

**FALKIRK COUNCIL**

**Subject: ERECTION OF AGRICULTURAL WORKER DWELLINGHOUSE, LAND TO THE NORTH EAST OF BONNYSIDE FARM, BONNYSIDE ROAD, BONNYBRIDE FOR JOHN POLLOCK & SONS LTD (OUTLINE) – P/08/0866/OUT**  
**Meeting: PLANNING COMMITTEE**  
**Date: 17 June 2009**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Member:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** None

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

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

- 1.1 The application seeks outline planning permission for the erection of a dwellinghouse for an agricultural worker.
- 1.2 The application site lies to the east of existing farm buildings at Bonnyside Farm, High Bonnybridge. The site is some 1200m<sup>2</sup> in area, square shaped and currently consists of open farmland. It is accessed off Bonnyside Road via a private farm track.
- 1.3 An Agricultural Labour Requirement Report has been submitted with the application. In summary it states: -
  - The applicant runs an agricultural business based at Bonnyhill Farm. The business also farms several other sites in the Falkirk area. The main ones are Bonnyside Farm and Househill Farm.
  - The business is run as a dairy and arable cropping farm with all calves born to the dairy cows reared as dairy herd replacements or as finished cattle for the beef market. In addition, winter sown cereals, spring cereals and grass for silage are grown.
  - The business processes and retails all the milk produced by the dairy herd. The processing and distribution operation is based at Bonnyhill Farm and employs 8 full time people. There has recently been a substantial investment in the dairy buildings and new milking parlour at Bonnyhill Farm.
  - The dairy herd at Bonnyhill has been expanded, necessitating the movement of the rearing of the heifers and beef cattle to the other farm sites owned by the business.

- The business has a requirement to comply with animal welfare regulations. A failure to meet those requirements would jeopardise membership of the Quality Assurance Scheme for livestock. To fulfil those requirements it is necessary to have appropriately qualified people resident on the site where the livestock are kept.
- The business currently has 8 houses available to it with one house occupied by Mrs Pollock (Senior) who is no longer actively involved in the business.
- In order to have key personnel situated at the sites where livestock are kept it has been identified that the business requires a further two houses to fulfil this function.
- The labour requirement of the current farming business has been calculated at 13.42 labour units.
- It is concluded that there is an agricultural justification to support an additional 2 houses for key workers based on the labour requirements for the business using standard labour data.

1.4 The applicant's agent has confirmed that the farming operation (excluding the milk processing operation) employs 12 full time workers. He has named these workers and advised that 7 of them occupy dwellinghouses owned by the business and that the remainder live in a variety of other houses, some of which are not very convenient to the farm operation.

1.5 In addition, the applicant's agent has advised that the application site was selected because it is an elevated area thereby allowing for a large part of the farm to be visible from the proposed dwellinghouse

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

2.1 The application has been called-in by Councillor Coleman.

## **3. SITE HISTORY**

3.1 There is no planning history for the application site.

3.2 Planning application ref: P/08/0874/OUT for the erection of a dwellinghouse for an agricultural worker at Househill Farm has also been submitted and is also on the agenda for consideration by the Planning Committee at the meeting on 17 June 2009.

## **4. CONSULTATIONS**

4.1 The Roads Development Unit has advised that access to the proposed development would be by means of an existing private access road of restricted width and alignment, that lacks footway and lighting provision. Development accessed by a private road is contrary to the department's practice.

4.2 The Environmental Protection Unit has advised that the undertaking of a Contaminated Land Assessment will be required. Its database shows the application site to be within 250 metres of a factory or works, a railway line and other potential sources of land contamination.

