



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 30 September 2022

Dear Councillor

## **Planning Local Review Body**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Monday, 10 October 2022

**Time:** 10:30

**Venue:** Hybrid - Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Richard Nelson (Chair), Gerry Convery (Depute Chair), Alex Allison, Mary Donnelly, Gladys Ferguson-Miller, Mark Horsham, Lesley McDonald, Norman Rae, Dr Ali Salamati, Graham Scott

### **Substitutes**

Robert Brown, Maureen Devlin, Grant Ferguson, Alistair Fulton, Graeme Horne, Ross Lambie, Monique McAdams, Ian McAllan, Kenny McCreary, Davie McLachlan

## BUSINESS

### 1 Declaration of Interests

- 2 Minutes of Previous Meeting** 3 - 8  
Minutes of the meeting of the Planning Local Review Body held on 12 September 2022 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 Review of Case - P/21/1210 for Erection of an Agricultural Worker's Dwelling House (Permission in Principle) at Land 475 Metres Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark** 9 - 12  
Report dated 28 September 2022 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a Appendix 1 Planning Application Form** 13 - 20
- 3b Appendix 2(a) Report of Handling** 21 - 30
- 3c Appendix 2(b) Consultation Responses** 31 - 38
- 3d Appendix 2(c) Representations** 39 - 58
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- 3f Appendix 4 Planning Decision Notice and Reasons for Refusal** 67 - 74
- 3g Appendix 5 Notice of Review** 75 - 186
- 3h Appendix 6 Further Representations** 187 - 208
- 3i Appendix 7 Applicant's Comments on Further Representations** 209 - 268

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### Urgent Business

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- 4 Urgent Business**  
Any other items of business which the Chair decides are urgent.

***For further information, please contact:-***

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

## PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 12 September 2022

### Chair:

Councillor Richard Nelson

### Councillors Present:

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Maureen Devlin (*substitute for Councillor Graham Scott*), Councillor Gladys Ferguson-Miller, Councillor Mark Horsham, Councillor Davie McLachlan (*substitute for Councillor Lesley McDonald*), Councillor Norman Rae, Councillor Dr Ali Salamati

### Councillors' Apologies:

Councillor Mary Donnelly, Councillor Lesley McDonald, Councillor Graham Scott

### Attending:

#### Community and Enterprise Resources

J Wright, Planning Adviser to the Planning Local Review Body

#### Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; S Jessup, Administration Assistant; K McLeod, Administration Assistant; S McLeod, Administration Officer

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## 1 Declaration of Interests

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No interests were declared.

*Councillor Dr Salamati left the meeting during this item of business due to technical issues*

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Local Review Body held on 15 August 2022 were submitted for approval as a correct record.

**The PLRB decided:** that the minutes be approved as a correct record.

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## 3 Review of Case - Application P/22/0440 for Erection of 2 Detached Dwelling Houses (Planning Permission in Principle) at Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven

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A report dated 2 September 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of planning application P/22/0440 by J and G Davidson Limited for the erection of 2 detached dwelling houses (planning permission in principle) at land 70 metres southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ responses from statutory consultees and representations received
- ◆ site photographs and location plan
- ◆ notice of review, including the applicant's statement of reasons for requiring the review

As the application had not been determined by Planning and Economic Development Services (deemed refusal), no report of handling was available in respect of the application. To facilitate the review and comply with the statutory timescale, the Head of Administration and Legal Services, in consultation with the Chair, had asked for observations from Planning and Economic Development Services on the notice of review to be provided in advance of the meeting. The applicant had been given the opportunity to comment on those observations.

The observations from Planning and Economic Development Services and the comments from the applicant's agent had been appended to the report. The PLRB concluded that this information could be accepted on the basis that it provided information necessary to assess the case.

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The PLRB heard the Planning Adviser on the background to the case and noted that the applicant had requested a hearing and site inspection, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to grant or refuse the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy GBRA8 – development of gap sites
  - ◆ Policy GBRA9 – consolidation of existing building groups

Following its review of the information and after discussion, the PLRB concluded that there was adequate justification in terms of Policies 4, GBRA8 and GBRA9 for the application to be granted on the grounds that it considered that the application site was a gap site. The PLRB then considered appropriate conditions to be attached to the planning consent.

<b>The PLRB decided:</b>	that planning application P/22/0440 by J and G Davidson Limited for the erection of 2 detached dwelling houses (planning permission in principle) at land 70 metres southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven be granted subject to the conditions specified by the PLRB, attached as an appendix to this minute.
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*Councillor Dr Salamati re-joined the meeting during this item of business*

*In terms of Standing Order No 14, the Chair adjourned the meeting during this item of business at 10.55am and reconvened at 11.00am*

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#### **4 Urgent Business**

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There were no items of urgent business.



Erection of 2 Detached Dwelling Houses (Planning Permission in Principle) at Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas (including number and size of parking spaces) and gardens
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum
- (d) the design and location of all boundary treatments including walls and fences
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees
- (f) the means of drainage and sewage disposal
- (g) details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift
- (h) details of a programme of dust management and monitoring during the construction of the development

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

02. That, notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials.

Reason: In the interests of amenity and to ensure satisfactory integration of the new dwellinghouses with the greenbelt location in which they are to be situated.

03. That no consent is hereby granted for the indicative house footprint shown on the site plan.

Reason: Permission is granted in principle only and no approval is given for these details.

04. That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

05. That, before the development hereby approved is completed or brought into use, details, including construction specifications, of passing places to the north and south approaches to the development, hereby approved, shall be submitted for the written approval of the Council, as Planning Authority. Once approved the passing places shall be constructed and maintained as such for the lifetime of the development, hereby approved. For the avoidance of doubt the passing places shall be located within Heads Highway.

Reason: In the interests of road safety.

06. That, before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the site to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of pedestrian and road safety.

07. That before the development hereby approved is completed or brought into use and unless otherwise approved in writing by the Council as Planning Authority, a visibility splay of 2.4 metres by 215 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

08. That before the development hereby approved is completed or brought into use and unless otherwise approved in writing by the Council as Planning Authority, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

09. That no gates or other obstructions shall be erected within the first 6 metres of the driveway as measured from the heel of the footway.

Reason: In the interests of traffic and public safety.

10. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate that the new dwelling will be fitted with an electric vehicle charging (EVC) point. Thereafter, the agreed EVC provision shall be installed, commissioned and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the provision of appropriate facilities for the dwelling.

11. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the dwelling, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

12. That details of surface water drainage arrangements should be submitted to the Council as Planning Authority as part of the further submission for this site; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include a flood risk assessment of the site and signed appendices as required. Thereafter, the development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.



# Report

3

Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>10 October 2022</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application P/21/1210 for Erection of an Agricultural Worker’s Dwelling House (Permission in Principle) at Land 475 Metres Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

### 1.2. *Summary Application Information*

Application Type:	Application for Planning Permission in Principle
Applicant:	Firm of Thomas Orr
Proposal:	Erection of an Agricultural Worker’s Dwelling House (Permission in Principle)
Location:	Land 475 Metres Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark, ML11 8SG
Council Area/Ward:	2 Clydesdale North

### 1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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## 2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
  - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-

- (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
- (b) what procedure or combination of procedures are to be followed in determining the review

### 3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

### 4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

### 5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
  - ♦ Planning Application Form **(Appendix 1)**
  - ♦ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
  - ♦ Copies of submissions from consultees **(Appendix 2(b))**
  - ♦ Copies of representations **(Appendix 2(c))**
  - ♦ Site photographs and location plan **(Appendix 3)**
  - ♦ Decision notice **(Appendix 4)**
  - ♦ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the relevant drawings are available for inspection by contacting Administration and Legal Services prior to the meeting.

## **6. Notice of Review Consultation Process**

6.1. 3 further representations were received, including a Statement of Observations from the Planning Officer on the applicant's Notice of Review, in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant are contained in the submissions attached as **Appendix 7**.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

28 September 2022

## **Link(s) to Council Values/Priorities/Outcomes**

- ◆ We will work towards a sustainable future in sustainable places
- ◆ Good quality, suitable and sustainable places to live
- ◆ Thriving business, fair jobs and vibrant town centres
- ◆ Caring, connected, sustainable communities
- ◆ Accountable, effective, efficient and transparent

## **Previous References**

- ◆ None

## **List of Background Papers**

- ◆ Guide to the Planning Local Review Body

## **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 07385 370 117)

E-mail: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)





# Appendix 1

3a

## Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100569690-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Derek Scott Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Derek"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="21"/>
Telephone Number: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value="Lansdowne Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH12 5EH"/>
Email Address: *	<input type="text" value=""/>		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Hyndford Mill Cottage"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Charleston Park Farm"/>
Company/Organisation	<input type="text" value="Firm of Thomas Orr"/>	Address 2:	<input type="text" value="Cobblehaugh Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML11 8SG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="HYNDFORD MILL COTTAGE CHARLESTON PARK FARM COBBLEHAUGH ROAD LANARK"/>
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Northings	<input type="text" value="642156"/>	Easting	<input type="text" value="292855"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached letter.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please refer to attached letter.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/21/1210

What date was the application submitted to the planning authority? \*

26/07/2021

What date was the decision issued by the planning authority? \*

06/05/2022

## Review Procedure

The Local Review Body 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Active farm on which there are animals present.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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 Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Scott

Declaration Date: 18/07/2022





# Appendix 2(a)

3b

## Report of Handling

Report dated 5 May 2022 by the Council's Authorised Officer under the Scheme of Delegation



	<b>Delegated Report</b>	Reference no.	P/21/1210
			<b>3b</b>
		Date	5 May 2022

**Planning proposal:** Erection of agricultural worker's dwelling house (permission in principle)

**Location:** Land 475m Southeast of Cobblehaugh Farm Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Application Type :** Permission in principle

**Applicant :** Firm of Thomas Orr

**Location :** Land 475m Southeast of Cobblehaugh Farm  
Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Decision:** Application refused

**Other action/notes:** None

**Report by:** Area Manager (Planning & Building Standards)

**Policy reference:**

**South Lanarkshire Local Development Plan 2 (Adopted 2021)**

Policy 4 - Green Belt and Rural Area

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy GBR10 - Accommodation Associated with an Existing or Proposed Rural Business

**Assessment**

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

**Consultations**

**Summary of response**

West of Scotland Archaeology Have no objection to the proposal and have requested that

Service	an archaeological watching brief is implemented.	
Roads Development Team	Management	Have advised that the applicant is required to install intervisible passing places along Cobblehaugh Road from the junction with the A70 to the site to widen the road to 5.5m. The agent has submitted details of the proposed passing places, however, it should be noted that the passing places are outwith the application site boundary. Notwithstanding the above, whilst Roads and Transportation Services have recommended the provision of these passing places, it is noted that failure to provide the passing places would not constitute a reason for refusal.

**Representation(s):**

►	6	Objection letters
►	0	Support letters
►	0	Comment letters

## Planning Application Delegated Report

### 1 Application Summary

- 1.1 The site extends to approximately 1.37ha and relates to land which forms part of Charleston Park Farm. Charleston Park Farm accommodates an existing farm house and associated farm buildings which are located approximately 1000m to the north west of the proposed development.
- 1.2 The site is situated within the designated rural area and is bound to the north, south and west by agricultural fields and is bound by the River Clyde to the east. The site includes the ruins of the demolished Hyndford Mill Cottage and associated farm buildings. The site is accessed via a private farm track.
- 1.3 The proposal relates to the erection of an agricultural worker's dwelling house (permission in principle). The submitted supporting statement identifies that the dwelling is required as the farmer is moving towards semi-retirement in the next 5 to 6 years and the new dwelling is part of the succession plans. In addition, the statement identifies that the proposal would support the development of the sheep farming element of the business and would provide additional security on the farm.
- 1.4 In terms of the planning history of the site, prior approval was granted on 11 April 2022 for the 'erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area' (P/21/1320) at the site. In addition, prior approval for the 'erection of an agricultural building' (P/20/0620) also relates to the site but has not been implemented.

