

FALKIRK COUNCIL

**Subject: ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE
AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT
- P/10/0262/PPP**

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood

Councillor John McNally

Councillor Martin David Oliver

Councillor Alexander John Waddell

Community Council: Denny and District

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), where it was agreed to continue the planning application for a site visit, which took place on 18 November 2010.
2. Members of the Planning Committee and Local Members heard the applicant's agent in support of the proposal, in particular, the applicant's 25 year history of farming in this area and the fact that the Council's own agricultural consultant acknowledges merit in the proposal in terms of the anticipated animal numbers and farm unit size. It was confirmed that the applicant is seeking this permission to allow 24 hour supervision of livestock which will in turn assist in the viability of the proposal. The issue of the viability of the business proposal, however, remains a concern for the Council's Agricultural consultant. The applicant's agent confirmed that they had given officers' suggestions of a temporary chalet on the site due consideration. However, it was considered that the start up costs involved in such a venture, added to the limited re-sale value, would be unreasonable with the preference being to invest these funds in the business itself.
3. Officers confirmed that, due to current questions over viability, the proposal fails to meet all Development Plan requirements. The Council's agricultural consultant recognises the need for on-site accommodation in the interests of animal welfare but considers the current scale of the operation to be akin to "hobby farming". The provision of temporary accommodation would meet the on-site requirement whilst allowing the business to grow to a viable level to support a permanent dwellinghouse, in accordance with the approach supported by Development Plan policy.

4. In response to questions from Members, the applicant confirmed that the nearest calf rearing unit to the one proposed at this location is Lanark and, in this respect, the applicant sees the proposal as meeting a gap in the market.
5. No matters were raised which would amend the original recommendation to grant planning permission. It is acknowledged that this is a finely balanced case. Should the Committee be minded to grant planning permission, it is recommended that this be subject to the satisfactory completion of an appropriate legal agreement restricting the occupancy of the dwellinghouse to persons employed, or last employed, locally in agriculture and other appropriate conditions as the Director of Development Services considers relevant.
6. **It is recommended that Committee refuse planning permission for the following reason(s):-**
 - (1) **The proposed development does not accord with Policy ENV.1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Denny and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications as it has not been demonstrated that the proposed dwellinghouse at this countryside location is essential for the pursuance of a sustainable rural business. In particular, the overall viability of the business to provide a full-time income for the occupant of the proposed dwellinghouse has not been demonstrated.**

Informative(s):

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

Pp

.....
Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.

3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504934 and ask for Brent Vivian (Senior Planning Officer).

FALKIRK COUNCIL

Subject: **ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT - P/10/0262/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **3 November 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Ward **Denny and Banknock**

Local Members: **Councillor Jim Blackwood**
 Councillor John McNally
 Councillor Martin David Oliver
 Councillor Alexander John Waddell

Community Council: **Denny and District**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle to erect a dwellinghouse for an agricultural worker. A new access from the public road is proposed to serve the new dwellinghouse.
- 1.2 The application site extends to 2000m² and lies to the east of the existing farm steading. The site is generally flat and comprises grazing land. The site adjoins an unclassified rural road and the road boundary is defined by a low stone wall (overgrown), banking and some trees.
- 1.3 The applicant farms livestock (cattle and sheep) at three main locations comprising a total of 184 acres. These locations are at Wester Mailing, Bottom Head and Wester Kelt, and Wester Mailing is the main farm complex. The applicant has submitted that at present he can operate only a limited business due to the absence of on-site accommodation to enable proper 24 hour animal care and supervision. He wishes to increase his stock to at least 35 breeding cows and 70 calves in the near future, but this is dependent on on-site accommodation. The applicant has advised that an agricultural justification report based on his current business cannot be provided.
- 1.4 A statement of support signed by 8 farmers was submitted with the application. The letter states that the proposal to build a calf rearing unit would be a valuable asset to the agricultural community.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no planning history for the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has detailed its requirements in respect of driveway construction, visibility at the new access and in-curtilage parking and turning.
- 4.2 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of agricultural land and other potential sources of contaminated land within 250 metres of the site.
- 4.3 The Council's Agricultural Consultant has raised concerns regarding the overall viability of the farm business at present and the lack of information submitted with the application. However, he has accepted the need for a dwellinghouse in terms of the labour requirement. He has also accepted that, in terms of the overall farm acreage and the intended increase in the stocking rate, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received to the application.

