



## **Agenda Item 4**

**ERECTION OF DWELLINGHOUSE AT  
LAND TO NORTH OF WESTER  
BANKHEAD FARM, ANNET ROAD,  
HEAD OF MUIR FOR MR ROBERT  
DENHOLM -  
P/19/0432/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT  
LAND TO NORTH OF WESTER BANKHEAD FARM, ANNET  
ROAD, HEAD OF MUIR FOR MR ROBERT DENHOLM -  
P/19/0432/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 20 November 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood

Councillor Fiona Collie

Councillor Paul Garner

Councillor Nigel Harris

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Brent Vivian (Senior Planning Officer) Ext. 4935

[View this Application on Public Access](#)

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

- 1.1 The application seeks planning permission to erect a generously proportioned four bedroom dwellinghouse with an attached double garage. The main part of the proposed dwellinghouse is two storeys, while the wings extending to the south and north are single storey. The wing extending to the west (to form an L shape) is one and half storey, comprising the double garage and a guest bedroom above. The guest bedroom is proposed to be used for bed and breakfast accommodation. The existing farm track is proposed to be upgraded.
- 1.2 The application site consists of high ground within the applicant's land holding to the north of Wester Bankhead near Head of Muir. The land holding is open pasture in character and the application site affords extensive views. There is an existing caravan sited at the southern edge of the land holding. The application site can be accessed from both the north and south by the farm track.
- 1.3 The submitted justification for the proposed dwellinghouse is an agricultural need relating to a new business (pedigree cows and sheep).
- 1.4 The application is accompanied by a planning supporting statement, a design statement, a labour report, financial projections and a supporting letter from the National Farmers Union (NFU) Scotland.

1.5 The supporting information includes the following submissions:-

- The applicant currently runs a dairy farming business at Dykebrae Farm and, along with his two sons, at Wester Lochdrum Farm, both near Bonnybridge;
- The applicant wishes to retire from the partnership at Wester Lochdrum, and break from dairying and expand his own business at the land he owns at Bankhead;
- He currently has 17 cows and the target over the next 5 years is to reach 50 pedigree Aberdeen Angus cows and followers, and 70 pedigree Texel sheep;
- The existing dwellinghouse at Dykebrae would be taken over by one of his sons who is in partnership with his other son at nearby Wester Lochdrum; and
- The applicant's wife has extensive experience in the tourist sector and would run the proposed Bed and Breakfast.

## **2. REASON FOR COMMITTEE CONSIDERATION**

2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Blackwood to enable consideration by Committee of the housing in the countryside policy.

## **3. SITE HISTORY**

3.1 Planning application P/18/0596/FUL for erection of a dwellinghouse was withdrawn on 17 December 2018 pending further information to support a resubmission. This application considered the proposal in the context of the overall land holding and contended that an additional dwellinghouse was required in order to meet the overall farm labour requirement of 4.24 units. The current application represents a different approach following clarification that the 4.24 unit labour requirement was met by the existing dwellinghouses at Dykebrae and Wester Lochdrum, and two other dwellinghouses which are subject to legal agreements to restrict occupancy (which are currently resided in by other members of the family not involved in the farm business).

3.2 Agricultural notification P/18/0619/AGR for farm related building works (non-residential) was received on 19 October 2018. The applicant was advised on 19 November 2018 that planning permission was required on the grounds that the proposed building works were for a use that had not yet commenced and were therefore not requisite for an existing agricultural purpose.

3.3 Agricultural notification P/19/0443/AGR for erection of an agricultural shed was returned on 4 October 2019 as the application was invalid upon receipt and the invalid reasons were not addressed within the required timescale.

## **4. CONSULTATIONS**

4.1 The Council's Roads Development Unit have noted that the application site is accessed to the south via a shared private access which abuts the western extent of Haypark Road. This private access serves Mid and Wester Bankhead Farms, measures approximately 400 metres in length and does not feature either footway or lighting provision. Vehicular traffic generated by the proposed dwellinghouse is not likely to have a significant effect on the public road network. However, the proposal could generate pedestrian traffic which, in view of the absence of pedestrian facilities between the site and Haypark Road, would not be in the best interests of road safety.

Consequently, planning permission should only be granted if the proposal is essential to an economic activity appropriate to a rural location. There are no roads related conditions to attach to any grant of planning permission.

4.2 Scottish Water have no objection to the application. There is currently sufficient capacity at the Carron Valley Water Treatment Works to serve the proposed development. The availability of capacity would be confirmed once a formal connection application is submitted. According to their records, there is no public Scottish Water waste water infrastructure within the vicinity of the proposed development. Therefore, the applicant is advised to investigate private treatment options.

4.3 The Council's Environmental Protection Unit have advised that a contaminated land assessment would be required in the event of unexpected contaminated land being encountered following commencement of the development. Noise need not be a determining factor in considering the application.

## **5. COMMUNITY COUNCIL**

5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

6.1 One representation in relation to the application has been received. The points raised in this representation are summarised as follows:-

- It is understood that local plan guidance requires new buildings/dwellings to align to existing neighbouring properties. This guidance has been adhered to in the positioning of Muirfield House and East Banknock Farm - both of which are sited in a straight line with Easter Banknock Cottage; and
- The proposed dwelling is not in line with existing properties/ buildings which would create an unnecessary visual distraction. Should the buildings be placed in the same line as the existing structures of East Banknock Farm, Easter Banknock Cottage and Muirfield House or indeed aligned to Wester Bankhead Farm and the neighbouring dwelling, this would be more aesthetically/visually acceptable.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

## 7a The Development Plan

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan.
- 7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the LDP.

- 7a.3 Policy CG01 – Countryside states:-

*The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.*

- 7a.4 Development in the countryside will be assessed against the relevant supporting countryside policies and Supplementary Guidance SG01 'Development in the Countryside'. The relevant supporting countryside policies in this instance are Policies CG03 'Housing in the Countryside' and CG04 'Business Development in the Countryside'.

- 7a.5 Policy CG03 - Housing in the Countryside:-

*Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

- 7a.6 Proposals for housing in the countryside of a scale, layout and design suitable for its intended location will be supported in certain circumstances. These circumstances include housing required for the pursuance of agriculture. Detailed guidance on the application of the relevant criteria is contained in SG01. None of the other circumstances to support housing in the countryside are relevant in this case.

7a.7 Policy CG04 - Business Development in the Countryside states:-

*Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

- 1. Areas specifically identified for business development on the Proposals Map;*
- 2. Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;*
- 3. Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or*
- 4. Limited extensions to existing established business in the countryside;*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.8 Proposals for business development in the countryside of a scale, layout and design suitable to its intended location are also supported in certain circumstances. These circumstances include appropriate leisure and tourism uses where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification. Detailed guidance on the application of the relevant criteria is contained in SG01.

7a.9 Policy D04 - Low and Zero Carbon Development states:-

- 1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - Proposals for change of use or conversion of buildings;*
  - Alterations and extensions to buildings;*
  - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - Temporary buildings with consent for 2 years or less; and*

*Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.10 The submitted design statement indicates that on-site low and zero carbon generating technologies would be incorporated into the development in the form of a ground source heat pump. In addition, there is mention of a ventilation system to retain and recover heat produced by the ground source heat pump. The precise details of the provision, to accord with SG5 'Low and Zero Carbon Development', could be the subject of a condition attached to any grant of planning permission.

### ***Supplementary Guidance forming part of Local Development Plan***

7a.11 SG01 'Development in the Countryside' sets out the criteria to support new dwellinghouses in the countryside on the grounds of agricultural need. The following comments are made with respect to those criteria:-

- The submitted financial projections indicate that the new pedigree cow and sheep business operates at a loss in Year 1 and is marginally profitable in Year 2. By Years 4 and 5, net income is projected to have increased substantially but may still be marginal in terms of economic viability. The proposed Bed and Breakfast would appear to be a significant contributor to the income from the overall project;
- The operational need for a dwellinghouse on the grounds of animal husbandry, animal welfare and security is accepted;
- The labour requirement is also relevant to consideration of operational need. In that respect, the labour report indicates that the labour requirement is currently 0.54 units building up over 5 years (or earlier) to 1.41 units. The scale of current operation is not sufficient to support the proposed new dwellinghouse;
- It is accepted that there is no existing dwelling which might have served the need that has been sold or otherwise alienated from the Bankhead holding. However, it is noted that there is an existing caravan on the holding. In addition, there are existing dwellinghouses within the wider family holding (see paragraph 3.1 above), although it is acknowledged that these dwellinghouses are some distance from Bankhead; and
- It is accepted that there are no reasonable opportunities for reusing or converting redundant buildings at Bankhead rather than building a new dwelling.

7a.12 SG01 notes that where a house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of development of the business. In these circumstances it is usual for the Council to grant a temporary permission for a non-permanent form of housing pending the establishment of the business. In respect of this, the applicant has made the following submissions:-

- The new farming business with the Bed and Breakfast enterprise cannot be established unless the proposal is built in full - a temporary caravan on-site would not be a suitable route to follow.
- It is accepted that there are cases where unconventional rural schemes have to be monitored for their long term viability (and genuineness). This proposal is not in this category and the applicant is a genuine farmer with a multi-generation history of farming in this area.

7a.13 The criteria indicate that proposals for new Bed and Breakfasts will generally only be permitted where a specific opportunity is identified in the LDP or existing buildings are being utilised. In this case the proposed Bed and Breakfast is not identified in the LDP and would not utilise an existing building. However, if the proposed dwellinghouse was justified on the basis of agricultural need, the Bed and Breakfast could thereafter be supported as an appropriate form of farm diversification.

7a.14 SG01 also sets out design principles for new development in the countryside. These include that new development should integrate with, and take advantage of, existing features of the landscape or the site including topography, trees, woodland, water features, existing buildings and boundary treatments. New development should 'nestle' within the landscape. In this instance, the proposal sits on an elevated site within an open landscape and does not appear to rely on any existing features. While some new landscaping is proposed, the applicant was requested to give further consideration to landscape/ visual impacts and mitigation proposals, including submission of photomontages from select viewpoints to consider, for example, potential impacts on the skyline. This information has not been submitted to date. Notwithstanding this, any grant of planning permission could potentially be subject to a condition requiring the details of a landscape scheme to be submitted for approval.

7a.15 SG01 also sets out design guidance. The proposed development has been designed to create a courtyard setting with the lower wings appearing as subservient buildings, typical of a farm steading. The proposed scale, detailing and external finishes are considered to be sympathetic to vernacular tradition, while there are elements of a more contemporary nature such as glazing features and an upper balcony. The proposed external finishes include natural stone and slate, timber and render.

7a.16 In conclusion, the application is assessed as contrary to the LDP with respect to the housing in the countryside policy and supplementary guidance.

## **7b Material Considerations**

7b.1 The material considerations of relevance to determining this application are Scottish Planning Policy, Proposed Local Development Plan 2 (LDP2), the consultation responses and the representation received.

## ***Scottish Planning Policy***

- 7b.2 Scottish Planning Policy encourages rural development that supports prosperous and sustainable communities and development, while protecting and enhancing environmental quality as well as recognising that a more restrictive approach to new housing is appropriate in pressurised areas easily accessible from Scotland's cities and main towns. The Falkirk area is considered to be an accessible and pressurised area. The LDP provides a number of opportunities for new housing for new housing in the countryside subject to certain criteria being satisfied. These provisions are considered to be appropriate and sustainable in the context of the accessibility of the area and the development pressures this brings.

## ***Falkirk Local Development Plan 2 (Proposed Plan)***

- 7b.3 The Proposed Falkirk Local Development Plan 2 (LDP2) was approved by the Council in September 2018 for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received, it is expected that LDP will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of Falkirk Council's view in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

The policies of Proposed LDP2 of relevance to the application are the same or similar to those of relevance under the LDP.

## ***Consultation Responses***

- 7b.4 The consultation responses are summarised in section 4 of this report. The Roads Development Unit have no concerns if the proposal is essential to an economic activity requiring a rural location. The matters raised by Scottish Water and the Environmental Protection Unit would be the subject of conditions or informatives attached to any grant of planning permission as appropriate.

## ***Representation Received***

- 7b.5 The points raised in the representation are summarised in Section 6 of this report. The Council's supplementary guidance SG01 sets out design guidance for new buildings in the countryside as detailed in this report. While there is no specific requirement for new buildings to align with existing buildings, the guidance indicates that new development should integrate with, and take advantage of, existing features of the landscape.

## **7c Conclusion**

- 7c.1 The application is assessed as contrary to the LDP, for the reasons detailed in this report. It is therefore recommended for refusal. There are not considered to any material planning considerations to justify setting aside the terms of the LDP in this instance.

- 7c.2 While the applicant's submission that the applicant is a genuine farmer with a multi-generation history of farming in the area is noted, this is not considered to amount to exceptional circumstances which would justify setting aside the housing in the countryside policies and guidance. As noted in this report, the proposed new dwellinghouse is not justified by the current labour requirement at this time, there are some reservations over economic viability, and the usual situation for a new economic activity is to grant temporary permission for a non-permanent form of housing (to meet the operational need), pending the establishment of the business.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee refuse planning permission for the following reason:-

1. The application is contrary to Policies CG01 'Countryside' and CG03 'Housing in the Countryside' of the Falkirk Local Development Plan and Falkirk Council Supplementary Guidance SG01 'Development in the Countryside' as the relevant criteria to support the proposed new dwellinghouse on the grounds of agricultural need are not all met. The proposed dwellinghouse therefore represents unjustified development in the countryside.

### **Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10.

.....  
**Director of Development Services**

**Date: 8 November 2019**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan (including relevant supplementary guidance).
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).
4. Representation received from Gillian Hamilton, Muirfield House, Longcroft, Denny, FK6 5NA, on 17 July 2019

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

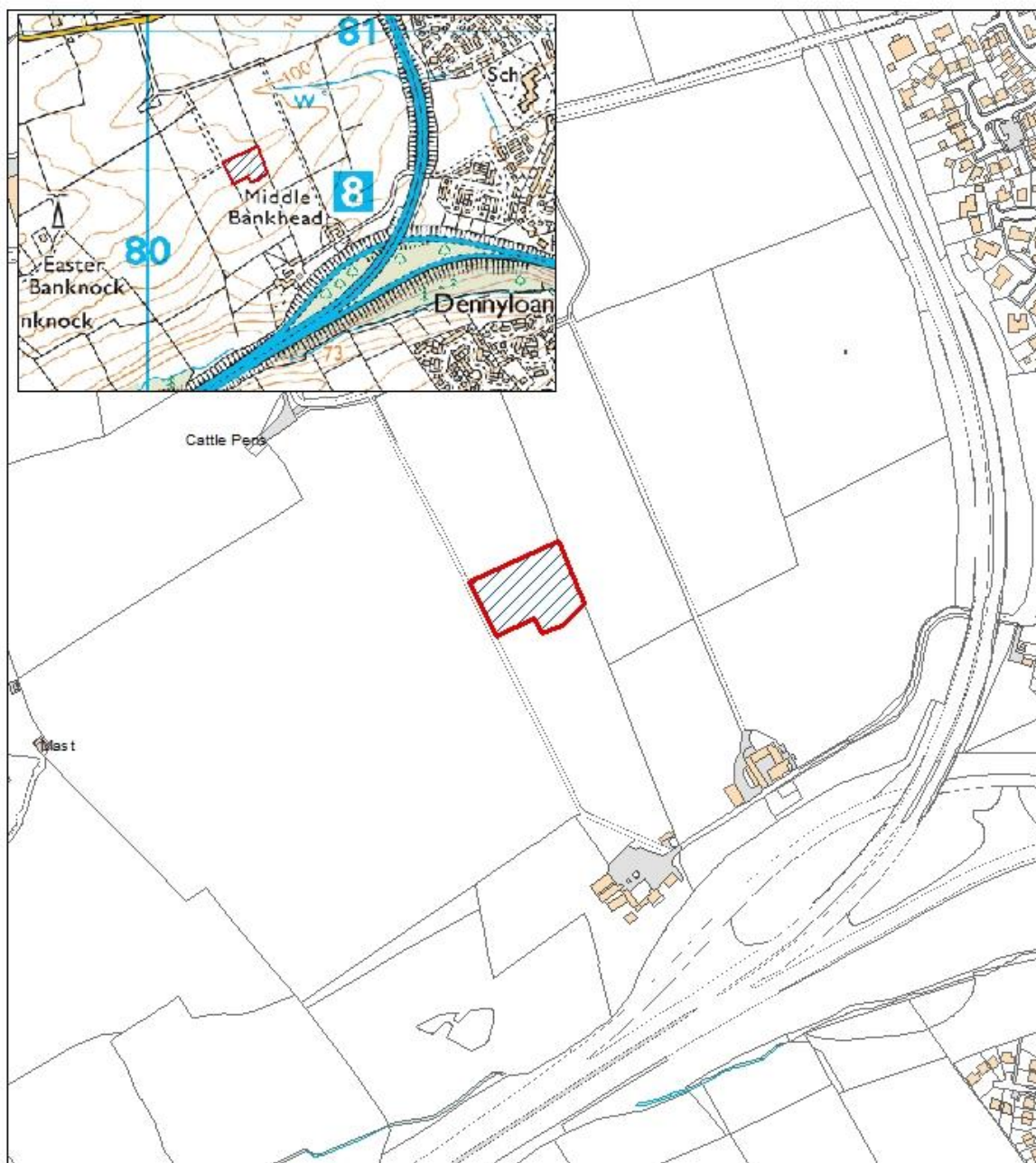


# Planning Committee

## Planning Application Location Plan

**P/19/0432/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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