### 2 Representation(s)

- 2.1 Statutory neighbour notification was undertaken and following this publicity six letters of representation were received in relation to the application. The grounds of objection are summarised below:-

**(a) Concerns regarding the heavy traffic in this rural area and the size and weight of some of the vehicles which already use the farm tracks. Traffic has significantly increased since the applicant's business commenced.**

**Response:** Roads and Transportation Services have not raised any issue in this regard.

**(b) Concern regarding the increase in traffic associated with the proposal and the impact on children's safety as many of them use the existing track to access the river.**

**Response:** Roads and Transportation Services have advised that it is a private track and a degree of pedestrian traffic such as walkers is commonplace and they haven't raised any roads safety concerns in relation to this issue.

**(c) There are currently issues with the road and walkers are forced on to the verges to allow traffic to pass.**

**Response:** Noted. Roads and Transportation Services have recommended that additional passing places should be implemented in relation to the proposed development.

**(d) The applicant is to retire and his son is to take over the farm, however, normally the farmer would move to nearby premises rather than continue to reside on the farm. In this case the site is in close proximity to Lanark centre.**

**Response:** It is noted that it is a common occurrence for retired farmers to take up residence nearby but not necessarily at the farm.

- (e) **The proposal appears to be forming another steading.**

**Response:** Noted. This point shall be discussed in section 3 of the report.

- (f) **There is no power supply to the site.**

**Response:** Noted.

- (g) **The majority of activity on the farm is crop production and does not require a live in labourer on the farm.**

**Response:** Noted. This point shall be discussed in section 3 of the report.

- (h) **A large part of the trading history of the farm relates to the haulage element of the business.**

**Response:** Noted.

- (i) **The labour requirement calculation in the submitted planning statement is derived from a handbook and does not reflect the actual operations. Details of the labour requirement should be submitted from a reputable independent agriculture advisor and this report should include plans, a certificate of holding and details of the herd and flock numbers.**

**Response:** The agent was asked to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College (SAC). However, the agent has responded advising that he has historically been preparing planning reports for such applications and no further report has been submitted to date.

- (j) **A flood risk assessment should be submitted.**

**Response:** In this instance it is not considered that a flood risk assessment required to be submitted given that the site does not lie within a flood plain.

- (k) **There are permitted development rights available to farmers to construct buildings for animal shelter etc and the need for such outbuildings does not justify the construction of a new dwellinghouse.**

**Response:** Noted. Indeed, prior notification for agricultural buildings has recently been granted at the site. The need for a new house is discussed in part 3 of the report.

- (l) **The proposal for a new dwelling is contrary to the provisions of the Strategic Development Plan and a number of policies contained within the adopted Local Development Plan.**

**Response:** A policy assessment of the proposed development has been undertaken in Section 3 below.

- (m) **The submitted financial information is minimal and without the submission of detailed accounts there is no evidence of a viable agricultural/ farm business let alone justification for an additional dwelling associated with the business.**

**Response:** It is noted that very limited financial information for the existing operations has been submitted relating to 2016 until 2020. Further information relating to the business has been requested by the Planning Service however, to date no additional financial information has been submitted.

### **3 Assessment and Conclusions**

- 3.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on the designated rural area and special landscape area.
- 3.2 In terms of Local Plan policy, Policy 4 of the adopted Local Development Plan establishes that the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require a countryside location is expected to be accommodated within the settlements identified on the proposals map and isolated and sporadic development will not be supported. Whilst it is noted that prior approval has been granted for agricultural buildings at the site, the prior approval assessment is limited to the visual impact of farm buildings and cannot question the need or principle of the development. The proposed dwelling house is situated a significant distance from the established farmhouse and associated outbuildings. It is considered that this would result in a new dwelling situated at an isolated location, contrary to the provisions of Policy 4 of the adopted Local Development Plan.
- 3.3 Policy 14 seeks to protect and enhance the natural environment including special landscape areas. The proposal relates to the erection of a single dwelling on agricultural land, situated adjacent to the River Clyde, within the designated special landscape area. Subsequently, it is considered that this development would result in an adverse visual impact on the established rural landscape. In this instance the impact of the proposal is not considered to be outweighed by a significant social or economic benefit and therefore the development does not accord with the provisions of Policy 14 of the adopted Local Development Plan.
- 3.4 Policy GBRA1 establishes that existing high quality rural environments require to be protected and that all proposed developments within the rural area require to accord with the criteria identified in this policy. The proposal relates to an application for outline consent and it is considered that the proposed siting of the agricultural dwelling would represent sporadic isolated development in the rural area. The siting of the dwelling is not consolidated within the existing building grouping at Charleston Park Farm, to the detriment of the amenity and landscape character of the surrounding rural area. In addition, Roads and Transportation Services recommended that the existing access to the site be upgraded through the provision of passing places, however, it is noted that failure to provide the passing places would not result in a road safety issue which would warrant refusal of the application. Therefore, the proposed development is not considered to accord with the criteria identified in Policy GBRA1 of the adopted Local Development Plan.
- 3.5 Proposals for a new dwelling associated with a rural business are required to meet all the criteria identified in Policy GBR10. The submitted supporting statement identifies that the siting of the dwelling would allow for the relocation of the sheep farming element of the existing operations and facilitate expansion. Whilst it is accepted that there may not be an opportunity for the conversion or use of redundant buildings at Charleston Park Farm, there are a number of existing buildings associated with the farm. It is considered that a proposed new dwelling should be consolidated within the existing building group and the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established building group is not considered adequate. In addition, it is considered that there is not sufficient justification that a new dwelling house is essential for the successful management of the business. In this regard, the financial information which has been submitted in support of the application is considered to be relatively minimal and does not include the most recent trading years. Therefore, the proposed development is not considered to accord with the criteria identified in Policy GBRA10 of the adopted Local Development Plan.

- 3.6 In summary, the proposal does not accord with the provisions of the adopted South Lanarkshire Local Development Plan 2 and there are no other material considerations which would justify the approval of planning permission. The proposed agricultural worker's dwelling house does not represent an appropriate form of development for the site and therefore planning permission in principle should be refused.

#### **4 Reason for decision**

- 4.1 The proposed development does not accord with the requirements of Policies 4, 14 GBRA1 and GBRA10 of the adopted Local Development Plan 2.

**Delegating officer: Lynda Dickson**

**Date: 5/5/22**

#### **Previous references**

- ◆ P/21/1320
- ◆ P/20/0620

#### **List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 28.07.2021
- ▶ Planning Statement prepared by Derek Scott Planning, received 16.07.2021
- ▶ Drawing L(--)-019(A) 'Cobblehaugh Road Passing Places,' received 9.12.21

#### **▶ Consultations**

West Of Scotland Archaeology Service	12.08.2021
Roads Development Management Team	15.09.2021 21.04.2022

#### **▶ Representations**

Margaret G Russell, Ash Lea, Cobblehaugh Road, Lanark, ML11 8SG,	Dated: 22.08.2021
Mr E Pearson, Pearson Planning, Chartered Surveyors, PO Box 28606, Edinburgh, EH49BQ,	Dated: 26.08.2021
Mr Hugh Loney, 5 River View, Cobblehaugh road, Lanark, ML11 8TJ,	Dated: 31.08.2021
Andrew Russell, Leapark, Cobblehaugh Road, Lanark, ML11 8SG,	Dated: 05.09.2021
Andrea Skinner House Manager Of The Cottage, Received Via Email	Dated: 06.09.2021
Euan Pearson, Via Email	Dated: 12.11.2021



**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Gail Neely, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)

## Planning Application

Application number: P/21/1210

### Reasons for refusal

01. The proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification.
02. The proposed development does not accord with the criteria identified in Policy GBRA1 'Rural Design and Development' of the adopted Local Development Plan 2 as it would result in isolated and sporadic residential development in the rural area and the siting of the proposed dwelling would adversely impact on the established visual amenity and landscape character of the surrounding rural area.
03. The proposed development does not accord with the criteria identified in Policy GBRA10 'Accommodation Associated with an Existing or Proposed Rural Business' of the adopted Local Development Plan 2 in that the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established building group is not considered adequate and there is not sufficient justification that a new dwelling house is essential for the successful management of the business.
04. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Rural Area designation.
05. The proposal is contrary to the provisions of Policy 14 'Natural and Historic Environment' of the adopted Local Development Plan 2 as the visual impact of the development on the special landscape area is not considered to be outweighed by a significant social or economic benefit.

### Reason(s) for decision

The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2.

### Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(--)-018		Refused
L(--)-001 (F)		Refused
L(--)-005 (E)		Refused
L(--)-005 (F)		Refused
L(--)-001 (D)		Refused

# Appendix 2(b)

3c

## Consultation Responses

- ◆ Response dated 4 August 2021 from West of Scotland Archaeology Service
- ◆ Response dated 4 April 2022 from Roads and Transportation Services



**From:** O'Hare, Martin (NRS) <Martin.OHare@glasgow.gov.uk>  
**Sent:** 04 August 2021 14:10  
**To:** Planning  
**Subject:** Planning Applications P/21/1210 and P/21/1320 (OFFICIAL)

**OFFICIAL**

Dear Sir or Madam,

I refer to the above planning references, for planning permission in principle for the erection of an agricultural worker's dwelling (P/21/1210) and an agricultural building, enclosed yard and external hardstanding area (P/21/1320) at Cobblehaugh Farm. I have downloaded details of these proposals from the Council's online planning system, and having compared these against information contained in the Historic Environment Record, with available cartographic sources, and with previous planning casework, I would like to make the following comments. **I would stress that these relate to both of the planning references quoted above.**

As you will be aware, we have provided comments in response to a number of previous applications for the development of this site, with the most recent being planning reference P/20/0620, for the erection of an agricultural building. The developments proposed under the two current applications would affect the same general area of ground as this proposal, and as a result, I would reiterate the comments made at that time.

The new buildings proposed under these two applications would be located in an area of some archaeological potential, an interpretation that is based on the distribution of features recorded from the surrounding landscape. Many of these relate to occupation during the prehistoric period, such as the ring ditch identified on aerial photographs from the opposite bank of the Clyde, or the scatter of struck flint recorded from fields adjacent to the river in 2002.

While the range of material present is sufficient to suggest that there is some potential for additional evidence for prehistoric occupation to survive in the vicinity, the site most likely to be directly affected by the proposal relates to a more recent period of activity. Comparison with the 1st edition Ordnance Survey map of 1864 suggests that the red-line boundary associated with the two applications would encompass the site of two buildings present in the mid 19th century. These structures appear to be related to the former Hyndford Mills, which were also shown on the 1st edition. On this map, the mill complex was shown as being immediately adjacent to the east bank of the Clyde, and the ruinous remains of these structures are still evident on current OS maps and aerial photographs of the area. However, it is known that there has been a water powered grain (or corn) mill at Hyndford since at least 1596, as 'Coblehaugh Mil' was named and depicted on Timothy Pont's map, published in that year. Hyndford also had a lint (or flax dressing) mill in the 18th century. A weir-style dam (now gone) some 100m north of the remains of the mill buildings fed the lade which powered the mills. The northern end of this lade was destroyed in the 1930s, but otherwise remains visible within the mill building complex.

Although the new house and agricultural buildings proposed under these two applications do not appear to directly affect the visible remains of the mill buildings themselves, it seems likely to disturb any surviving remains of the structures shown on the site on the 1st edition. These were depicted as being roofed, suggesting that they were occupied and in use during the mid 19th century, but the date at which they were first constructed is unknown. Given that cartographic evidence indicates that a mill has been present on the site since at least the late 16th century, if not earlier, the possibility exists that the buildings shown on the 1st edition could have dated from a similar period. By extension, this would mean that the proposed new buildings would be

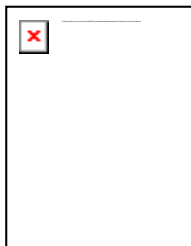
constructed on a site with the potential to produce sub-surface archaeological material associated with occupation from the 16th century onwards.

In order to address this potential, I would recommend that a condition should be attached to any consents that the Council was minded to issue, requiring the developer to appoint an archaeological contractor to undertake a watching brief during the initial phase of ground disturbance associated with the proposals. The purpose of this would be to ensure that any sub-surface deposits, features or artefacts exposed by this process could be excavated and recorded prior to their being destroyed as a result of construction activity.