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

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 generally presumes against new development in the countryside unless it can be demonstrated that a countryside location is essential for the proposed development.

7a.3 In terms of determining 'essential', the applicant is required in accordance with the criteria in Policy SC3 in the emerging Local Plan to demonstrate that there is an operational need for the proposed dwellinghouse in association with the business; that no existing dwellinghouse that might have served that need has been sold or otherwise alienated from the holding; there are no reasonable opportunities for reusing or converting redundant buildings; and the business as a whole is capable of providing the main source of income to the occupant.

7a.4 It is accepted that there is an operational need for the proposed dwellinghouse based on the labour requirement for the farm business and to ensure proper 24 hour care and supervision of the animals. There is an existing dwellinghouse at Wester Mailing which might have served the needs but has been alienated from the farm holding. There would not appear to be any redundant farm buildings at the holding that could accommodate a dwellinghouse. As informed by the Council's Agricultural Consultant, there are overall viability concerns based on the current stock levels but if the stocking rate is increased, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation. However, at present the business is not capable of providing a full-time income.

7a.5 Overall, taking into account the alienation of the existing dwellinghouse and the viability concerns, the proposed development does not accord with this policy at present.

Adopted Denny and District Local Plan

7a.6 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. *Small scale housing developments within the wooded policies of former country estates, where servicing costs will be met by the developer, where the development can be satisfactorily integrated into the landscape, where detailed development briefs have been drawn up by the District Council and provided that the proposed development does not lie within a site included in the "Inventory of Gardens and Designed Landscapes in Scotland".*
3. *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".*
4. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
5. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
6. *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.*
7. *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.7 This policy generally presumes against new development in the countryside except in limited circumstances. One of the circumstances is where housing is absolutely essential for the pursuance of agriculture. This matter has been assessed in relation to Policy ENV.1 of the approved Falkirk Council Structure Plan. For the same reasons, the proposal does not accord with the adopted Local Plan. There are no other circumstances of Policy Rural 1 which are relevant to the proposal.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are National Planning Policies and Guidance, the Falkirk Council Local Plan (Finalised Draft) as amended by the Final Proposed Modifications and the consultation responses.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy (February 2010) indicates that the planning system has a significant role in supporting sustainable economic growth in rural areas. It states that by taking a positive approach to development, planning authorities can help to create the right conditions for rural businesses and communities to flourish.
- 7b.3 The provision of on-site accommodation at Wester Mailing would assist the farm business to become sustainable and contribute to the rural economy, and is therefore supported by Scottish Planning Policy.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 7b.4 The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications are EQ19 (Countryside) and SC3 (Housing Development in the Countryside). The relevant matters of these policies have been considered in respect of the relevant policies of the Development Plan. Accordingly, for the same reasons, the proposed development does not accord with this plan.

Consultation Responses

- 7b.5 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of permission. The concerns raised by the Council's Agricultural Consultant have informed the policy assessment of the application.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications, for the reasons detailed in this report. Whilst there are concerns that the existing dwellinghouse has been alienated from the holding, if the overall viability of the farm business can be demonstrated, it is considered that a permanent dwellinghouse could be supported. In the meantime, in order to provide for a 24 hour on-site presence and facilitate the growth of the business to demonstrate viability, temporary accommodation e.g. in the form of a chalet would be supported. This would reflect a positive approach to rural development, so satisfying Scottish Planning Policy, whilst ensuring that Development Plan policies are complied with. However, the applicant does not wish to pursue this option, due to the costs of acquiring temporary accommodation and the provision of services, in circumstances where there is no certainty that permission for a permanent dwellinghouse would be granted at the end of the trial period. These considerations are not considered to outweigh the policy concerns, therefore the application is recommended for refusal.

8. RECOMMENDATION

8.1 It is recommended that Committee refuse planning permission for the following reason(s):-

- (1) The proposed development does not accord with Policy ENV.1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Denny and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications as it has not been demonstrated that the proposed dwellinghouse at this countryside location is essential for the pursuance of a sustainable rural business. In particular, the overall viability of the business to provide a full-time income for the occupant of the proposed dwellinghouse has not been demonstrated.**

Informative(s):

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

Pp

.....

Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy

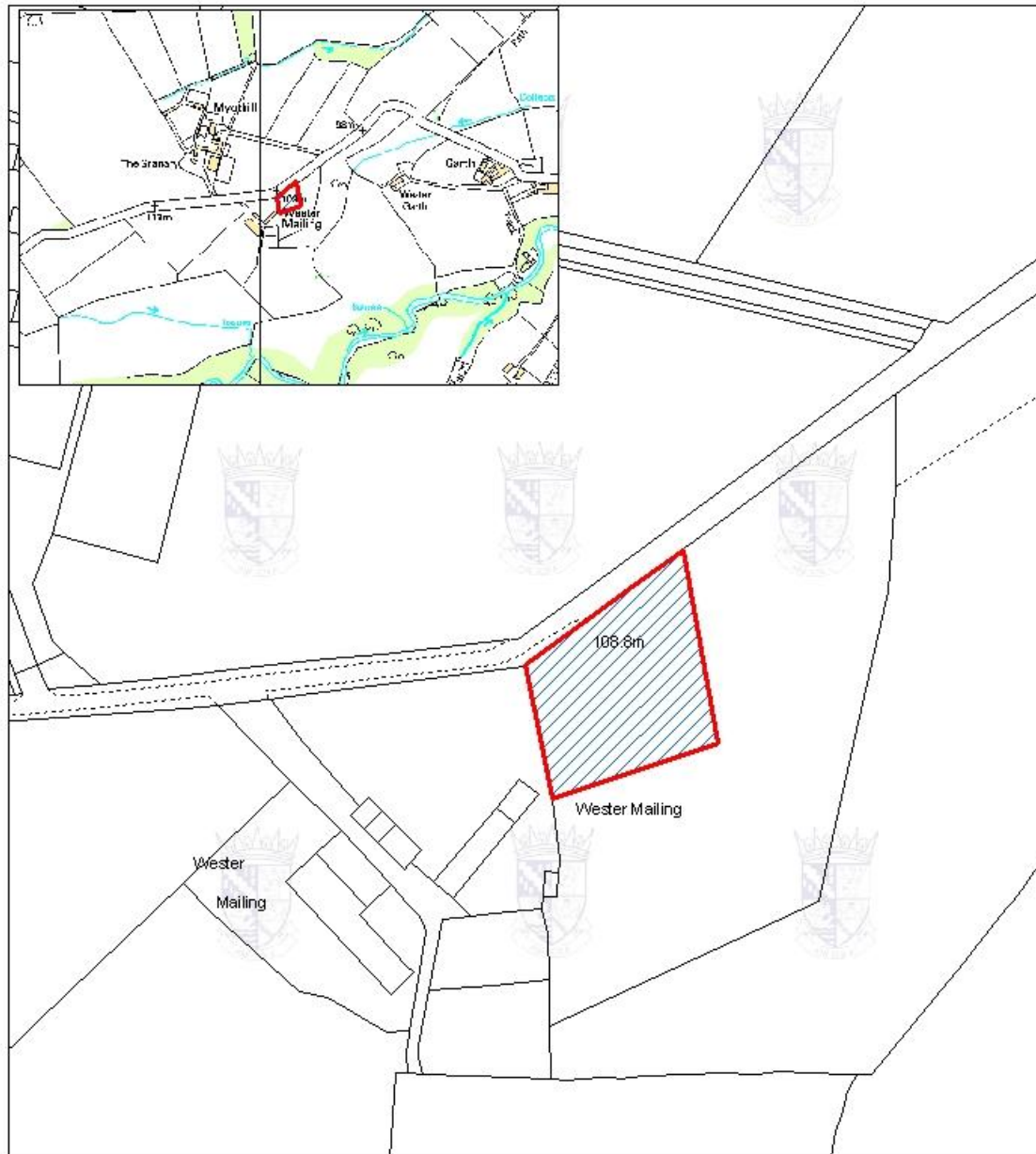
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504934 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0262/PPP

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2010. All rights reserved.
Ordnance Survey Licence number 100023384