- 4.3 Scottish Water has no objection to the application.
- 4.4 Museum Services have advised that the site lies within the buffer zone for the Antonine Wall on one of the major approaches to the important visitor attraction at Rough Castle. Whilst there is no known archaeology in the immediate vicinity of the site, the proposed development would intrude into the buffer zone and there may be a tendency to fill in the area between it and the existing farm with more structures. It is recommended that the dwellinghouse be placed nearer to the existing building in order to lessen visual impact.
- 4.5 Historic Scotland has advised that the proposed dwellinghouse is located 220 metres to the south of a scheduled section of the Forth and Clyde Canal and 360 metres to the north of a scheduled section of the Antonine Wall. It also lies within the buffer zone for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. Historic Scotland has requested additional information on the scale of the proposed dwellinghouse and the scope of amenity around the building in order to determine its impact on the setting of the Antonine Wall Scheduled Ancient Monument. In addition, it is requested that the applicant consider locations closer to the existing built up area to minimise intrusion into the buffer zone.
- 4.6 The Council's Rural Business Consultant has raised concerns in relation to the operational need for the proposed dwellinghouse. In particular, he considers that the system of measurement used to justify a requirement for 13.42 labour units is outdated and not appropriate in this instance given the size of the farm (giving rise to efficiencies through economies of scale) family involvement and the likelihood that the hours worked are longer than the standard labour unit. In addition, he is not aware of the current location of the 8 existing farm dwellinghouses because the applicant has not provided this information despite being asked to do so. The Consultant considers that, unless there are a significant number of animals at a particular location, it may not be feasible to justify a dwellinghouse on site for welfare reasons if the stock can be looked after in a satisfactory fashion from nearby.

## **5. COMMUNITY COUNCIL**

- 5.1 There is no Community Council at present for this area.

## **6. PUBLIC REPRESENTATION**

- 6.1 No public representations have been received to the application.

## **7. DETAILED APPRAISAL**

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

## 7a The Development Plan

### ***Approved Falkirk Council Structure Plan***

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

*“(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.”*

7a.2 This policy requires consideration of whether the proposed dwellinghouse is essential to a countryside location. The justification put forward is that the proposed dwellinghouse is required for an agricultural worker, and an Agricultural Labour Requirement Report has been submitted in support of this. The ‘essentiality’ test in respect of the proposed dwellinghouse is considered to require assessment of the operational need for the proposed dwellinghouse, whether there is an existing dwellinghouse that could meet that need or there is an opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant. These assessment matters are set out in Policy SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7a.3 The operational need for the proposed dwellinghouse requires consideration of whether the agricultural worker needs to be resident on the site rather than somewhere else and whether the business provides sufficient full-time employment to support an additional dwellinghouse. In this instance insufficient information has been submitted in regard to how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff. It has therefore not been demonstrated that the stock could not be looked after in a satisfactory fashion without the need for the proposed dwellinghouse. With regard to employment, the concerns raised by the Council’s Rural Business Consultant are noted, however it is accepted that the labour unit requirement of 13.42 has been calculated in accordance with agreed labour data requirements. It is therefore considered that the application could not be properly opposed on these grounds.

7a.4 There would not appear to be an existing dwellinghouse at Bonnyside Farm that could meet any operational need at this location. It is not known to this Planning Service if an existing dwellinghouse that could have served any need has been sold or otherwise alienated from this farm holding. In addition, there would not appear to be any opportunity to convert an existing building to meet any operational need.

7a.5 No information has been submitted to demonstrate that the business would provide the main source of income for the occupant of the proposed dwellinghouse.

7a.6 It is therefore considered that it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. Accordingly, the application does not accord with this policy.

### **Adopted Rural Local Plan**

7a.7 The application lies within the countryside under the adopted Rural Local Plan.

7a.8 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”*

7a.9 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criteria 1. For the reasons detailed in relation to Policy ENV. 1 of the approved Falkirk Council Structure Plan it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity appropriate to a rural location. The application therefore does not accord with this policy.

7a.10 The policy requires strict control of the siting, scale and design of those developments in the countryside which are granted planning permission. In this instance the application site is located some 70 metres to the north-east of the existing farm buildings within an open landscape. As such, it is considered that the proposed dwellinghouse would appear as a sporadic development form and have an adverse impact on the open nature and character of the countryside. This is compounded by the relatively large size (some 1200m<sup>2</sup>) of the plot to accommodate the proposed dwellinghouse. The design and layout of the proposed dwellinghouse would be considered as part of a detailed application should outline permission be granted. Boundary treatments would be important given the open nature of the site. There would be a preference for stone walling and hedging using native species and a presumption against timber fencing.

7a.11 Policy RURAL 17 'Antonine Wall' states:

*"That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably."*

7a.12 The proposed development would not directly impact on a scheduled ancient monument but would potentially affect the setting of the Antonine Wall. Historic Scotland has requested additional information regarding the scale of the proposed dwellinghouse, however this level of detail is not currently available and would be forthcoming as part of a detailed application should outline permission be granted. Detailed assessment of the proposed development against the policy is therefore not possible at this time. However, it is relevant to note that consideration of a location closer to the existing farm buildings and a smaller plot size would minimise intrusion into the buffer zone. In contrast, the selected site for the proposed dwellinghouse the potential to adversely affect the setting of the Antonine Wall. By virtue of this, the application is considered to be contrary to this policy.

7a.13 Accordingly, the application does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the submissions by the applicant.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 The application site lies within the countryside, the Green Belt and the Antonine Wall Buffer Zone under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this plan include Policy EQ19 (Countryside) and Policy SC3 (Housing Development in the Countryside). These policies are similar to Policy ENV 1 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan and do not raise any additional issues. For the reasons detailed in relation to Policy ENV 1 of the Falkirk Council Structure Plan, the application is similarly considered to be contrary to policies EQ19 and SC3 of the emerging replacement Local Plan.

7b.4 Policy EQ20 - ‘Green Belt’ states:

*“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
  - detracting from its existing landscape character;*
  - reducing the visual separation between settlements; or*
  - compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”*

7b.5 This policy contains a strong presumption against development in the Green Belt except in limited circumstances. In this instance the proposed development does not satisfy all of these exceptions as the development has been assessed in this report as contravening policies EQ19 and SC3 and is considered to have the potential to detract from the existing open character of the landscape at this location, thereby potentially undermining the role of the Green Belt. The proposed development is therefore considered to be contrary to this policy.

7b.6 Policy EQ17 ‘Antonine Wall’ states:

*“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.7 Under this policy there is a presumption against development within the Antonine Wall buffer zone that would have an adverse impact on its setting. This issue has been considered in relation to Policy Rural 17 of the adopted Rural Local Plan. The comments made apply similarly to Policy EQ17.

### **Consultation Responses**

7b.8 The consultation responses are summarised in section 4. The comments of the Roads Development Unit, Scottish Water, Museum Services and Historic Scotland are noted. It is considered that the concerns of the Roads Development Unit concerning access to the site could not justify refusal of the application in this instance.

- 7b.9 The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any approval of the application.
- 7b.10 The concerns of the Council's Rural Business Consultant regarding the operational need for the proposed dwellinghouse are noted and are reflected to a large extent in assessment of the application against the relevant Development Plan policies.

### ***Submissions by the Applicant***

- 7b.11 The submission by the applicant is set out in paragraph 1.3 of this report. The applicant contends that appropriately qualified people require to be resident where livestock is kept, in order to comply with animal welfare regulations. However, the Council's Rural Business Consultant has advised that there are plenty of farm units carrying livestock that do not have farm staff resident on the site. The applicant has not detailed how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff member, in spite of this information having been requested. If a case could be made that there are no existing dwellinghouses occupied by a regular staff member or family member within close proximity of the livestock accommodation, then this Planning Service may be able to accept an operational need for the proposed dwellinghouse on welfare grounds. In addition, cash flow accounts would need to be submitted to demonstrate that the business would provide the main source of income to the occupant of the proposed dwellinghouse. There is also a siting issue as detailed in this report.

### **7c Conclusion**

- 7c.1 This application, for the erection of an agricultural workers dwellinghouse, is considered to be contrary to the Development Plan for the reasons detailed in this report. The application is therefore recommended for refusal. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application partly founders on a deficiency of information as detailed in this report. Location of the proposed dwellinghouse nearer to the existing farm buildings would address concerns regarding impact on the open character of the countryside and minimise intrusion into the Antonine Wall buffer zone, whilst maintaining good visibility over the farm and providing security of the farm buildings.
- 7c.2 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.



## 8. RECOMMENDATION

8.1 It is therefore recommended that outline planning permission be refused for the following reason(s):-

- (1) The application is considered to be contrary to Policies ENV.1 (Countryside and Protected Areas) of the approved Falkirk Council Structure Plan, Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) and SC3 (Housing in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. In particular the operational need for the proposed dwellinghouse and whether the existing business could provide the main source of income for the occupant of the proposed dwellinghouse have not been demonstrated. The proposed dwellinghouse is therefore considered to represent unjustified development in the countryside.
- (2) The application is considered to be contrary to Policies Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as the proposed development would appear as a sporadic development form to the detriment of the open nature and character of the countryside.
- (3) The application is considered to be contrary to Policy EQ20 of the Falkirk Council Local Plan Finalised Draft (Deposit version) as the proposed development does not satisfy all of the exceptions of the policy to justify setting aside the strong presumption against development in the Green Belt.
- (4) The application is considered to be contrary to Policy 17 (Antonine Wall) of the adopted Rural Local Plan and Policy EQ17 (Antonine Wall) of the Falkirk Council Local Plan (Finalised Draft) as the proposed development has the potential to have an adverse impact on the setting of the Antonine Wall.

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For Director of Development Services

Date: 10 June 2009

### LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).

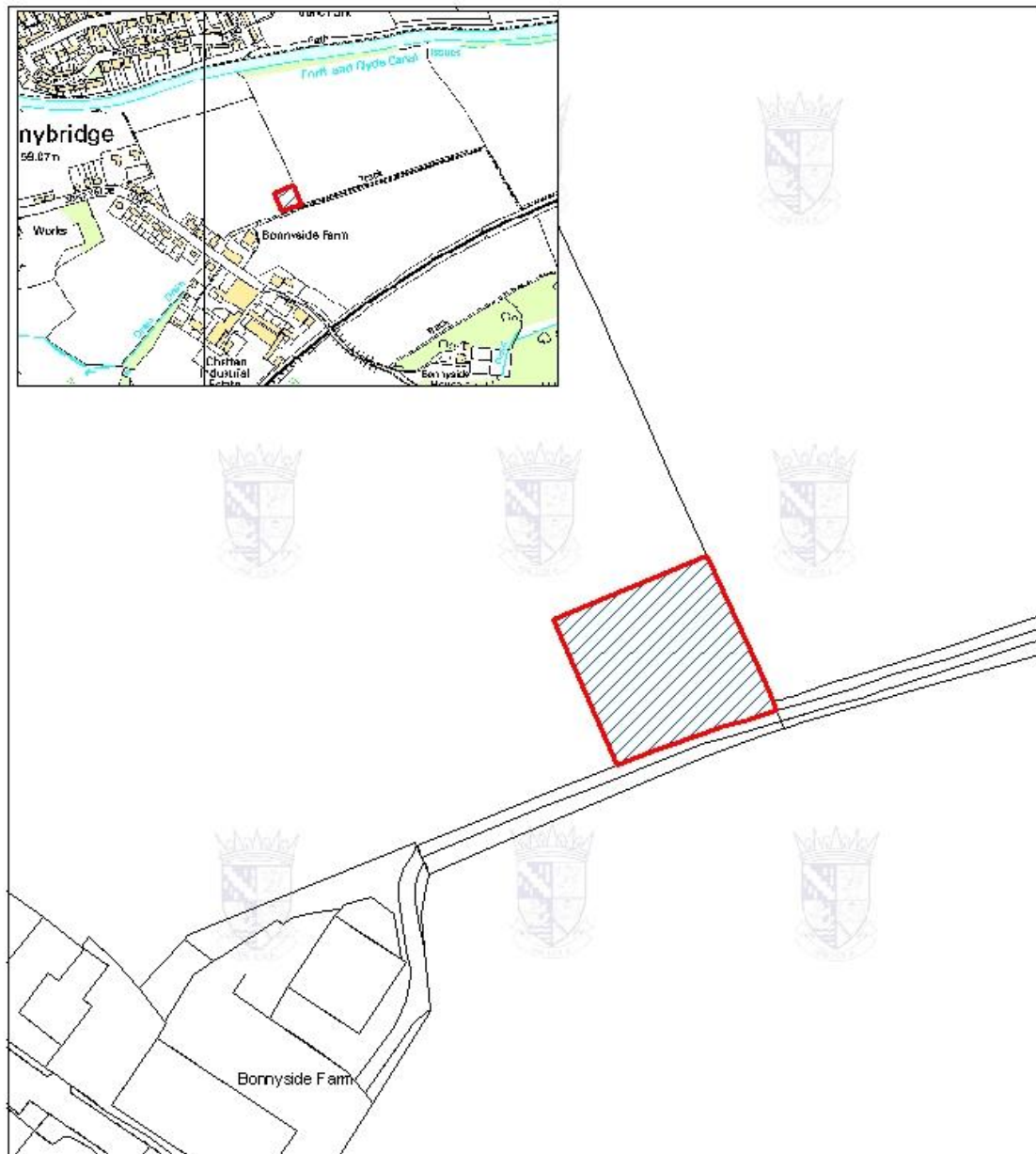
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/08/0866/OUT**

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



Falkirk Council

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