*'The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences'.*

Regards,

Martin O'Hare



Martin O'Hare

Historic Environment Records Officer  
West of Scotland Archaeology Service  
231 George Street, Glasgow, G1 1RX  
Tel: 0141 287 8333  
email: [Martin.O'Hare@wosas.glasgow.gov.uk](mailto:Martin.O'Hare@wosas.glasgow.gov.uk)

## OFFICIAL

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3c

**Community and Enterprise Resources**  
Executive Director **David Booth**  
**Roads and Transportation Services – Transportation Engineering**

<b>To:</b>	Planning	<b>Planning Application No:</b>	P/21/1210
<b>From:</b>	Development Management Roads and Transportation Services	<b>Case Officer:</b>	Gail Neely
		<b>Contact:</b>	Fraser Jack
		<b>Phone Ext:</b>	5288
		<b>Date:</b>	4 April 2022

**Subject:** OBSERVATIONS ON PLANNING APPLICATION P/21/1210

**Location:** Land 475M Southeast Of Cobblehaugh Farm Cottage Cobblehaugh Road Lanark South Lanarkshire

I refer to the application dated 26<sup>th</sup> July 2021, received in this office on 8th September 2021, This application is for the erection of agricultural worker's dwelling house (permission in principle)

This application is to take its proposed access from the public road Cobblehaugh Road, Lanark which is a 3.2m wide road in an unlit rural location and subject to a 40mph speed limit.

Parking to be as per the National Roads Development Guide.

2 or 3 bedrooms requires 2 car parking spaces.  
4 bedrooms or more requires 3 car parking spaces.

Parking to be in modules of 3m x 6m. A garage space can count towards parking provision should the internal dimensions be 3m x 7m.

This application will require the applicant to install intervisible passing places along Cobblehaugh Road from the junction with the A70 to the site. Passing place locations submitted on drawing L(-- )019(C) are acceptable. We would recommend that the passing places be conditioned should Planning be minded to grant planning permission. We would also recommend that the applicant check the extent of the adopted verge or that they have control of the land to construct the required passing places

This Service would offer no objections to this application subject to conditions.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
Email: [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)



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# Appendix 2(c)

3d

## Representations

### Representation From

- ♦ Margaret Russell, Ashlea, Cobblehaugh Road, Lanark
- ♦ E Pearson, by email
- ♦ Pearson Planning on behalf of D and M Russell, by email
- ♦ Andrew Russell, Leapark, Cobblehaugh Road, Lanark
- ♦ Andrea Skinner, by email
- ♦ Hugh Loney, by email

### Dated

17/08/21  
26/08/21  
26/08/21  
30/08/21  
30/08/21  
31/08/21



PLANNING & ENVIRONMENT RESOURCES	
Montrose House	
RECEIVED	
10 13 2021	
Allocated to:	
File Ref:	

Untitled

Ashlea  
Cobblehaugh Rd  
Lanark  
ML11 8SG  
17.8.21

Dear Gail Neely,

With reference to planning application reference No. P/21/1210, I would like to make an objection to this plan as I am concerned of the amount of increased heavy traffic which will be using Cobblehaugh Farm road.

Yours faithfully





**From:** Planning  
**Sent:** 26 August 2021 12:33  
**To:** Planning  
**Subject:** Comments for Planning Application P/21/1210

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:32 PM on 26 Aug 2021 from Mr E Pearson.

### Application Summary

**Address:** Land 475M Southeast Of Cobblehaugh Farm Cottage  
Cobblehaugh Road Lanark South Lanarkshire  
**Proposal:** Erection of agricultural worker's dwelling house  
(permission in principle)  
**Case Officer:** Gail Neely  
[Click for further information](#)

### Customer Details

**Name:** Mr E Pearson  
**Email:** [REDACTED]  
**Address:** Pearson Planning, Chartered Surveyors PO Box 28606  
Edinburgh

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Planning Application  
**Reasons for comment:**  
**Comments:** This representation is submitted on behalf of D&M Russell owner of Cobblehaugh Farm (the agricultural holding that neighbours the Application Site). D&M Russell also owns the western section of the access road that would serve the proposed dwellinghouse. Although the Applicant has a right of access over this route, that is only to reach His fields. That does not confer rights to access a dwellinghouse. In addition, the limited rights do not allow the construction of passing places. This unclassified road is totally inappropriate for use by haulage vehicles. There is no information on vehicle movements provided with this application.

The application is for planning permission in principle and the Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s). This is unusual because the size of the dwellinghouse and its level of accommodation is inextricably linked to the labour requirement. Id Est, a dwellinghouse for 1 'labourer', the Applicant's son ["Tom"] only justifies a property suitable for a family: it does not justify building a "rich man's charter" with multiple living rooms, 4+

bedrooms, extensive garaging and other domestic outbuildings. The Council should obtain further details of the dwellinghouse via a design statement: so that design parameters can be conditioned, if the Council is minded to grant permission. Similarly, if the Council is minded to approve the application, the Applicant will be required to enter into a legal agreement with an occupancy restriction as a Title Burden.

It is noted that the Applicant ["Mr Orr"] is to retire and His Son take over His role. That is not an untypical situation in modern agriculture. However, normally the retiring farmer would leave the farmhouse, making way for the Son, and buy a property elsewhere. Charleston Park Farm is just over 2 miles from the centre of Lanark. Mr Orr could live in the town and easily reach Charleston Park Farm ["CPF"] to assist during any transition/succession process, and after that. The vast majority of the activity on CPF is crop production and that does not require labour to live on-farm. The Animal Health & Welfare (Scotland) Act 2006 does require a farmer to properly care for animals so as to avoid stress, suffering and harm. A cattle and sheep count of 2 or 3 hundred, however, does not necessitate more than one person living on-farm.

The Planning Statement submitted refers to a statement from the Applicant's accountant with the trading history. Although this has not been made publically available, and should be to allow assessment, there is a large haulage element of Mr Orr's business, so trading figures will not demonstrate 'labour' requirement. Just because the business is profitable does not justify building houses for employees.

The labour requirement calculation in the Planning Statement is derived from a Handbook and does not reflect the actual operations. The Council should ask the Appellant to submit a labour requirement report by a properly qualified, reputable independent agricultural advisor. The information submitted, is, at best, anecdotal.

Such a requirement report will include basic information (that has not been provided) such as plans/certificates of holding/herd/flock numbers registered with Rural Payments & Inspections Division at Scottish Government. The requirement report will also examine financial viability of the agricultural operations [excluding ancillary revenues such as haulage]. The Application Site is held on Title LAN88339 (purchased in 1999) on a separate Title from Charleston Park Farm. The Council should ascertain if the Application Site is actually being operated as part of CPF. It may be that the Applicant's objective is to establish a new small holding with no agricultural activity, sometimes referred to as 'lowland crofting'. The Planning Statement claims that the proposed development will "accommodate the sheep farming part of the enterprise". Sheep do not require 24 hour supervision and a flock of 2 or 3 hundred would not justify a dwellinghouse for a labourer.



There are permitted development rights available to farmers to construct buildings for animal shelter etc. The need for these does not justify construction of a new dwellinghouse.

#### Assessment & Determination of Application

South Lanarkshire Council is required, by Town & Country Planning (Scotland) Acts, to determine this application in accordance with the Development Plan, unless material considerations suggest otherwise. The Development Plan comprises:

- \* Glasgow & the Clyde Valley Strategic Development Plan (2017); and
- \* South Lanarkshire Local Development Plan (2021).

Scottish Planning Policy (2020) requires, the spatial strategy in a Development Plan, to promote economic activity in rural areas, including making provision for needed housing. This is a general statement and does not justify each and every proposal for a new residential accommodation outside urban areas. The Local Development Plan ("LDP") has a spatial strategy and the proposal does not accord with it or the policies contained within.

#### Strategic Development Plan

The Strategic Development Plan is not written to macro-manage proposals of this nature. However, Policy 16 is particularly relevant.

SEPA flood maps suggest that the Application Site is at risk (High/Medium) of flooding from the adjacent River Clyde. It is, it may lie on the functioning floodplain. Policy 16 requires development proposals to safeguard the capacity of floodplains. Therefore, the Applicant is required to submit a Flood Risk Assessment. Until one is submitted and appropriate mitigation identified, the proposal is contrary to Policy 16 and the Strategic Development Plan.

#### Local Development Plan

Adopted in April 2021, the LDP Proposals Map shows the application site as within the Rural Area (countryside) and a Special Landscape Area, beside the River Clyde [Core Path] flood plain, and within a High Pressure Gas Pipeline ["HPGP"] Hazard Zone.

Where development would be in proximity to an HPGP, the Health & Safety Executive must be consulted. If the advice is that there is risk to human life, then planning permission cannot be granted. There is no evidence that the Applicant has consulted with HSE or contacted National Grid UK. The relevant Location Sheet NS suggests that the HPGP runs transects the Application Site. Without details of the siting of the dwellinghouse, it is not possible to say for certain that there will be no

threat to human life.

Policy 2 requires development to avoid areas of medium-high flood risk. SEPA flood maps suggest that the Application Site is at risk (High/Medium) of flooding from the adjacent River Clyde. No Flood Risk Assessment has been submitted.

Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. Notwithstanding this, there is no support for "isolated" development. The Applicant has not explained why He cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road.

Policy 5 requires development to provide suitable access, connection to public transport and have no adverse implications for public safety or impact on the water environment and SUDs. The existing access to the Applicant's fields is not legally, capable of being improved and remains unsuitable for farm traffic. The access is unlit and development would bring pedestrians into conflict with farm vehicles. Although there are infrequent bus services along the A73 to/from Lanark (e.g. Nos 9 and 259), the Application Site is at least 1,800m away from Bus Stops, 25 minutes on foot, along narrow and unlit roads with no footpaths. No SUDs proposals have been submitted with the application.

In addition, Policy 15 requires that new development promote travel by sustainable travel modes in the order of priority: walking, cycling, public transport and then motor vehicle.

Further, Policy SDCC4 requires new development to meet the needs of cyclists and pedestrians, and be made accessible to public transport.

Policy 11 allows for new housing on greenfield sites where it has been demonstrated that there is a shortfall in the 5 Year Effective Housing Land Supply, and no other urban or brownfield sites are available. There is no shortfall in supply. Notwithstanding this, the Applicant has not demonstrated that there is no other land/property available within Lanark.

Special Landscape Areas (Policy 14) are Category 3 areas and the Council only permits development, in these areas, that do not have an significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the can down the road". This is not appropriate in a Special Landscape Area and the Council should obtain further details of the dwellinghouse and/or a design statement.

Policy 16 states that the Council will not support any development proposals on the functional floodplain, except for "essential", "operational reasons" and appropriate mitigation measures can be taken. Where there is flood risk from a watercourse, as is the case with the proposal, the Council will require an Assessment. No FRA has been submitted by the Applicant, and farming is not an essential operation that justifies building on the floodplain. In terms of animal welfare, it would not be acceptable to accommodate cattle or sheep within buildings known to be at risk of flooding.

Similarly, Policy SDCC2 requires sites at risk of flooding to be accompanied by an Assessment that demonstrates otherwise. No



**From:** Euan FS Pearson [REDACTED]  
**Sent:** 26 August 2021 12:21  
**To:** Neely, Gail  
**Cc:** Planning  
**Subject:** P/21/1210 | Erection of Agricultural Worker's Dwellinghouse | Land 475M Southeast of Cobblehaugh Farm Cottage, Hyndford Bridge, Lanark ML11 8SG  
**Attachments:** 8589938529-NS - National Grid high pressure gas pipe location.pdf

Dear Gail,

This representation is submitted on behalf of D&M Russell owner of Cobblehaugh Farm (the agricultural holding that neighbours the Application Site). D&M Russell also owns the western section of the access road that would serve the proposed dwellinghouse. Although the Applicant has a right of access over this route, that is only to reach His fields. That does not confer rights to access a dwellinghouse. In addition, the limited rights do not allow the construction of passing places. This unclassified road is totally inappropriate for use by haulage vehicles. There is no information on vehicle movements provided with this application.

The application is for planning permission in principle and the Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s). This is unusual because the size of the dwellinghouse and its level of accommodation is inextricably linked to the labour requirement. Id Est, a dwellinghouse for 1 'labourer', the Applicant's son ["Tom"] only justifies a property suitable for a family: it does not justify building a "rich man's charter" with multiple living rooms, 4+ bedrooms, extensive garaging and other domestic outbuildings. The Council should obtain further details of the dwellinghouse via a design statement: so that design parameters can be conditioned, if the Council is minded to grant permission. Similarly, if the Council is minded to approve the application, the Applicant will be required to enter into a legal agreement with an occupancy restriction as a Title Burden.

It is noted that the Applicant ["Mr Orr"] is to retire and His Son take over His role. That is not an untypical situation in modern agriculture. However, normally the retiring farmer would leave the farmhouse, making way for the Son, and buy a property elsewhere. Charleston Park Farm is just over 2 miles from the centre of Lanark. Mr Orr could live in the town and easily reach Charleston Park Farm ["CPF"] to assist during any transition/succession process, and after that. The vast majority of the activity on CPF is crop production and that does not require labour to live on-farm. The Animal Health & Welfare (Scotland) Act 2006 does require a farmer to properly care for animals so as to avoid stress, suffering and harm. A cattle and sheep count of 2 or 3 hundred, however, does not necessitate more than one person living on-farm.

The Planning Statement submitted refers to a statement from the Applicant's accountant with the trading history. Although this has not been made publically available, and should be to allow assessment, there is a large haulage element of Mr Orr's business, so trading figures will not demonstrate 'labour' requirement. Just because the business is profitable does not justify building houses for employees.

The labour requirement calculation in the Planning Statement is derived from a Handbook and does not reflect the actual operations. The Council should ask the Appellant to submit a labour requirement report by a properly qualified, reputable independent agricultural advisor. The information submitted, is, at best, anecdotal.

Such a requirement report will include basic information (that has not been provided) such as plans/certificates of holding/herd/flock numbers registered with Rural Payments & Inspections Division at Scottish Government. The requirement report will also examine financial viability of the agricultural operations [excluding ancillary revenues such as haulage]. The Application Site is held on Title LAN88339 (purchased in 1999) on a separate Title from Charleston Park Farm. The Council should ascertain if the Application Site is actually being operated as part of CPF. It may be that the Applicant's objective is to establish a new small holding with no agricultural activity, sometimes referred to as 'lowland crofting'. The Planning Statement claims that the proposed development will "accommodate the sheep farming part of the enterprise". Sheep do not require 24 hour supervision and a flock of 2 or 3 hundred would not justify a dwellinghouse for a labourer.

There are permitted development rights available to farmers to construct buildings for animal shelter etc. The need for these does not justify construction of a new dwellinghouse.

Assessment & Determination of Application

South Lanarkshire Council is required, by Town & Country Planning (Scotland) Acts, to determine this application in accordance with the Development Plan, unless material considerations suggest otherwise. The Development Plan comprises:

- \* Glasgow & the Clyde Valley Strategic Development Plan (2017); and
- \* South Lanarkshire Local Development Plan (2021).

Scottish Planning Policy (2020) requires, the spatial strategy in a Development Plan, to promote economic activity in rural areas, including making provision for needed housing. This is a general statement and does not justify each and every proposal for a new residential accommodation outside urban areas. The Local Development Plan ("LDP") has a spatial strategy and the proposal does not accord with it or the policies contained within.

Strategic Development Plan

The Strategic Development Plan is not written to macro-manage proposals of this nature. However, Policy 16 is particularly relevant.

SEPA flood maps suggest that the Application Site is at risk (High/Medium) of flooding from the adjacent River Clyde. Id Est, it may lie on the functioning floodplain. Policy 16 requires development proposals to safeguard the capacity of floodplains. Therefore, the Applicant is required to submit a Flood Risk Assessment. Until one is submitted and appropriate mitigation identified, the proposal is contrary to Policy 16 and the Strategic Development Plan.

Local Development Plan

Adopted in April 2021, the LDP Proposals Map shows the application site as within the Rural Area (countryside) and a Special Landscape Area, beside the River Clyde [Core Path] flood plain, and within a High Pressure Gas Pipeline ["HPGP"] Hazard Zone.

Where development would be in proximity to an HPGP, the Health & Safety Executive must be consulted. If the advice is that there is risk to human life, then planning permission cannot be granted. There is no evidence that the Applicant has consulted with HSE or contacted National Grid UK. I attach a copy of the relevant Location Sheet NS suggests that the HPGP runs transects the Application Site. Without details of the siting of the dwellinghouse, it is not possible to say for certain that there will be no threat to human life.

Policy 2 requires development to avoid areas of medium-high flood risk. SEPA flood maps suggest that the Application Site is at risk (High/Medium) of flooding from the adjacent River Clyde. No Flood Risk Assessment has been submitted.

Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. Notwithstanding this, there is no support for "isolated" development. The Applicant has not explained why He cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road.

Policy 5 requires development to provide suitable access, connection to public transport and have no adverse implications for public safety or impact on the water environment and SUDs. The existing access to the Applicant's fields is not legally, capable of being improved and remains unsuitable for farm traffic. The access is unlit and development would bring pedestrians into conflict with farm vehicles. Although there are infrequent bus services along the A73 to/from Lanark (e.g. Nos 9 and 259), the Application Site is at least 1,800m away from Bus Stops, 25 minutes on foot, along narrow and unlit roads with no footpaths. No SUDs proposals have been submitted with the application.

In addition, Policy 15 requires that new development promote travel by sustainable travel modes in the order of priority: walking, cycling, public transport and then motor vehicle.

Further, Policy SDCC4 requires new development to meet the needs of cyclists and pedestrians, and be made accessible to public transport.

Policy 11 allows for new housing on greenfield sites where it has been demonstrated that there is a shortfall in the 5 Year Effective Housing Land Supply, and no other urban or brownfield sites are available. There is no shortfall in supply. Notwithstanding this, the Applicant has not demonstrated that there is no other land/property available within Lanark.

Special Landscape Areas (Policy 14) are Category 3 areas and the Council only permits development, in these areas, that do not have an significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the can down the road". This is not appropriate in a Special Landscape Area and the Council should obtain further details of the dwellinghouse and/or a design statement.

Policy 16 states that the Council will not support any development proposals on the functional floodplain. except for "essential", "operational reasons" and appropriate mitigation measures can be taken. Where there is flood risk from a watercourse, as is the case with the proposal, the Council will require an Assessment. No FRA has been submitted by the Applicant, and farming is not an essential operation that justifies building on the floodplain. In terms of animal welfare, it would not be acceptable to accommodate cattle or sheep within buildings known to be at risk of flooding.

Similarly, Policy SDCC2 requires sites at risk of flooding to be accompanied by an Assessment that demonstrates otherwise. No FRA has been submitted by the Applicant.

Policy SDCC3 confirms that all new, non-coastal, development requires surface water to be dealt with by SUDs. The exception is a single dwellinghouse. However, although there is only one dwelling proposed, the development includes an "agricultural complex" of buildings. Therefore, SUDs details will need to be submitted for approval by the Council. No such details have been provided.

Policy GBRA1 provides a framework for the design of new development in the Rural Area. Although the Applicant has submitted an application for planning permission in principle, so as to circumvent various criteria, the policy is clear that "isolated" residential development will not be acceptable. Notwithstanding this, new development has to be "readily served" by water, sewerage and electricity. There is no evidence accompanying the application that the proposed dwellinghouse can be serviced.

Policy GBRA2 confirms that agricultural business is appropriate land use in the Rural Area. However, the policy explains development relating to expansion of an existing business needs justification, and that new, necessary development has to be integrated within an established building group (or on previously developed land). The proposal lacks an agricultural [labour] justification and it has not been demonstrated that an additional dwelling can not be located beside the Building Group at CPF.

Policy GBRA10 specifically, but not in exclusivity, deals with proposals for new housing in the Rural Area, associated with an 'appropriate' business. All proposals must meet 6 criteria and, in addition, proposals relating to an established business (in this case Firm of Thomas Orr) a further 3 criteria. A number of criteria are not met, making the proposal contrary to GBRA10:

A.1 There is an existing Building Group on CPF supplied by wind turbine. The farm lands extend from the A70 to the banks of the River Clyde and these are being worked from the existing buildings. Therefore, there is no operational need to locate an additional dwelling on the banks of the River Clyde. Further, the Applicant has not demonstrated that an additional dwelling can not be located beside this Building Group.

A.2 Policy GBRA2 would not be complied with, as no/insufficient evidence based business justification has been provided.

A.3 It has not been demonstrated that the new dwelling is essential for the management of the business, due to the retiral of the Applicant.

A.4 The Applicant has submitted insufficient, independently conducted Assessment of the existing business and its longer term viability.

A.5 The Applicant has not submitted a 5 Year Business Plan or similar.

A.6 The Applicant has not submitted sufficient detailed design information to satisfy GBRA1.

B.1 The Applicant has not submitted evidence, in the form of certified accounts, that His business has been trading since the start of 2019-2020.

B.3 No details of the size, scale, design, siting of the proposed dwellinghouse have been submitted, thus it is not possible to determine if the property would be a "rich man's charter" or labourer's accommodation.

Similarly, without such details, the proposal is contrary to Policy DM1 as that requires the design and layout to enhance or make a positive contribution to the character and appearance of the area.

Equally, without such details, the proposal is contrary to Policy NHE16 as that requires a demonstration that new development, in a Special Landscape Area, can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features.

Policy DM15 only permits new development where there is an adequate supply of water to serve the site including a supply of water for human consumption. No information has been submitted to demonstrate this. This cannot be a reserved matter to be dealt with by condition.

Policy DM16 requires new development to be connected to the Scottish Water network, unless private foul drainage is proposed. In any case, no evidence or details of either have been submitted with the application.

The Applicant has submitted insufficient information/supporting documents to allow granting planning permission, in contravention of Policy DM20.

The Applicant has not provided a Unilateral Obligation Agreement nor confirmed it will enter into a legal agreement to control occupancy of the proposed dwellinghouse, contrary to Policy DM21.

Conclusion & Recommendation

Having regard to the above, the proposed development would be contrary to Policy 16 of the Strategic Development Plan and Policies 2, 4, 5, 11, 15, 16, SDCC2, SDCC3, SDCC4, GBRA1, GBRA2, GBRA10, DM15, DM16, DM20 and DM21 of the Local Development Plan. There is the potential threat to Human life from the HPGP. The general provisions of the SPP do not outweigh these findings, and the Council is required/recommended to refuse planning permission in principle.

Please acknowledge receipt.

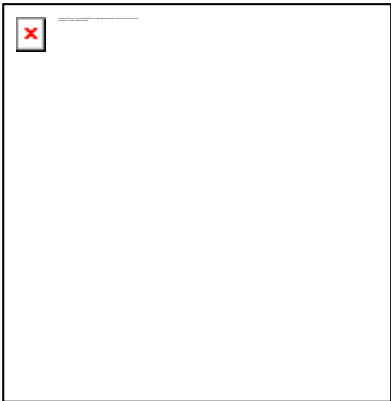
Yours sincerely  
Euan

Euan FS Pearson MRTPI MRICS

Pearson Planning, Chartered Surveyors  
PO Box 28606 | Edinburgh | United Kingdom EH4 9BQ



RICS Regulated Firm No. 716764



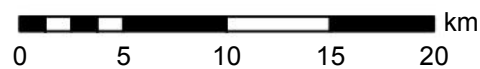


# National Grid High Pressure Gas Pipe Location

N S

Gas Pipeline

1:365,000



© National Grid  
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© Crown copyright and database right (2017)

Pipeline data correct as of 30 November 2016.  
Map created on 10 January 2017.  
Map produced in the OSGB 1936 Coordinate Reference System.

If you are planning to undertake any work please see the following website:

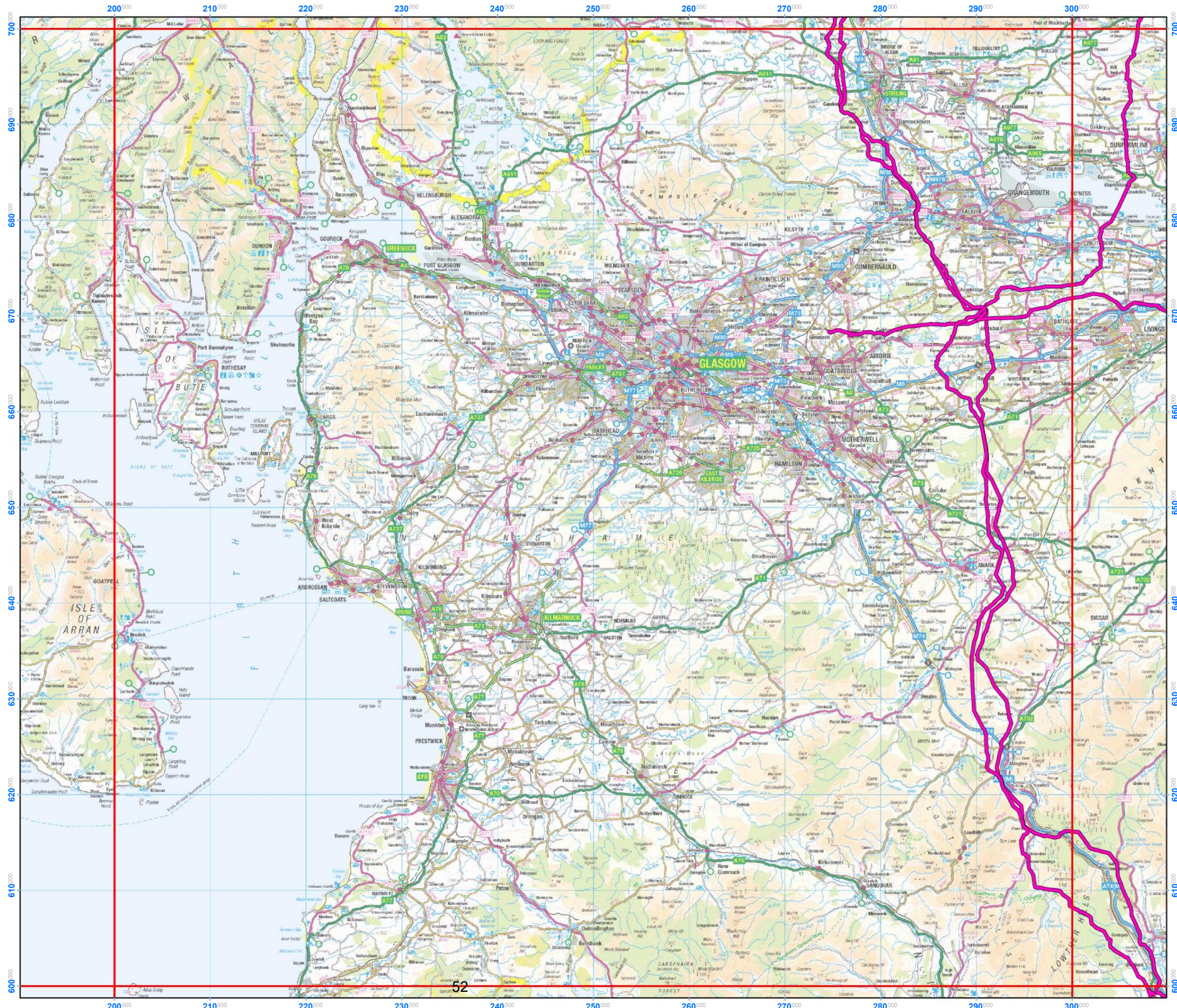
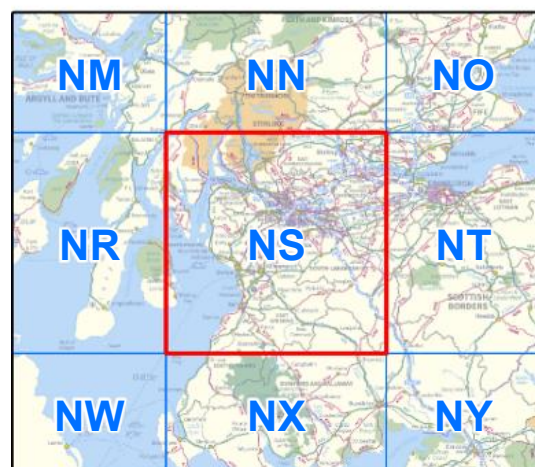
<http://www2.nationalgrid.com/UK/Safety/Dial-before-you-dig>

or contact the Plant Protection team at least 14 days in advance on 0800 688 588 or [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

The National Grid corporate GIS shapefiles are available to download from the website using the following link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files>

For further advice on GIS and mapping, please contact the GTO Data Delivery Team at: [Box.GTAM.DataDeliver@nationalgrid.com](mailto:Box.GTAM.DataDeliver@nationalgrid.com)





Leapark  
Cobblehaugh Road  
Lanark  
ML11 8SG

3d

South Lanarkshire Council  
Planning and Economic Development  
Montrose House  
154 Montrose Crescent  
Hamilton  
ML3 6LB  
F.A.O. Gail Neely

30<sup>th</sup> August 2021

Dear Gail,

**Planning Application P/21/1210, Erection of an agricultural worker's dwelling house (permission in principle). Land 475m Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, South Lanarkshire**

I write to object to the proposed development.

It is understood, the planning application above should be viewed alongside Planning Application P/21/1320 for the '*Erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding (Prior notification)*'. A planning statement included with this application describes the dwelling house as being essential to animal husbandry should the development proposed within planning application P/21/1320 be approved. I therefore consider planning applications P/21/1320 and P/21/1210 must be considered concurrently.

Furthermore, I trust the Planning Authority will only consider a decision for dwelling house planning application in the event that a decision is made to permit the development detailed in Planning Application P/21/1320.

For the avoidance of doubt, I also object to the development described within planning application P/21/1320.

I live with my family at Leapark, located on the Cobblehaugh Road and have generally appreciated the quiet enjoyment since 1993. Traffic using the road has however significantly increased since Mr Orr commenced construction of the existing farm steading following its relocation from its previous location around 16 years ago. Mr Orr's expansion of his haulage business has dramatically increased the volume of heavy goods vehicles using the Cobblehaugh Road.

We regularly walk our dog along the Cobblehaugh Road. The road is a narrow single carriageway with no footpaths. Vehicles using the road force walkers to the verges whilst passing.

Many other people regularly walk their dogs along the Cobblehaugh Road and on occasions people with infants use the road.

The proposed development will increase traffic using the Cobblehaugh Road, not just for its construction, but also for its continued use. This will clearly increase the risk to pedestrians using the road.

I have to seriously question Mr Orr's intentions and needs case to construct what appears to be the making of yet another new farm steading, relatively close to the existing Charleston Farm steading.

I would also note the site does not currently have a nearby power supply and in order to provide this essential service, overhead lines with wooden poles will likely be necessary.

Yours Sincerely,

A solid black rectangular box used to redact the signature of Andrew Russell.

Andrew Russell

[REDACTED]  
[REDACTED]

---

**From:** Neely, Gail  
**Sent:** 31 August 2021 16:13  
**To:** Planning  
**Subject:** Objections to P/21/1210 & P/21/1320 - please log

3d

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

**From:** Andrea Skinner [REDACTED]  
**Sent:** 30 August 2021 18:00  
**To:** Neely, Gail <Gail.Neely@southlanarkshire.gov.uk>  
**Subject:** Planning application P/21/1210 & P/21/1320

Good evening Gail,

I write to you with regard to the above planning applications. Through consultation with neighbours it has been brought to my attention what the proposals are actually for.  
I wish to note concern with regard to these applications. [REDACTED]  
[REDACTED]  
[REDACTED]

I hope this information is considered in the response to the application.

Andrea Skinner  
House Manager of The Cottage  
[REDACTED]

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.

[REDACTED]  
Benreay, 10 Dumfries Road, Lockerbie, DG11 2EF

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.commonthreadgroup.com%2F&data=04%7C01%7Cgail.neely%40southlanarkshire.gov.uk%7C1441b54d155c4305236308d96bd8da06%7Cd38231f1615c4749b323dc7c7ad5eeba%7C0%7C0%7C637659401381760406%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=ws%2BXUtKYvHcAFvt%2F%2FBMzk u55mgbG5B1NQG2iURGMtiI%3D&reserved=0>



**From:** Planning  
**Sent:** 31 August 2021 13:03  
**To:** Planning  
**Subject:** Comments for Planning Application P/21/1210

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:03 PM on 31 Aug 2021 from Mr Hugh Loney.

**Application Summary**

**Address:** Land 475M Southeast Of Cobblehaugh Farm Cottage  
Cobblehaugh Road Lanark South Lanarkshire  
**Proposal:** Erection of agricultural worker's dwelling house  
(permission in principle)  
**Case Officer:** Gail Neely  
[Click for further information](#)

**Customer Details**

**Name:** Mr Hugh Loney  
**Email:**  
**Address:** 5 River View Cobblehaugh road Lanark

**Comments Details**

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

**Comments:** It has been brought to our attention re the proposed development as above and would like to object.

We have lived here for 12 years and this road has gone from being a nice peaceful location to being busy and sometimes dangerous due to high number of heavy goods vehicles coming and going from Charleston farm.

There are young children in this area and dog walkers use this road including ourselves a few times a day. The proposed development can only lead to even more vehicles using the road which will have it deteriorate even further from it's current bad state.

We are constantly complaining about the road condition but and repairs carried out don't last due to the size and weight of vehicles being used.

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## **Appendix 3**

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**Site photographs and location plan**





**Photo 1**



**Photo 2**





**Photo 3**



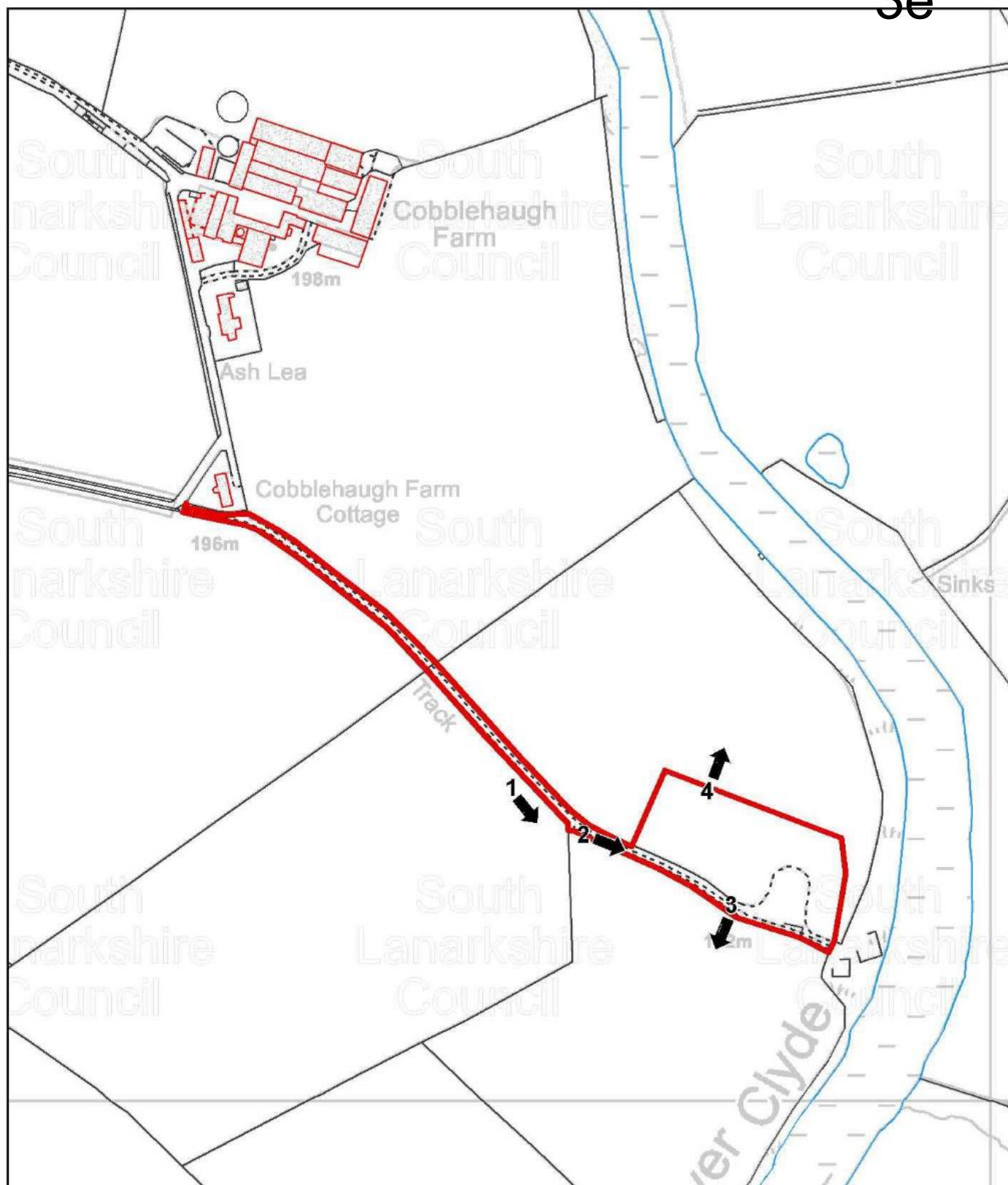
**Photo 4**





Planning Review for application P/21/1210  
 Erection of agricultural workers dwelling house  
 Land 475m Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark

3e



This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary

**Community and Enterprise Resources  
 Planning and Economic Development**



Scale: 1:4,000 Date: Aug 2022

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## **Appendix 4**

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### **Planning Decision Notice and Reasons for Refusal**







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**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Economic Development**

Derek Scott  
Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
EH12 5EH

Our Ref: P/21/1210  
Your Ref:  
If calling ask for: Gail Neely  
Date: 6 May 2022

Dear Sir/Madam

**Proposal:** Erection of agricultural worker's dwelling house (permission in principle)  
**Site address:** Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark, South Lanarkshire, ,  
**Application no:** P/21/1210

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Gail Neely on 01698 455932

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk) Phone: 01698 455932



I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

---

To :

**Firm of Thomas Orr  
Hyndford Mill Cottage ,  
Charleston Park Farm,  
Cobblehaugh Road ,  
Lanark , ML11 8SG ,**

Per : **Derek Scott**

**21 Lansdowne Crescent ,  
Edinburgh , EH12 5EH ,**

With reference to your application received on [22.06.2021](#) for planning permission in principle under the above mentioned Act :

**Description of proposed development:**

[Erection of agricultural worker's dwelling house \(permission in principle\)](#)

**Site location:**

[Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road,  
Lanark, South Lanarkshire, ,](#)

---

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

**REFUSE PLANNING PERMISSION IN PRINCIPLE**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

---

Date: 6th May 2022

**Head of Planning and Economic Development**

---

This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

**South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development**

**Refuse planning permission in principle**

**Paper apart - Application number:** P/21/1210

**Reason(s) for refusal:**

01. The proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification.
02. The proposed development does not accord with the criteria identified in Policy GBRA1 'Rural Design and Development' of the adopted Local Development Plan 2 as it would result in isolated and sporadic residential development in the rural area and the siting of the proposed dwelling would adversely impact on the established visual amenity and landscape character of the surrounding rural area.
03. The proposed development does not accord with the criteria identified in Policy GBRA10 'Accommodation Associated with an Existing or Proposed Rural Business' of the adopted Local Development Plan 2 in that the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established the building group is not considered adequate and there is not sufficient justification that a new dwelling house is essential for the successful management of the business.
04. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Rural Area designation.
05. The proposal is contrary to the provisions of Policy 14 'Natural and Historic Environment' of the adopted Local Development Plan 2 as the visual impact of the development on the special landscape area is not considered to be outweighed by a significant social or economic benefit.

**Reason(s) for decision**

The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2.

## Notes to applicant

**Application number: P/21/1210**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(-- )018		Refused
L(-- )001 (F)		Refused
L(-- )005 (E)		Refused
L(-- )005 (F)		Refused
L(-- )001 (D)		Refused



## **COMMUNITY AND ENTERPRISE RESOURCES**

EXECUTIVE DIRECTOR **David Booth**

Planning and Economic Development

### **Important notes**

## **Town and Country Planning (Scotland) Act 1997**

### **1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

### **2. Procedure for appeal to the planning authority**

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## **Appendix 5**

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**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Firm of Thomas Orr**





Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100569690-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Derek Scott Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Derek"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="21"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Lansdowne Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH12 5EH"/>
Email Address: *	<input type="text" value="REDACTED"/>		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Hyndford Mill Cottage"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Charleston Park Farm"/>
Company/Organisation	<input type="text" value="Firm of Thomas Orr"/>	Address 2:	<input type="text" value="Cobblehaugh Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML11 8SG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

HYNDFORD MILL COTTAGE CHARLESTON PARK FARM COBBLEHAUGH ROAD LANARK

Northing	<input type="text" value="642156"/>	Easting	<input type="text" value="292855"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached letter.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please refer to attached letter.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/21/1210

What date was the application submitted to the planning authority? \*

26/07/2021

What date was the decision issued by the planning authority? \*

06/05/2022

## Review Procedure

The Local Review Body 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Active farm on which there are animals present.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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 Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name:

██████████

Declaration Date:

18/07/2022



Our Ref: ep694/2022/006/agrihouse/DS

18<sup>th</sup> July 2022

Local Review Body  
South Lanarkshire Council  
c/o Executive Director (Corporate Resources)  
Council Headquarters  
Almada Street  
Hamilton  
ML3 0AA

## To whom it may concern

**REQUEST TO SOUTH LANARKSHIRE COUNCIL'S LOCAL REVIEW BODY TO REVIEW THE DECISION OF THE APPOINTED PLANNING OFFICER TO REFUSE PLANNING APPLICATION REFERENCE NUMBER P/21/1210 WHICH HAD SOUGHT PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK**

### Introduction

1. We write on behalf of our clients, The Firm of Thomas Orr, to respectfully request that your Council's Local Review Body reviews the decision of the appointed planning officer to refuse an application for planning permission in principle, submitted under the terms of Planning Application Reference Number P/21/1210, for the erection of an agricultural worker's dwelling house at Hyndford Mill Cottage, Charleston Park Farm, Cobblehaugh Road, nr. Hyndford Bridge, Lanark. A copy of the planning application, which was refused on 06<sup>th</sup> May 2022, is attached as **Document TO1**.

### Charleston Park Farm

2. Charleston Park Farm, to which the refused application relates, comprises a not insubstantial 77.22 hectares (190.81 acres) of Grade 3(2) agricultural land lying to the east of the A70 and to the north and west of the River Clyde on the outskirts of Lanark/Hyndford Bridge. There is an existing farmhouse and a complex of farm buildings on the northern side of the farm accessed off Cobblehaugh Road from a point approximately 420 metres to the east of the A70.
3. The Firm of Thomas Orr, which was originally established in 1952 (70 years ago) is owned and operated by Mr. James T Orr (hereinafter referred to as Mr. Orr). He resides in the existing farmhouse at Charleston Park Farm [REDACTED]

[REDACTED] Both the proposed dwelling house which is the subject of this review request and the agricultural buildings proposed and permitted separately in Prior Notification Application Reference Number P/21/1320 (Refer to **Document TO2**) form an integral part of those retirement and succession plans.

4. There are three inter-related agricultural enterprises operating from the farm at present including a mixed based arable and livestock enterprise; an agricultural haulage business; and an agricultural contracting business. Whilst the precise nature of business activities varies from year to year, as is common with this type of enterprise, they generally operate on the following basis:

***Agricultural Mixed Farming Business***

Store Cattle – 210  
Suckler Cows – 60  
Sheep (Ewes and Rams) – 150  
Lambs – 200

36.42 hectares (90 acres) – Spring Barley  
28.33 hectares (70 acres) – Silage  
12.47 hectares (30.81 acres) – Grass

***Agricultural Haulage Business***

Four lorries and trailers operating full-time transporting bales and livestock throughout Scotland and the North of England

***Agricultural Contracting Business***

Sprays some 1500 hectares (3705 acres) of Cereal Crops  
Ploughs approximately 60 hectares  
Bales and hauls approximately 5000 bales of straw

5. Using figures derived from the Scottish Agricultural College's Farm Management Handbook (2020/21 Edition) and experienced based assumptions, the activities undertaken in association with the mixed farming business existing, generates, in our opinion, a labour requirement for 6.99 persons which is further detailed within Paragraph 1.5 of the Planning Statement submitted in support of the application (Refer to **Document TO1g**).
6. The land and livestock-based activities are undertaken by Mr. Orr with the assistance of other family members and casual labour at various times of the year. Four further employees (full and part-time) assist with the agricultural haulage and contracting side of the business. Given the nature of agricultural activities undertaken on the farm, particularly those of an animal husbandry nature (e.g., breeding cows and ewes) and the storage of livestock in transit, it is absolutely essential that agricultural workers are on hand 24 hours per day for 365 days of the year.
7. As noted previously, Mr Orr is now of an age where he is planning for succession and the process of handing over the reins of the businesses to the next generation. His son, Tom, intends to return to the farm and to step into the role. As part of the succession process, Mr. Orr intends, at some stage in the next 4-5 years to semi-retire but remain living on the farm thus enabling him to oversee the transition process and associated day to day management activities. The proposals presented in the application must be viewed not only against that background but also against the wider objective of further developing the business in response to the ever-changing and uncertain conditions affecting the industry.

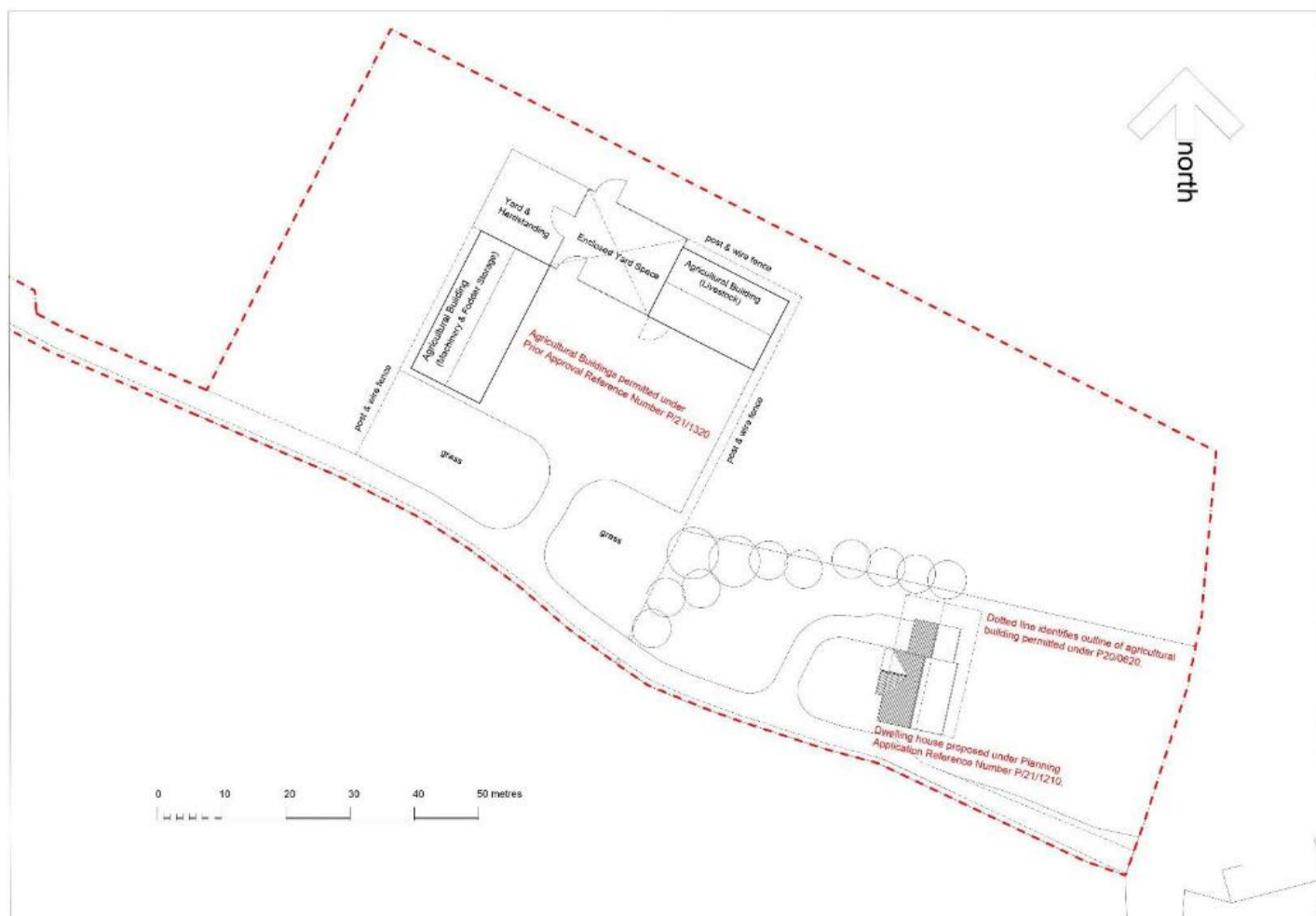
***Application Site***

8. The application site itself which measures c.1.375 hectares (c.3.4 acres) is located to the west of the River Clyde approximately 3 km to the east of Lanark. It incorporates the ruins of the former Hyndford Mill Cottage and associated farm buildings which were demolished in the late 1990's; adjoining agricultural land; and a surfaced track measuring approximately 0.5 km in length which is accessed via the unclassified Cobblehaugh Road. Cobblehaugh Road, in turn, leads to the A70 Ayr Road approximately 1km to the west, with Lanark beyond that. Between the site and the river exist the ruins of old mill buildings which the former cottage had served. Prior Notification approval was granted for the erection of an agricultural building on the site of that former cottage on 08<sup>th</sup> September 2020 under Prior Approval

Reference Number P/20/0620 (Refer to **Document TO3**) establishing an acceptance of the principle of development for a structure similar in size to a dwelling house.

### Proposed Development

9. The application submitted (Refer to **Document TO1**) and subsequently refused by the appointed planning officer had sought planning permission in principle for the erection of an agricultural worker's dwelling house on the site formerly occupied by Hyndford Mill Cottage. At this stage it is envisaged that the dwelling house would provide 3-4 bedrooms and be 1-1.5 storey in height.



*Site Plan showing developments permitted and proposed under Application Reference Numbers P/20/0620, P/21/1320 & P/21/1210*

10. The agricultural buildings proposed and granted separately under the terms of Application Reference Number P/21/1320 (Refer to **Document TO2**) will, when developed, accommodate the sheep farming part of the enterprise. Although the Report of Handling on the application claims that the prior approval process cannot question the need or principle of development, the appointed officer, prior to the approval of the application for the agricultural buildings, did exactly that by seeking a '*reasoned justification for the erection of the new agricultural buildings in the chosen location and detailed reasons why existing buildings or extensions to the existing buildings at the main farm steading can't be used for this development.*' The Officer was advised in response to that request that in order to promote the growth of the business in the direction the family wished to drive it in, it was imperative that the sheep-based enterprise was separated from the cattle and haulage business, offering in the process, the following advantages:
  - Firstly, it would free up and make available those buildings presently used, but not well equipped for sheep breeding, for the storage of additional cattle, including those in transit via the haulage business.
  - Secondly, it would establish a presence on a part of the farm which was considered to be remote and isolated from the existing steadings and farm house. That isolation arises, in part, as a result of Mr. Orr not owning



some of the land to the south of Cobblehaugh Road between the present farm buildings and the application site.

- Thirdly, the lands in the vicinity of the current application site are the best suited on the farm for the sheep enterprise in terms of land and associated grazing quality.
- Fourthly, it would provide an opportunity in the future for the buildings to be used as a quarantine facility.

11. The Planning Officer was also advised that whilst there were some advantages with keeping cattle and sheep together within the same complex and associated field arrangements, these were far outweighed by the disadvantages and challenges noted below:

- Cattle can be rough with sheep around feeding, watering, and shelter sites due to size differences.
- Cattle can harm lambing ewes and newborn lambs on accident by trampling.
- Cattle and sheep continue to need rotational grazing.
- Cattle and sheep need separate areas to birth and shelter.
- Sheep cannot eat cattle feed, as it can give them copper toxicity in cumulative doses. Sheep are also under threat of ruminal acidosis if they over-feed on grain-heavy cattle feeds.
- The costs of keeping cattle and sheep together are considerably more expensive than keeping one or the other alone.

12. The appointed planning officer, has, in granting approval for the agricultural buildings required to facilitate the relocation of the sheep farming enterprise, clearly accepted the justification for the erection of the agricultural buildings in the positions proposed on the farm. The dwelling house proposed in association with those buildings is absolutely essential in terms of both animal husbandry requirements (lambing sheep) and increasing security at an otherwise remote part of the farm.

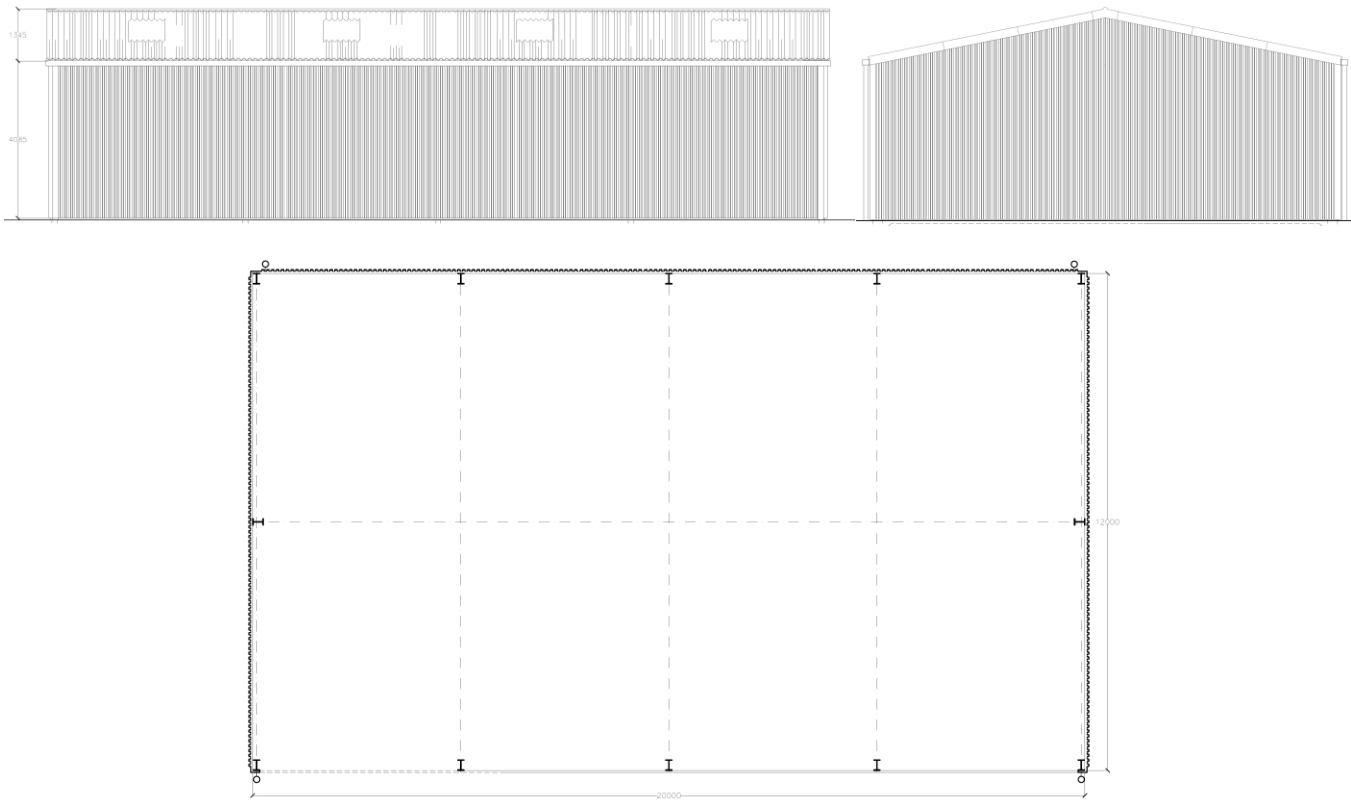
13. Access to the dwelling house and agricultural buildings proposed will be provided along the existing surfaced track at the end of Cobblehaugh Road. A number of passing places can be introduced on the track (if required) to facilitate what will be an infrequent movement of vehicles travelling in opposite directions. However, it is noted from Paragraph 3.4 of the Planning Officer's Report of Handling (Refer to **Document TO4**) that failure to provide passing places on either the track or on Cobblehaugh Road would not result in a road safety issue warranting the refusal of the application. In other words the passing places are not considered essential. The site can be adequately serviced with water and electricity, with drainage arrangements to be provided via a septic tank or other wastewater treatment system. Our client would also intend to introduce renewable initiatives within the design including an air sourced heat pump and photovoltaics.

### **Responses to Reasons for Refusal**

14. The planning application for the agricultural worker's dwelling house which was submitted to the Council on the 26<sup>th</sup> July 2021 was refused for five reasons by the appointed Planning Officer on 06<sup>th</sup> May 2022, almost ten months later. Copies of the decision notice and the Planning Officer's Report of Handling are attached as **Documents TO4** and **TO5**. The reasons for refusal and our responses to them are outlined below:

*01 - The proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification.*

15. **Response** – The indicative layout accompanying the application (Refer to **Documents TO1e and TO1f**) identifies the proposed dwelling house on the site formerly occupied by Hyndford Mill Cottage (now in ruins). As noted above, the Council has previously granted approval for the erection of an agricultural building measuring 20 metres x 12 metres (240 sq. metres) and 5.4 metres in height on this brownfield site under the terms of Prior Approval Reference Number P/20/0620, concluding in the process that '**the proposal raises no significant landscape impact issues**' (Refer to **Document TO3**). The Council has also granted approval for the erection of a further two agricultural buildings to the north west of this site under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**) which will facilitate the relocation of the sheep farming element of the overall enterprise. Having granted approval for the agricultural buildings described, it is quite extraordinary and entirely inconsistent to now claim that a dwelling house proposed in the same location would constitute an isolated form of development.



*Approval granted for Agricultural Building on site of proposed dwelling house under Application Reference Number P/20/0620*

16. The first reason for the refusal of the application also claims, quite erroneously in our opinion, that there is inadequate justification for the dwelling house proposed. As noted in the Planning Statement supporting the application (Refer to **Document TO1g**) and within this letter previously, there is a need for an additional dwelling house on the farm due to labour, animal husbandry and security requirements. The dwelling house needs to be located next to the agricultural buildings previously approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**) as these will be serving the sheep farming element of the overall enterprise. Having accepted the justification for erecting those buildings in the position proposed, it follows, as a result of animal husbandry requirements arising from the use to which those buildings are being put to, that there is an inherently related justification for the erection of the dwelling house proposed.
17. We have noted that the Council's Economic Development Department has provided the following supporting comments within its consultation response on the application:

*'I've had a look at the information you've sent and, from a Business Support point of view, the company is doing what we would always recommend that our clients do and that is succession planning. Succession planning doesn't happen overnight and it's good that they are thinking a few years ahead and trying to use what assets they have in a sensible manner. If I have this right, the house they want to build will allow them to move the sheep farming element to allow the use of other grazing land which cannot be properly watched from the existing farm house. As with all businesses, care and control of stock is very important and given that the sheep are assets of the business then it follows that there must be some way of looking after them and ensuring their safety. This will also free up the space previously used by the sheep to support other areas of the business. I'm assuming that the house is for the son who is intending to return to work the farm.*

*I don't know who the customers are for the agricultural contracting business but, from previous experience of working with smaller agricultural businesses, not all small farms can afford large industrial machines and often depend on these businesses which work on a contract basis throughout the farming year. In terms of the haulage business, I think we all know about the problems facing the country in getting goods moved so if this will help the farm support and develop this part of the business then this would be an advantage.'*

18. The Planning Officer's Report of Handling claims that the *'financial information which has been submitted in support of the application is considered to be relatively minimal'* and also notes that we, as agents, were *'asked to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College'* but did not do so. We attach in support of this review request and in response to the reasons for the refusal of the application (Refer to **Document TO6**) a letter from the Scottish Agricultural College, who, having reviewed the information submitted by us in support of the application have confirmed that they generally agree with the labour requirement calculations provided; that there is a need for an additional dwelling house on the farm; that the dwelling house proposed should, in the interests of good animal husbandry be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**); and that the business is profitable and has every prospect of remaining so in the future.

*02 - The proposed development does not accord with the criteria identified in Policy GBRA1 'Rural Design and Development' of the adopted Local Development Plan 2 as it would result in isolated and sporadic residential development in the rural area and the siting of the proposed dwelling would adversely impact on the established visual amenity and landscape character of the surrounding rural area.*

19. **Response** - In a similar manner to our response to the first reason for the refusal of the application we are somewhat surprised that the Planning Department, having previously permitted the erection of a large agricultural building on the application site under the terms of Prior Approval Reference Number P/20/0620 (**Refer to Document TO3**) and concluding in the process that it would raise *'no significant landscape issues'* are now claiming that a dwelling house in exactly the same position would *'adversely impact on the established visual amenity and landscape character of the surrounding rural area.'* The inconsistencies in the determination of both applications are notable and in our opinion, totally unjustified.
20. Setting these inconsistencies described aside, it is also worth highlighting that the application site is brownfield in nature having previously accommodated Hyndford Mill Cottage (ruins still in existence) and that the dwelling house proposed has the potential to significantly improve rather than detract from the character and appearance of the area as claimed. It gains support in this regard from the terms of Policy GBRA7 in your Council's Supplementary Guidance on the Green Belt and Rural Area which is supportive of the redevelopment of previously developed land in the countryside for housing purposes.

*03 - The proposed development does not accord with the criteria identified in Policy GBRA10 'Accommodation Associated with an Existing or Proposed Rural Business' of the adopted Local Development Plan 2 in that the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established the building group is not considered adequate and there is not sufficient justification that a new dwelling house is essential for the successful management of the business.*

21. **Response** - As noted previously, it is our client's intention to relocate the sheep farming element of the enterprise from the existing farm buildings to those buildings approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**). That being the case and with the resulting animal husbandry requirements arising, there is no merit or sense whatsoever in erecting another dwelling house next to the established group of farm buildings at Charleston Park Farm, which would be some 1 km to the west of those permitted buildings where the sheep farming enterprise would be based. The dwelling house, in light of animal husbandry reasons should be erected adjacent to the proposed agricultural buildings – a requirement confirmed by SAC Consulting (Refer to **Document TO6**).

*04 - If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Rural Area designation.*

22. **Response** - It is a pillar of the planning system that all applications should be considered on their own individual merits taking into account the terms of the relevant development plan and all other material considerations. This particular application seeks planning permission for the erection of an agricultural worker's dwelling house with the purpose of providing much needed additional accommodation to service the requirements of the farm; to provide for the succession of the business to the next generation; and to provide the conditions necessary for its future economic prosperity. If approving such a proposal sets an undesirable precedent for such applications one must question the actual purpose of

the planning system operating within South Lanarkshire and in particular its relevance and applicability to economic development in rural areas.

05 - The proposal is contrary to the provisions of Policy 14 'Natural and Historic Environment' of the adopted Local Development Plan 2 as the visual impact of the development on the special landscape area is not considered to be outweighed by a significant social or economic benefit.

23. **Response** – As noted in our response to the earlier reasons for the refusal of the application, we do not accept that the dwelling house proposed will have an adverse visual impact on the special landscape area. Had that been the case the Council should not have previously granted prior approval for the erection of an agricultural building on the application site under the terms of Prior Approval Application Reference Number P/20/0620 (Refer to **Document T03**); and concluding in the process that it raised no '*significant landscape impact issues*.' Whilst the '*significant social or economic benefit*' test within the policy has no relevance in the determination of the application due to their being no adverse visual impact, there are, in our opinion, clear social and economic benefits to be derived from the development proposed. These are clearly highlighted in the Economic Development Officer's consultation response on the application as referred to in Paragraph 17 previously, but regrettably have been overlooked by the Appointed Officer and not even referred to in the Report of Handling.

### **Key Points in Support of Planning Application/Review Request**

24. In summary the following points are put forward in support of the application proposal:
- (i) The Firm of Thomas Orr have been operating a very profitable mixed use agricultural enterprise from the lands at Charleston Park Farm since 1952 (70 years). There is no reason to suggest that it will not continue to so operate in the future provided appropriate accommodation and facilities are in place to allow for succession to the next generation.
  - (ii) The activities presently undertaken in association with the established mixed farming business generates, in our opinion, a labour requirement for 6.99 persons.
  - (iii) Our clients will be relocating the sheep farming element of the overall enterprise to the eastern side of the farm within agricultural buildings separately approved by the Council under the terms of Prior Approval Reference Number P/21/1320.
  - (iv) It is essential from the perspectives of animal husbandry and security that an additional dwelling house is erected in close proximity to the agricultural buildings referred to. The suggestion made by the Planning Officer that the dwelling house should be located some 1km to the west next to the existing complex of buildings on the farm is wholly impractical and would not be fit or appropriate for its intended use and purpose in such a location.
  - (v) The site for which planning permission is being sought for the erection of the dwelling house was previously occupied by Hyndford Mill Cottage (now in ruins); it is therefore brownfield in nature; it already has the benefit of prior approval for the erection of an agricultural building granted under the terms of Prior Approval Reference Number P/20/0620; and it lies in close proximity to the agricultural buildings separately approved by the Council under the terms of Prior Approval Reference Number P/21/1320. It would not, as a consequence, appear sporadic or isolated and it would not have an adverse effect on the character or appearance of the landscape within which it is proposed. In fact the erection of a dwelling house would, in our opinion, significantly improve the character and appearance of the site in a manner supported by Policy GBRA7 in your Council's Supplementary Guidance on the Green Belt and Rural Area.
  - (vi) The Draft National Planning Framework recently published by the Scottish Government states, inter-alia, that new homes in rural areas outwith existing rural settlements should be supported, where the proposal:
    - is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business), to live permanently at or near their place of work; or
    - is a single home for the retirement succession of a viable farm holding; or

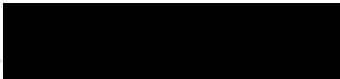
- *would involve the subdivision of an existing residential dwelling; or*
- *would represent the appropriate use of a cultural heritage asset or would be appropriate enabling development to secure the future of historic environment assets; or*
- *would reuse redundant or disused buildings or reinstate a former dwelling house; or*
- *involves redevelopment of derelict land or a brownfield site where a return to a natural state is not likely.*

Our client's proposal meets four of these six tests and very comfortably complies with emerging national planning policy.

## **Conclusions**

25. Based on all of the considerations outlined above, we do not accept the reasons outlined in the decision notice for the refusal of the application and respectfully request that the Local Review Body uphold the request and grant planning permission for the erection of the dwelling house applied for. We reserve the right to respond to any further submissions made by the appointed Planning Officer, Consultees or Third Parties in advance of the determination of the Review Request. Please acknowledge receipt and registration of this letter and accompanying documents at your earliest convenience.

Yours faithfully



Derek Scott

cc. and enc. Firm of Thomas Orr

# List of Accompanying Documents

- Document TO1 -** Copy of Planning Application submitted to South Lanarkshire Council under Planning Application Reference Number P/21/1210
- (a) Planning Application Forms
  - (b) Location Plan (D)
  - (c) Location Plan (F)
  - (d) Existing Site Plan
  - (e) Indicative Site Plan (E)
  - (f) Indicative Site Plan (F)
  - (g) Planning Statement
- Document TO2 -** Prior approval for agricultural buildings granted under Reference Number P/21/1320
- Document TO3 -** Prior approval for agricultural building granted under Reference Number P/20/0620
- Document TO4 -** Delegated Report of Handling for Planning Application Reference Number P/21/1210
- Document TO5 -** Decision Notice for Planning Application Reference Number P/21/1210
- Document TO6 -** Copy of letter from SAC Consulting to Derek Scott Planning dated 13<sup>th</sup> June 2022



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100432456-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of agricultural worker's dwelling house

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Derek Scott Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Scott	Building Number:	21
Telephone Number: *		Address 1 (Street): *	Lansdowne Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH12 5EH
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Hyndford Mill Cottage
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Charleston Park Farm
Company/Organisation	Firm of Thomas Orr	Address 2:	Cobblehaugh Road
Telephone Number: *		Town/City: *	Lanark
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML11 8SG
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Hyndford Mill Cottage Charleston Park Farm Cobblehaugh Road Hyndford Bridge Lanark ML11 8SG

Northing

642151

Easting

292855

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1.37

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agricultural & former dwelling house/farm buildings

## Access and Parking

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

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input type="checkbox"/> New/Altered septic tank.</p> <p><input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>Please refer to Planning Statement attached.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>

## Trees

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

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Derek Scott

On behalf of: Firm of Thomas Orr

Date: 22/06/2021

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Derek Scott

Declaration Date: 22/06/2021

## Payment Details

Pay Direct

Created: 22/06/2021 17:14

# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/let001Dwelling/DS

Your Ref: P/21/1210

19<sup>th</sup> July 2021

Ms. Gail Neely  
Planning & Economic Development Department  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton  
ML3 6LB

Dear Gail,

**THE FIRM OF THOMAS ORR - ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE ON LAND AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, NEAR LANARK ML11 8SG**

I refer to previous correspondence in connection with the above-mentioned planning application and attach for your attention an updated Land Ownership Certificate which I would appreciate you substituting for that originally submitted.

Please do not hesitate to contact me should you require any further information.

Yours faithfully

[Redacted signature]

Derek Scott

cc. J Orr

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E 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 was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

### CERTIFICATE B

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

#### I hereby certify that -

- (1) I have served notice on every person other than the applicant ☒ 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
D&M Russell	Cobblehaugh Farm Lanark ML11 8SG	19th July 2021

- (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 the applicant ☒ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☒



Name	Address	Date of Service of Notice
Firm of Thomas Orr	Charleston Park Farm Cobblehaugh Road Lanark ML11 8SG	19th July 2021

Signed:

On behalf of:

Firm of Thomas Orr

Date:

19th July 2021

### CERTIFICATE C

Certificate C 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 it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve 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. ☐

or

- (2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons 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: ☐

Name	Address	Date of Service of Notice

- (6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an 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 accompanying application. ☐

or

- (2) I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

**or**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

On behalf of:

Date:

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

# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/let002/Dwelling/DS

19<sup>th</sup> July 2021

D & M Russell  
Cobblehaugh Farm  
Cobblehaugh Road  
Lanark  
ML11 8SG

Dear Sir/Madam,

**THE FIRM OF THOMAS ORR - ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE ON LAND AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, NEAR LANARK ML11 8SG**

Please find enclosed for your attention relevant forms and plans notifying you that we have submitted an application to South Lanarkshire Council on behalf of our client (The Firm of Thomas Orr) for the erection of an agricultural worker's dwelling house on land at Hyndford Mill Cottage, Charleston Park Farm, Cobblehaugh Road, near Lanark ML11 8SG.

Please do not hesitate to contact me should you have any queries.

Yours faithfully

[Redacted signature]

Derek Scott

cc. J Orr



# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	D&M Russell
Address	Cobblehaugh Farm
	Cobblehaugh Road
	Lanark
	ML11 8SG

Proposed development at [Note 2]	Hyndford Mill Cottage, Charleston Park Farm,
	Cobblehaugh Road, