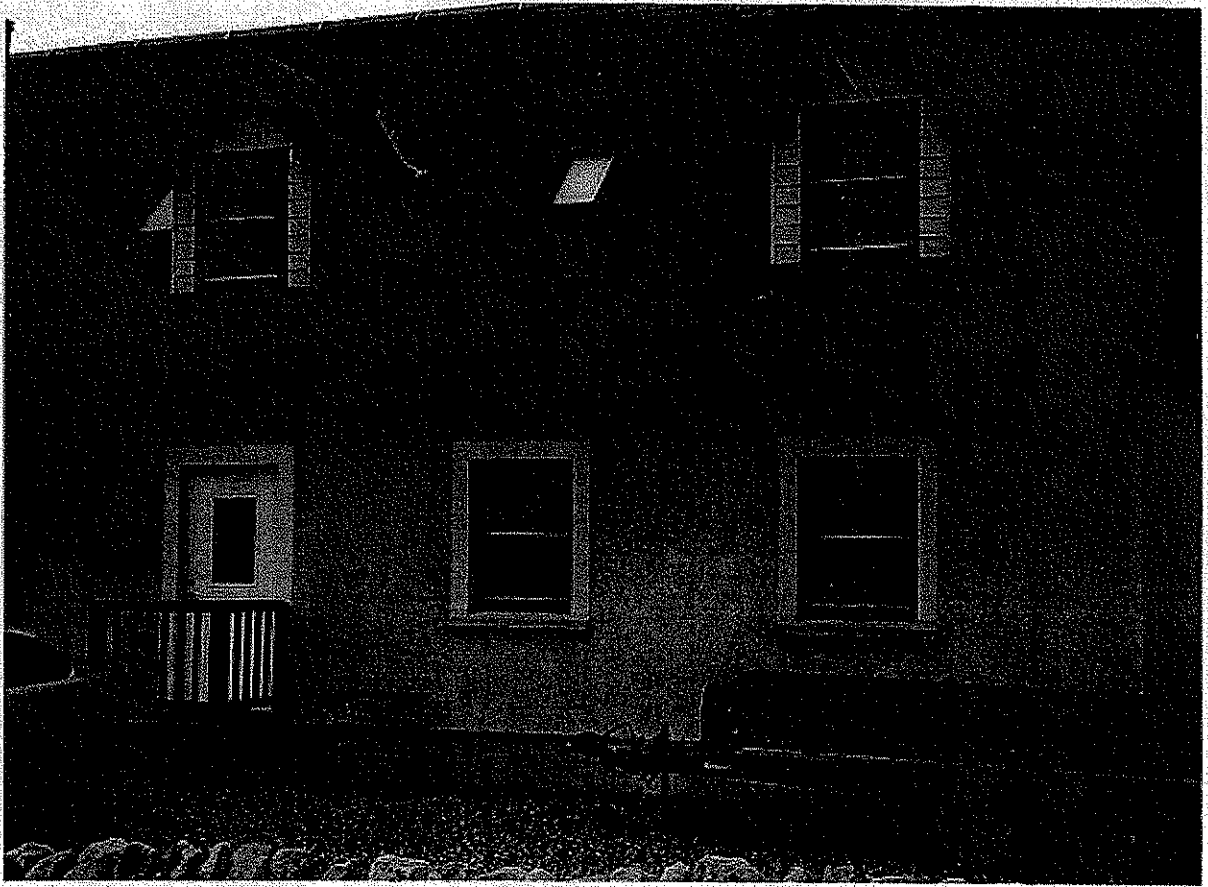


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7



8

P112/0421/PPP



# 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	Mr.	Ref No.	
Forename	ANDREW	Forename	
Surname	KANE	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	83a STIRLING RD	Address Line 1	
Address Line 2	GLASGOW	Address Line 2	
Town/City	FALKIRK	Town/City	
Postcode	FK5 4SQ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

**3. Postal Address or Location of Proposed Development (please include postcode)**

Easter Greenrig Farm, Slammanan  
FK1

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**

What is the application for? Please select one of the following:

- Planning Permission
- Planning Permission in Principle
- Further Application\*
- Application for Approval of Matters Specified in Conditions\*
- Application for Mineral Works\*\*

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:

[Empty box for temporary permission details]

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: [Empty box]

Date completed: [Empty box]

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

[Empty box for explanation of work]

**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: [Empty box]

Date: [Empty box]

Ref No.: [Empty box]

[Empty box for description of advice]

**7. Site Area**

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

Hectares (ha): 1.5 approx.

Square Metre (sq.m.) [Empty box]



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### 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.

[Empty box for describing flood risk increase]

**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.

24

**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:

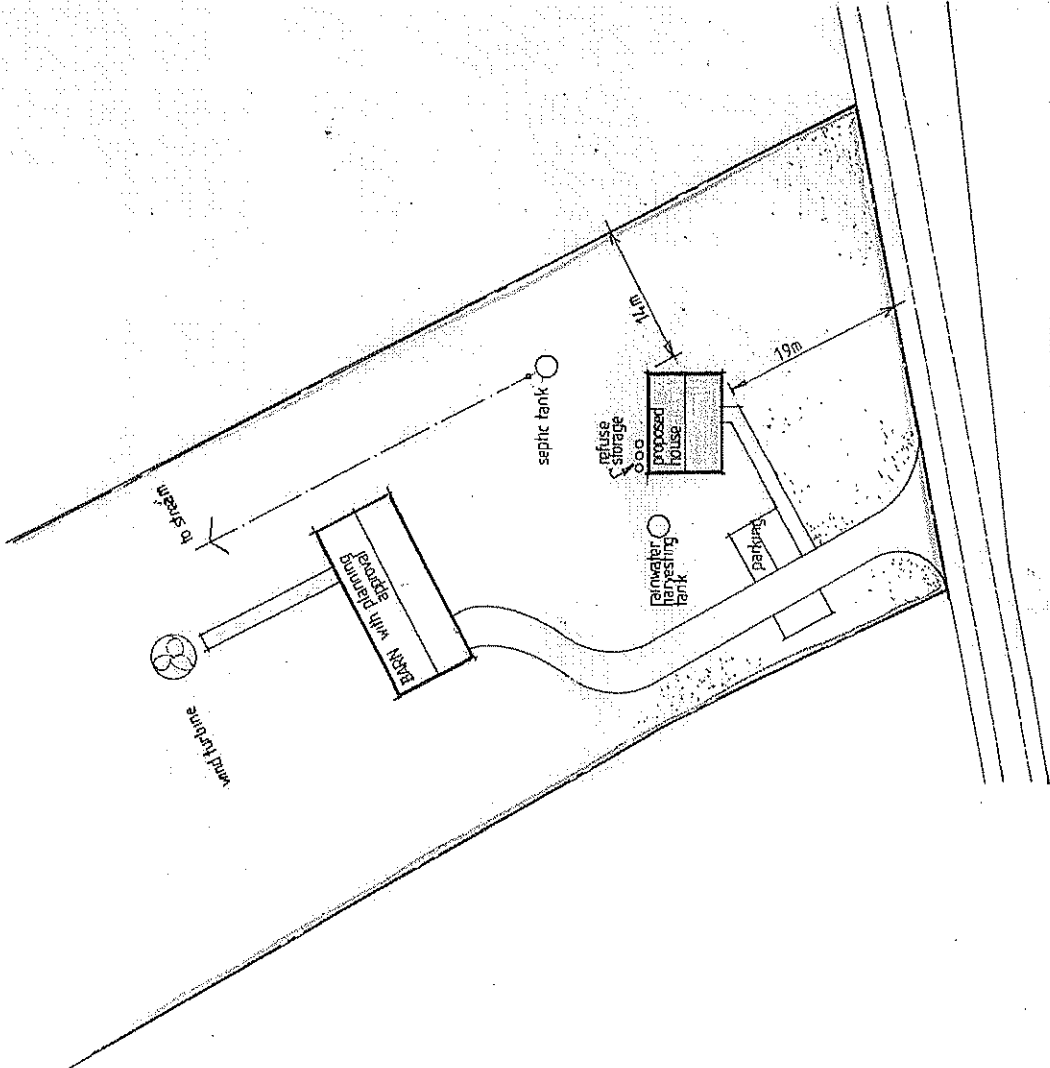
Name:

A. Kane

Date:

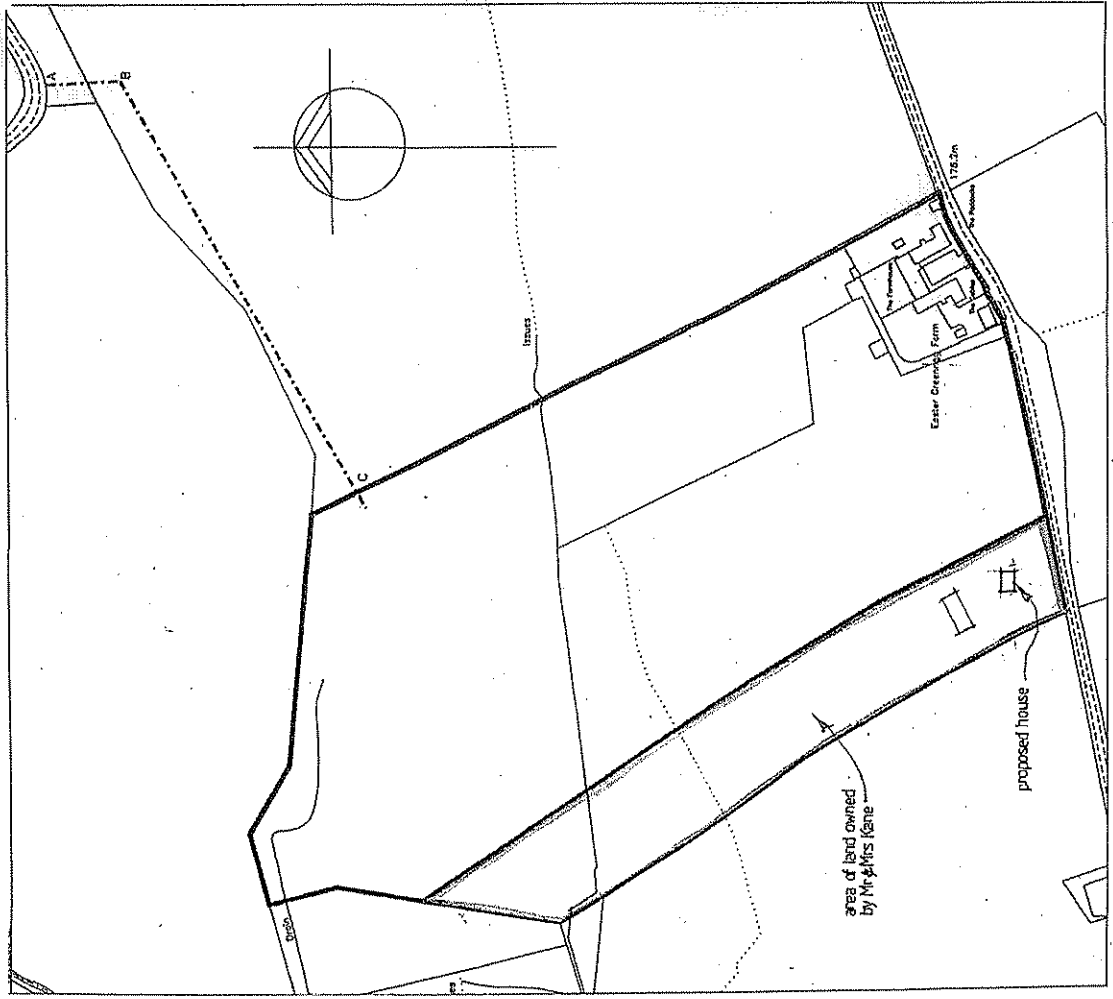
14/July/2012

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



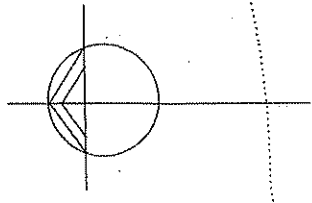
LOCATION PLAN 1:2500      grid ref. NS8273 NS8274

area of land owned by Mr & Mrs Kane

proposed house

Easter Greenrigg Farm

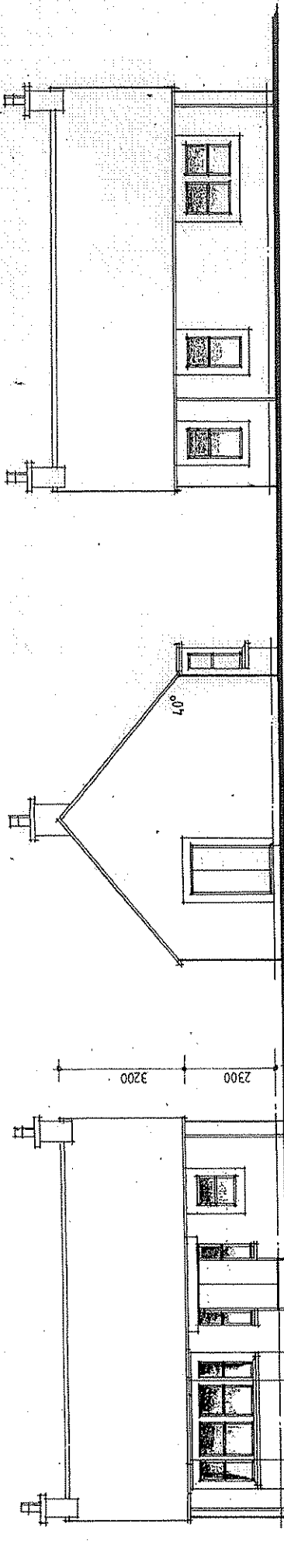
178.2m



A  
 B  
 C

road

road

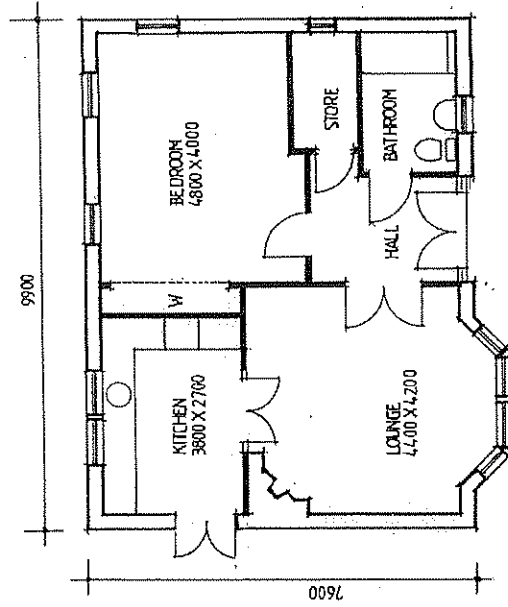


REAR ELEVATION

SIDE ELEVATION

FRONT ELEVATION

MATERIAL SPECIFICATION  
 ROOF natural slate — solar panels to front  
 WALLS powderwall render  
 WINDOWS white upvc — mock sash in case  
 DOORS white upvc — mock sash in case  
 BUTTERS black upvc  
 RIPS black upvc



GROUND FLOOR PLAN 1:100

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

n

# 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:

[Redacted Signature]

On behalf of:

A Kane

Date:

27/7/2012

### 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.

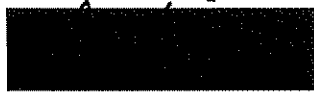
- 1. The overall appearance of the dwelling will remain as is detailed in the original planning application.
- 2 The construction of the dwelling will be of a **temporary nature**.
- 3. The changes to construction will be as follows:
  - A. The main structure of the dwelling will be of pre-fabricated 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.

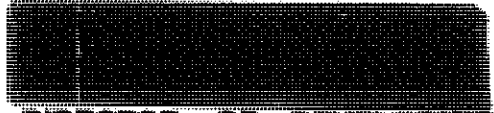
Yours faithfully.



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 simmilar 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:** adm1dmbcorr  
**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



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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.

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**Morris, John**

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**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

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\*\*\*\*\*

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:** adtm1dmbscorr  
**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

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## 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.

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.**



**Falkirk Council**  
 Chief Executive Office  
 Governance

Enquiries to: Shona Barton  
 Direct Dial: (01324) 506116  
 Email – shona.barton@falkirk.gov.uk  
 Our Ref: SB  
 Date: 27 December 2013

Mr & Mrs Kane  
 83A Stirling Road  
 Larbert  
 FK5 4SQ

Dear Mr and Mrs Kane,

**LOCAL PLANNING REVIEW COMMITTEE – PLANNING APPLICATION  
 P/12/0421/PPP ERECTION OF DWELLINGHOUSE AT LAND TO THE  
 WEST OF THE GABLES, EASTER GREENRIGG FARM, SLAMANNAN**

**NOTICE OF REQUEST FOR WRITTEN SUBMISSIONS**

The Planning Review Committee met on 21 November 2013 to consider the above application for review. Following an adjournment and subsequent site inspection, the Committee determined that they still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, that further information by way of written submissions be provided by the Applicant and the Council's Director of Development Services.

**The Committee asked that the applicant provide a report which provides further information on the proposal for prestige duck farming on the site.**

The Committee agreed to a timescale of 14 days from receipt of the request for provision of this information, but given the holiday period, I would be grateful if you could forward to me any appropriate information on or before **Friday 17 January 2013**.

Following receipt of your response, this will then be copied to the Director of Development Services and to all interested parties who will then have a period of 14 days to make comment.

In the meantime if you need any further information or clarification, please get in touch using the above details.

Yours sincerely,

Committee Services Officer  
 for Chief Governance Officer

*Chief Governance Officer: Rose Mary Glackin*

Municipal Buildings  
 Falkirk FK1 5RS  
 LP 1 Falkirk-2  
 www.falkirk.gov.uk

83a Stirling Road  
Glenbervie  
LARBERT  
FK5 4SQ

Shona Barton  
Committee Services Officer  
Municipal Buildings  
Falkirk FK1 5RS

Ref. Planning application P/12/0421/PPP/AD52

Date January 15<sup>th</sup> 2014

Dear Shona,

Thanks for your assistance at the review on Thursday Nov 21<sup>st</sup>. It was very frustrating not to be able to explain our plans at the meeting however, this further step helps let us explain some of the background to what has occurred. We are grateful for this opportunity.

I have very little experience in dealings with planing or on legal matters. I have therefore set out this document such that if you feel a page is unhelpful, it can easily be omitted. Can I ask we discuss anything that falls into this category.

The enclosed pages constitutes our additional comments to our Notice of Review relating to planning application:

P/12/0421/PPP Land to the West of Easter Greenrig

Please call if you have any questions

With thanks in advance

Andrew and Barbara Kane





Where we currently live:

We have lived at 83a Stirling road for 23 years. In that time we have paid for three sets of drawings to be produced that detail modernisation of the roof.

The reason the roof needs modernised is because it is a felt roof ( like a shed). It has no roof space to install insulation, it currently costs £2000 per winter to heat the house, the loft space is already two tiny low bedrooms with no space to insulate from the inside.

With energy bills doubling every seven years, we can no longer afford to heat ourselves in winter.

All three sets of drawings have been rejected by Falkirk's Planning office.

On our last meeting with Ian Dryden regarding this house, we were given a glimmer of hope when he agreed we could modernise the roof providing both houses ( its a semi-detached cottage) make the same changes such that "the mirror is not broken".

We were initially pleased with this concession however we are now aware that our neighbour has some other priorities and she will not be partnering us in any roof modernisation in the near future.

This house with the felt roof draws the same council tax banding as a detached 4 bedroom bungalow. After a 20 year appeal process, we have failed to win any concession from the assessors.

Due to heating costs and council tax and food price increases, we are on a downward spiral to a very cold and impoverished exit from this house. We will ultimately end up a burden on the council. This is something we do not want and we know we can avoid if we are allowed to build our warm and efficient one bedroom house.

If our carbon production is really the cause of what we have just witnessed in the Philippines, New Orleans or in the US mid-west from tornado's, then it feels to us that the council should be genuinely supporting changes that reduce carbon production.

We therefore pin all our hopes of getting a small, modern and warm place to live out our later years, on the cottage at Easter Greenrig.

The roads issue at Easter Greenrig:

We were not aware that the three large houses that make up the steading were subject to a roads restriction. If we had been aware of this, we could have notified John Milne that we already pay towards the maintenance of the private road.

Not only do we pay hundreds of pounds, but we sourced a much cheaper supply of road filling material. Our supplier was 70% cheaper than what Mr. Kirkpatrick had been paying so everyone who contributes to the roads costs are saving money because of our involvement.

When John Milne suggested we live in a caravan, we would have still needed a car so the public road would still have been used. Caravan life may have meant that the road was more heavily used.

Even if we attempted to manage the land from no dwelling, house or caravan, we would still have to use the road. It is likely that more journeys in and out would occur if we attempted to do this.

Most of our road usage would be on the private road that we pay maintenance towards. We have had discussions with neighbours at Easter Greenrig ( see letters from Mrs Joanne Graham and Alston Kirkpatrick ) and there is no objection to us being part of the group who pay for and use the private road.

Additionally, I have had discussions with Roddy Mackenzie of the roads department to make our case as detailed above. Roddy replied with the below note which we hope indicates that the roads issue is no longer an issue for our small development proposal.

"Mr Kane,

*Thank you for your enquiry about this planning application. It is now being reviewed by the Planning Review Committee and after discussing this matter with Shona Barton (Committee Services Officer) I have been advised that Democratic Services will be sending you a letter regarding this issue presently, and a reply from Design Services will be passed to you in due course.*

*Hope this is of assistance.*

*Roddy Mackenzie  
Roads Development Officer "*

The objections: Allison Kirkpatrick.

I have spoken with Allison and an additional letter attached to these notes details how she and the family no longer have an objection to our planning application.

The objections: Dr. Joanne Graham

We have met with Dr. Graham and explained our plans and hopes for living at Easter Greenrig. Dr. Graham now no longer has an objection to our planning application. Attached to these notes are a copy of Dr. Graham's letter regarding her original concerns.

In addition to gaining the trust of our hopefully future neighbours,

We have written to Scottish Natural Heritage to offer them the study rights to one acre of our land. This one acre consists mostly of moss but we have found on it a rare carnivorous plant. We hope to hear from SNH soon and if required we can forward their response to the planning review committee.

Although our land does not fall within the bounds of the Slamannan Plateau, we are intending to offer some of our time to the trust that monitors the rare Bean Geese that winters here. It would be our goal to participate in any way possible that leads to a better understanding of this rare bird and why it chooses Slamannan as only one of two of its UK wintering grounds.

We hope the above notes ( and the attached documents ) show to the Planning Review Committee that there are now no valid objections to our planning application. Also we hope to show our commitment to be good neighbours in Easter Greenrig.

A detailed plan of our crofting ambitions is enclosed with this letter.

The other new properties near Easter Greenrig:

From over eight new properties we have visited in Falkirk's outlying districts, three are within four miles of our proposed croft.

Two are huge houses with a footprint at least three times the size of the cottage we are proposing.

Two are storey and a half – ours is single story.

None of the three show any signs of crofting taking place ( one has pet horses and pet chickens but not as a business ).

We have no way of knowing how these properties achieved planning so cannot comment on this.

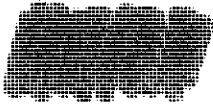
We have no way of knowing if farming or crofting is planned so again, we cannot comment.

We have no way of knowing what pledges the owners may have given to the planning authority.

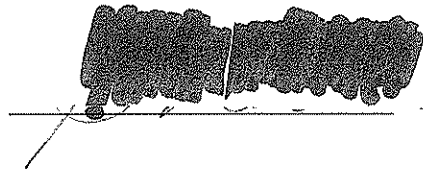
**We would be prepared** to give pledges regarding the cottage we are applying for.

With thanks in advance,

Andrew and Barbara Kane



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The Paddocks, Easter Greenrigg  
Slamannan  
Falkirk  
FK1 3DS

Mr and Mrs A. Kane  
83a Stirling Road  
Glenbervie  
Falkirk  
FK5 4SQ

12<sup>th</sup> January 2014

Dear Mr and Mrs Kane

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

Thank you for taking the time to visit us at the end of last year to discuss your plans regarding your planning application and to provide more details and context around your aims for your new house specifically. In this regard, we would like to add these further comments to our initial objections.

1. Objection relating to increased traffic on minor and largely unmaintained road (from Slamannan direction): we are now convinced that your plans are for a modest, single family home in this vicinity and not for a longer term aim of a business that may generate increased traffic.
2. Exterior finish of the property – clarification by you on this issue appears to have resolved this objection. The exterior of the house, on the elevations visible from the road and Easter Greenrigg, would be finished largely in stone that would, as best as possible, match local stone such as that used at Easter Greenrigg with some rendered portions as required – depending on planning requirements/constraints.
3. Locality to the SNH protected area – Bean Geese considerations. This will undoubtedly be managed by SNH themselves and is not within our jurisdiction.
4. Our wider concern regarding approval for this application setting a precedence for additional house building in the area remains – we have no objections to this specific individual application.

We hope these comments help to clarify our position.

Best regards



George and Joanne Graham

83a Stirling Road  
Glenbervie  
Falkirk  
FK5 4SQ

Shona Barton  
Committee Services Officer  
Municipal Buildings  
Falkirk FK1 5RS

Ref. Planning application P/12/0421/PPP/AD52

Date January 15<sup>th</sup> 2014

Dear Shona,

In addition to my notes of appeal, can I include this letter that details discussions that have taken place between myself and Mrs Allison Kirkpatrick of Grangeneuk Farm.

The farm entered an objection to our planning application under the name of Kirkpatrick Bros. and was signed by Allison.

I have now had the chance to meet with Allison and clear up some misunderstandings and to give her and the family some assurances as to our intentions regarding this planning application.

Allison had several concerns that prompted the objection. Some of these were genuine concerns and some were misunderstandings.

The misunderstandings:

1. Allison thought the house was to have parking for six cars. As the application was for planning in principal only, the drawings produced were very basic. They do show parking for only two cars but this was not as clear as it could have been. I have now reassured Allison that there will be no more than two cars ever needed by us at this house and hence only two parking spaces.
2. Issues with the initial installation of the wind turbine. Allison is correct to have had concerns with this but most of what happened was out-with our control. A company called Altaire Energy, misled myself and the council on obtaining valid planning permission. Planning was eventually obtained by myself at additional costs to myself. The turbine will only be re-erected providing neighbours (within 200 meters) affected by its view and noise, are in agreement that it is acceptable.
3. A proper tar/asphalt road will be installed as part of the construction leading from the public road access up to the two parking slots detailed in the drawings. Water run off will be such that no additional water is allowed to collect on the public road.

**Concerns:**

There was a concern that we were building this house to immediately sell it. Allison's concern being that the buyers could be less agreeable on issues such as only two cars and sharing the upkeep of the access road. I have reassured Allison that this small house is for us to spend our later years in. Our children are all grown and left the family home so the one bedroom cottage is designed specifically for us and that two cars are the most we will ever need.

Road maintenance for the access to or from the west (Cumbernauld end). I have already contributed a little towards the road maintenance costs but I have assured Allison ( and this letter constitutes it in writing ) that we will continue to provide our share of the maintenance costs for the road. We also discussed some additional ideas as to how to ensure the road does not become a busy short-cut leading to increased non local traffic from non-residents of the area. Further discussions are planned.

As a result of the discussion held by myself and Allison and clearing up the above issues, Allison has agreed that she no longer has an objection to our planning application.

A copy of this letter was given to Allison as a record of the commitments we are making regarding being good neighbours at Easter Greenrig.

Andrew and Barbara Kane



### Crofting at Easter Greenrig

As well as building up a viable croft based on farming ducks, we will of course be aiming to grow all our own root vegetables such as Potato, Carrot, Beetroot etc.

We will be keeping hens both for eggs for our own use as well as for meat.

If, after the land is landscaped and re-planted, there is sufficient feeding a few lambs may also be possible.

In the plan drawing, the cottage is near the road such that all farming takes place from the barn northwards such that animals are not able to become a nuisance on the public road.

### A small business plan for the croft is on the following 2 pages:

Farm prestige duck for the hotel and restaurant industry in central Scotland.

Starting with just two people, myself and my wife.

We would be responsible for all aspects of raising, breeding, slaughter and delivery of wholesale poultry carcasses to the local restaurants and hotels in surrounding areas of Slamannan including Glasgow and Edinburgh.

We would intend to start small with just 100 birds and use the first two years to jointly develop our farm facilities whilst at the same time getting the practical experience of farming duck.

By our third year we would expect the barn, pond and landscaping of the field to be completed and that the project was complete from the point of view that we were making a living from the sale of duck.

There is no other competition in the nearby farms for duck.

We feel that as most duck supplied into Scotland comes from abroad or England, that our low transportation costs to local outlets will make our product very competitive.

By being a local producer, less heavy trucks will be needed in transportation.

We have our farm registered for animal registrations and movements.

We feel that duck is becoming more popular as it is now understood by most nutritionists and chefs that fat in food is not the sole culprit for obesity. Duck and goose fat is actually a healthy form of fat similar in the way that sunflower and olive oil is. We believe that the consumer is now becoming aware of trans-fatty acids issues.

This is illustrated in the way that supermarkets and suppliers are marking their products with details such as "no Hydrogenates" and "Low Sugar".



Most supermarkets now sell duck where as just ten years ago only specialist butchers would supply fresh duck.

We would initially market our duck by direct selling into the Chinese food stores in Glasgow and Edinburgh.

Once we have the barn and facilities to cope with higher production numbers, we would market into the hotels and restaurants via short professional campaign by a sales specialist.

We have met and discussed our product with a few hotels to gauge there responses. Its clear they have a place on their menu for the right product.

We have met with one Chinese store who puts the emphasis on price and we can accommodate this in the early months as part of our start up costs. We understand there are risks, these are mainly disease and predators (foxes). My parents and grandparents ran a poultry farm at Harperfield Lodge, Lanark for 30 years.

With my own background in Mechanical, Electrical, Electronic and Engineering, along with my wife's experience as a business administrator, we feel we have the experience and intellect to learn all that is required to ensure we keep the birds healthy and free of the common diseases and parasites.

By having a brand new barn with modern doors and vents, there will be no opportunity given to predators to destroy the flock.

As I am a former IT engineer, we have the opportunity to ensure a good website is in place that not only promotes our farm and product, but it could have all the order and payment facilities embedded such should demand suddenly grow, we only have to increase the flock as the order and payments systems are all already in place from day one.

Starting with just two staff and never growing beyond six, we believe we can build a viable small crofting business that not only allows ourselves to work on our own land for as long as possible, but there is also an opportunity to take on young staff and train them such they may wish to carry on as crofters in there own right.



**Falkirk Council**  
*Chief Executive Office*  
 Governance

Enquiries to: Shona Barton  
 Direct Dial: (01324) 506116  
 Email – shona.barton@falkirk.gov.uk  
 Our Ref: SB  
 Date: 27 December 2013

Director of Development Services  
 Abbotsford House

Dear Mrs Geisler,

**LOCAL PLANNING REVIEW COMMITTEE – PLANNING APPLICATION  
 P/12/0421/PPP ERECTION OF DWELLINGHOUSE AT LAND TO THE  
 WEST OF THE GABLES EASTER GREENRIGG FARM, SLAMANNAN**

**NOTICE OF REQUEST FOR WRITTEN SUBMISSIONS**

The Planning Review Committee met on 21 November 2013 to consider the above application for review. Following an adjournment and subsequent site inspection, the Committee determined that they still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (“the 2013 Regulations”), that further information by way of written submissions be provided by the Applicant and the Director of Development Services.

The information requested from the Director of Development Services is as follows:-

- (i) information in relation to the proposal by the applicant for prestige duck farming on the site and the reasons why this was not notified or published in the progress of the planning application;
- (ii) information from the Roads Section in relation to the position regarding vehicular access to and from the proposed development site as well as in relation to the private Jawcraigs Road and the potential for that private road to be used to serve the proposed development site, and
- (iii) information in relation to the planning history of the sites where building has taken place identified by the applicant in the Notice of Review and any precedent that may have been set in the surrounding area for such development.

The Committee agreed to a timescale of 14 days from receipt of the request for provision of this information, but given the holiday period, I would be grateful if you could forward to me any appropriate information on or before **Friday 17 January 2013**.

A copy of this letter has been sent to the applicant in accordance with Regulation 15(a) of the 2008 Regulations. Following receipt of your response, this will then be copied to the applicant and to all interested parties, who will then have a period of 14 days to provide comment.

*Chief Governance Officer: Rose Mary Glackin*

Municipal Buildings  
 Falkirk FK1 5RS  
 LP 1 Falkirk-2  
 www.falkirk.gov.uk

Yours sincerely,

Committee Services Officer  
*for* Chief Governance Officer

Enc.

## PLANNING AND TRANSPORTATION

Enquiries to : Ian Dryden  
 Direct Dial : 01324 504756  
 Fax : 01324 504747  
 e-mail : ian.dryden@falkirk.gov.uk

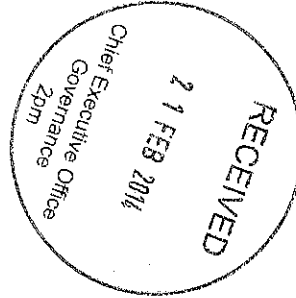
Our Ref : P/12/0421/PPP/ID/GA  
 Please quote in all correspondence



**Falkirk Council**  
 Development Services

14 February 2014

Shona Barton  
 Committee Services Officer  
 Municipal Buildings  
 Falkirk  
 FK1 5RS



Dear Madam

### LOCAL PLANNING REVIEW COMMITTEE - PLANNING APPLICATION P/12/0421/PPP ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF THE GABLES EASTER GREENRIGG FARM, SLAMANNAN

#### NOTICE OF REQUEST FOR WRITTEN SUBMISSIONS

I refer to your letter of 27 December 2013 seeking further information from the Director of Development Services with regard to the above local planning review. Please accept my apologies for the delay in replying. In response to the three points raised I would wish to make the following comments. For ease of reference I have repeated the points in bold type followed by the response.

- (i) **Information in relation to the proposal by the applicant for prestige duck farming on the site and the reasons why this was not notified or published in the progress of the planning application.**

The applicant makes reference in the Notice of Review Submission to submission of a plan detailing how the land would be used to farm prestige duck for the retail market. The applicant has not provided a copy of this document in the local review submission and so it has not been possible to confirm what document the applicant is referring to. There were 2 supporting submissions received from the applicant prior to the determination of the planning application. Both were taken into consideration in the assessment of the planning application. These documents are attached and comments on the documents are provided below.

The applicant submitted a supporting statement with their planning application. The statement, dated 14 July 2012, makes no mention of proposals for "prestige duck farming" and there is no mention of any existing or proposed rural business activity to justify a new dwellinghouse in this location. This submission is published on the e-planning portal.

An email from the applicant was received on 29 August 2012. A copy is attached. The email indicates that the applicant proposes to farm the application site in the future, keeping goats and ducks. The proposals are not detailed. The applicant indicates that the dwellinghouse is required before financial investment can be made to acquire livestock, equipment and agricultural buildings and farming activities can start. The submission makes it clear that there is no existing rural business operating on the site. General correspondence on planning applications is not published on the e-planning portal.

*Director: Rhona Geisler*

Abbotsford House,  
 David's Loan, Falkirk FK2 7YZ  
 LP 3 Falkirk-2.  
 Telephone: 01324 504950

[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

Falkirk Council Local Plan Policy SC3, Housing Development in the Countryside, sets out the circumstances in which housing development in the countryside will be supported. The Policy states that the applicant must demonstrate, amongst other things, the operational need for the additional house in association with the business and that the business as a whole is capable of providing the main source of income for the occupant. The applicant has not demonstrated a need for a new dwellinghouse in this location with regard to these policy criteria or any of the other criteria in Policy SC3.

It may assist members if the timeline of the planning application is clarified.

3 August 2012 - application registered

6 August 2012 - neighbours notified

9 August 2012 - press notice appears in the Falkirk Herald

21 August 2013 - letter to applicant requesting payment of newspaper notice fee

23 August 2012 - case officer emails applicant, advises proposal as submitted is contrary to Policy SC3 and may be recommended for refusal, invites submission of additional information in support of the application

29 August 2012 - email from applicant as mentioned above and attached

14 September 2012 - recommendation to refuse planning permission under scheme of delegation

17 September 2012 - email from case officer to applicant confirming recommendation

21 September 2012 - application not called in for determination by Planning Committee, permission refused

**(ii) Information from the Roads Section in relation to the position regarding vehicular access to and from the proposed development site as well as in relation to the private Jawcraigs Road and the potential for that road to be used to serve the proposed development site**

The Roads Development Unit has provided the following additional comments:

In the application, proposed access to and from the site is on to the public Oakersdykes Road which runs east from the site to the B803 Slamannan Road. To the west of the site Oakersdykes Road runs 200m to Grangeneuk Farm. Further to the west from the farm, the road continues as a private road and right of way, and joins Garbethill Road which is a public road within North Lanarkshire Council area. Garbethill Road then continues westerly to Fannyside Road which leads directly to either Cumbernauld or Greengairs. To the north Garbethill Road also links with Jawcraigs Road. Jawcraigs Road is a private road, mostly within the Falkirk Council area, and is located roughly half a kilometre to the north of the proposed dwelling site. It is a narrow farm track very poorly maintained and with certain long sections that are in a dangerous condition and not really suited to any vehicles except large four wheel drive or agricultural vehicles. The route from the proposed site to the B803 via the private Jawcraigs Road is 6.8km as opposed to 3.6km via the public Oakersdykes Road, and it is very unlikely that any resident of the proposed site would use the longer and more tortuous route.

In his correspondence with the Roads Development Unit, the applicant has intimated that, if successful with the planning application, he will only use the private track west from Grangeneuk Farm to Garbethill Road to access to and from the site. He also pointed out that the application for Easter Greenrigg Farm steading supposedly had the same arrangement in place. All the previous correspondence regarding the relevant planning applications has been reviewed and the Roads Development Unit confirm that no such arrangement was ever mentioned. In fact the only mention of the private track west from Grangeneuk Farm was from the farm owners Mr & Mrs Kirkpatrick, who stated that it was not suitable for any additional vehicular traffic (see attachments). This track is a right of way that guarantees access for pedestrian and cycle traffic, but access for vehicular traffic is not guaranteed.

Even if the route west to Jawcraigs Road was an adopted public road in good condition, it would not be possible to enforce any such arrangement and so is not appropriate for this kind of application. In view of the aforementioned the Roads Development Unit would still advise that Oakersdykes Road is not a road suitable to serve any additional dwellings and our original comments are still valid.

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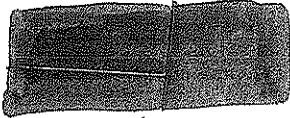
- (iii) Information in relation to the planning history of the sites where building has taken place identified by the applicant in the Notice of Review and any precedent that may have been set in the surrounding area for such development.

The applicant includes photographs of houses in the Notice of Review Submission but does not identify the location of the properties and so it has not been possible to comment on these sites. However, a planning history search has been carried out of new dwellinghouses granted permission within a 5 mile radius of the application site that fall within the Falkirk Council area. This search has identified that 6 planning permissions have been granted for new dwellinghouses since 1992 within this area. Within the same radius 8 planning permissions have been granted for the conversion and reconstruction of existing buildings to form dwellinghouses. The closest site to the application site is Easter Greenrigg Farm on which planning permission was granted for conversion of an existing steading to form 3 dwellinghouses.

It is not considered the Council has established a precedent for granting new dwellinghouses in the countryside contrary to the Falkirk Council Development Plan. Each planning application has been considered on its individual merits with regard to the Development Plan and material planning considerations. Members are asked to consider this planning application with regard to the criteria set out in Falkirk Council Local Plan Policy SC3.

I hope this is of assistance.

Yours faithfully

A rectangular area of the document has been redacted with a dark, textured pattern, obscuring the signature of Ian Dryden.

Ian Dryden  
Development Manager

FOUNT (1)

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**From:** AFK [REDACTED]  
**Sent:** 29 August 2012 16:55  
**To:** Milne, John  
**Subject:** Agricultural Justification for Dwelling at Easter Greenrig.

John,

The below is what we want to go public with regarding our planning application. Can you confirm by Tuesday that you have received it OK.

A dwelling is required prior to the required investments being made in the small farm. On December 10th 2011, twenty thousand pounds worth of vandalism was carried out on the existing Wind Turbine.

Although we want to live and work in the country, we do not have the kind of financial resources that could sustain a 2nd attack such as the one we had in December.

If we are not living on the site in order to work and protect it, the following investments could be lost:

A forty thousand pound barn of mainly wooden construction could be attacked or burnt.

A 3 thousand pound power hut could be attacked and the 5 thousand pounds worth of equipment it houses stolen or ruined.

Several thousand pounds worth of investment in pens and fencing to contain the Goats and manage their browsing could be vandalised, cut or burnt.

Several hundred pounds of incubator huts and laying sheds for the ducks could be attacked or burnt.

The livestock itself, several thousand pounds of Angora Goats could be mistreated or rustled.

Several thousand pounds of Long Island Duck could be mistreated or killed or stolen.

The existing wind turbine or the new proposed heat turbine could be attacked and damaged ( again ).

We would appeal to the planners, the councillors and the neighbours, that this small agricultural venture can only have the best chance of success if we are allowed to live on the farm and protect our investments.

We feel by choosing Duck and Angora, that we add to the diversity of the farming community in the area and provide no threat or competition to existing farms.

We have engagements with supply chains that currently source their products from England and hence we would be providing a supply chain origin in Scotland and further enhance the green nature of our farm by reducing the trucks that currently carry these products up from England.

The competitive edge we hope to have is based on our expertise in harnessing the sun, wind and water advantages our land provides.

A land survey we had carried out in March 2012 highlights that this field is of such poor quality, that a small house and farm of the appropriate species, is possibly, the very best use that could ever be made of the site.

We beg that we are allowed this opportunity to start farming and living at Easter Greenrig. We will sign and agree to any conditions that the council deems necessary to be placed on the dwelling.

Andrew and Barbara Kane



BAT (1)

**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.

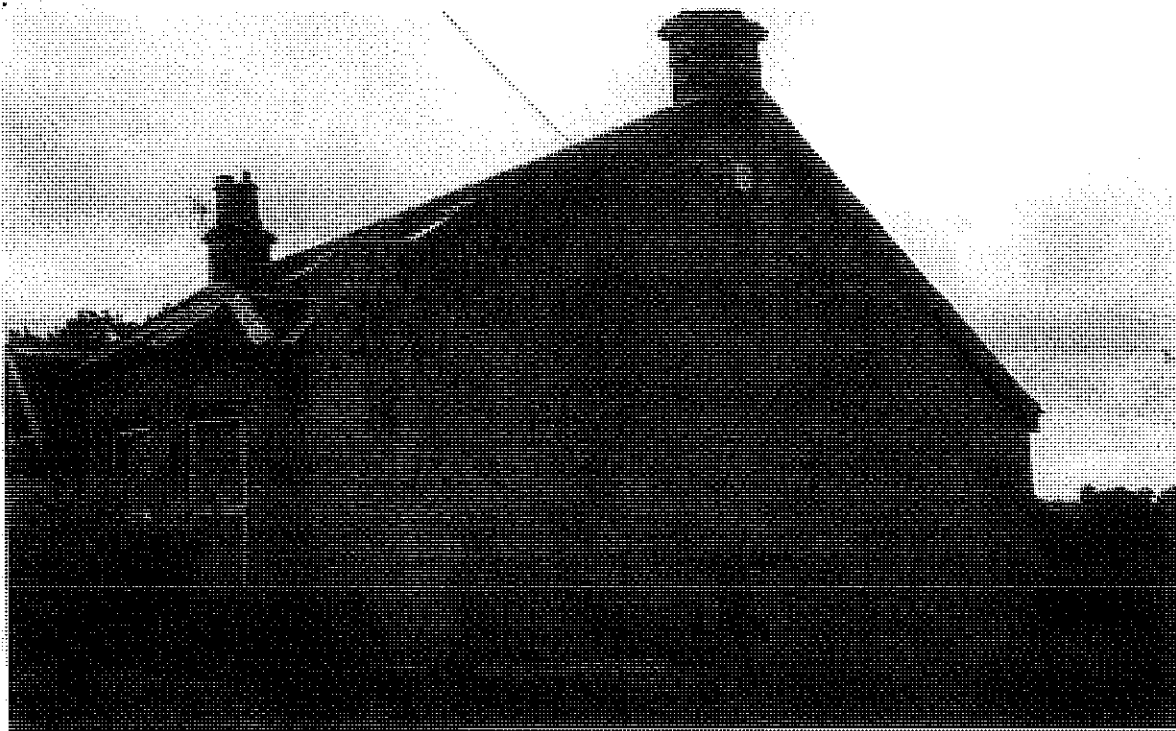
The stone exterior of the house will be constructed from recycled stone sourced locally ( central Scotland ).

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



The above photos represent the stonework style and colour as well as the roof style of the proposed dwelling-house at Easter Greenrig.

15/4/03

Grangeneuk Farm  
Slamannan  
Falkirk  
FK1 3DS

Dear Sir,

With regards to the Planning Application submitted by Ms. McRae for the restoration of farm steading at Easter Greenrigg Farm, Slamannan. We have no objections other than it be noted before planning consent is given that access to Easter Greenrigg is from the B803 Slamannan/Falkirk road and nothing to do with track from Grangeneuk Farm to the Fannyside road. Due to previous problems with Ms. McRae regarding this track it is not suitable for use by vehicles other than our own. Lorries, or goods being delivered to our farm now have to come from the Falkirk side.

Yours Faithfully  
Mr and Mrs Kirkpatrick

ACK - KM 23/4/03.

F/2003/246

17.4.03

please  
ack

To:

The Director of Development Services,  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk FK2 7YZ



Your Name:

MR &amp; MRS KIRKPATRICK

Address:

KIRKPATRICK BROS.  
GRANGENEUK FARM  
SLAMANNAN  
FALKIRK  
FK1 3DS

Tel.

01324 851269

Dear Madam,

In respect of the development noted overleaf, I would like the following matters to be taken into account when you form your recommendation on, or when you determine, the application.

- ① The misleading information in the planning application schedule - Easter Greenrigg is accessed from the East via a single track road from B803 running from Falkirk to Slamannan. There is access to Cumbernauld by continuing west along single track road to adjoining Fannyside Road - thus implying that single track road continues past Easter Greenrigg to join Fannyside Road, when in fact council road stops at Grangeneuk Farm & a farm track continues for about a mile out to Fannyside road. This is a private road barely passable at the moment so who would be liable for it if three or more houses want to use it for access.
- ② Suitability of single track road from B803 which passes through two farm steadings on road in & has very few passing places to cope with extra traffic (11 parking spaces)
- ③ The fact that former owner, Mr. D. Bennie has kept strip of land between Easter Greenrigg & Grangeneuk Farm obviously with plans to develop in the future.
- ④ Neighbours were never notified about amendment to initial application F/2003/0246 allowing for two dwellings. We only received initial application which was for restoration of farm steading into one large dwelling house.

### IMPORTANT

In order to resolve some or any of the matters raised above, it may be necessary to discuss the substance of your comments with the applicant or his / her agent. In some instances, the nature of such discussion may allow the applicant to identify the source of an objection. To comply with the terms of the Data Protection Act 1998, please tick the box below to allow such discussion to take place. The form of development finally approved may not address the issues raised above if I cannot raise the matters with the applicant or his agent.

Tick Here

Signature \_\_\_\_\_

Date

24/11/06

83a Stirling Road  
Glenbervie  
LARBERT  
FK5 4SQ

Shona Barton  
Committee Services Officer  
Municipal Buildings  
Falkirk FK1 5RS

Ref. Planning application P/12/0421/PPP/AD52

Date March 5<sup>th</sup> 2014

Dear Shona,

Item i

The time-line Ian provides supports our grievance that the neighbours were not given the chance to review their objections to the dwellinghouse once the knowledge of what agriculture would be taking place at the croft, was in the possession of the planning department.

Just three days after the application is received the neighbours are notified. However after our planner has details of the plan to farm duck, there is a space of 15 days in which the neighbours could have been updated about the duck farm. We feel the knowledge that no competitive activity would be taking place at the croft, may have had a positive effect on the responses of the neighbours.

We still feel we did not receive the guidance and help we should have had from our planner. Had we had said guidance, items such as a full business plan would have been supplied with the original planning application. Lots of confusion and wasted efforts on everyone's behalf could have been avoided.

#### Item ii

Planning was granted to our croft's previous owner for stables. Stables would almost certainly have resulted in more car traffic, jeep and horse box traffic and possibly large truck horse box traffic.

Planing was granted to ourselves for a agricultural barn. Agriculture taking place at the croft would have/will result in increased traffic.

Planning was granted for a wind turbine that required daily ( when windy ) visits to collect the data from the site which again, results in increased traffic.

Our planner suggested we live in a caravan for two years. This would also have meant that there would be increased car traffic on the road into the croft.

Having the dwelling before the agriculture is established, will almost certainly result in less traffic on the access road.

The Jawcraig road is unrelated to our location.

Mrs. McCrae's relationship with Mrs Kirkpatrick should have no bearing on our application.

We have successfully met with Mrs Kirkpatrick ( January 2014 ) to re-assure her that we will continue to pay towards the upkeep of the private road and be sincere and friendly neighbours.

However, even if we were not allowed to use the private road, it would not cause issues between ourselves and the farm.

It was the review committee at the meeting in November 2013, that informed everyone that there was an arrangement in place between the new houses at the steadings and Mrs Kirkpatrick at the farm. That arrangement was to allow the steading owners the use of the private road to ease traffic on the public road. No one on the committee questioned the validity of such an agreement.

We have confirmed that such an arrangement (all be it informal )does exist and that if we continue to pay maintenance monies towards the upkeep of the private road, (which we have done in the past ) we will also be allowed to use the road.

We feel that allowing traffic for stables, barn, wind turbine , caravan etc. but not allowing any traffic for one small dwellinghouse ( which will likely have less need to use the road ) is discriminatory.

If required, we will agree to council restrictions such that the dwelling shall be restricted to no more than one car.

### Item iii

For Ian to simply brush aside our claim that new houses with what appears to be no agriculture taking place, are being allowed, whilst ours which will have agriculture is being refused seems to us discriminatory.

The intent was that planning should explain why these houses are allowed whilst ours is not. Simply quoting Local Plan Policy SC3 does not address our original feelings of discrimination.

Attached are maps and directions to the exact location of the two houses closest to us.

We take no pleasure in this claim of discrimination but there are new large houses being allowed on land close to us and on land with similar roads and access issues. We are compelled to ask why these houses are allowed and ours is not.

Yours Faithfully

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Andrew Kane and Barbara Kane

This location is approx a 4 miles from ours. It is on the road between Slamannan and Shieldhill.

The house is huge and sits in a field of 13 acres.

The field is south facing and is of good quality ( suitable for sheep or cattle ).

There is no obvious sign of agriculture taking place.

The house sits in the top right hand corner of the red square.





This location is approx a 2 miles from ours. It is on the road between Slamannan and Falkirk adjacent the Jawcraig brickworks.

The house is large two stories and sits in a field of 7 acres.

There is no obvious sign of agriculture taking place.

The green arrow give the approximate location of the new house.



This photo illustrates the relation and proximity all three properties have to each other.

B To the left is our croft at Easter Greenrigg, C is the Jawcraig house, above to the right and A is the Loch Elrig house to the far right.

Hallglen is at the top right of the photo.



Grangeneuk Farm  
Slamannan  
Falkirk  
FK1 3DS

10<sup>th</sup> March 2014

Dear Shona

**Re: Planning Application P/12/0421/PPP (Erection of dwelling house to the west of The Gables,  
Easter Greenrigg Farm, Slamannan.**

With regards to your letter dated 25/02/14, we would just like to clarify a few points:

- Mr Kane visited Grangeneuk Farm on the 14<sup>th</sup> of January 2014 to discuss the above planning application.
- Mr Kane visited Grangeneuk farm again on the 15<sup>th</sup> of January 2014 with a letter regarding the discussion with Allison Kirkpatrick. This letter stated that Allison no longer had any objections to the current planning application. I (Allison) had not agreed with that version of the discussion, and was very surprised to read it in the copy of the letter of 15<sup>th</sup> of January 2014 from Mr and Mrs Kane which was sent to you and hand delivered to me by Mr Kane on the 15<sup>th</sup> of January 2014.
- On speaking with Mr Kane on the 15<sup>th</sup> of January, when he handed me his letter, I told him that I was not withdrawing the objections. I then telephoned and spoke with you that day (before the appeal hearing on the 16<sup>th</sup> of March 2014).
- Regarding the single track, and, unadopted road which would be required to access the proposed development from the direction of the Fannyside Road; this should not be used as a reason to acquire planning permission. The road would not be suitable for continual traffic which is likely to increase as the development now appears to be a business venture rather than a modest private dwelling house.
- The single track, and, unadopted road is currently maintained by us at Grangeneuk Farm with personal agreements with the current residents at Easter Greenrigg for contributing to the upkeep of the road. If planning permission was granted for a modest private dwelling house, we asked Mr Kane to be prepared to contribute similarly.
- It appears to us that Mr Kane has been continually changing his plans for the proposed development to initially obtain planning permission for building on this piece of land which has no previous building footprint. This may set a precedent for even more building on a greenfield site.

Yours sincerely



Allison Kirkpatrick  
(for and of behalf of Kirkpatrick Brothers)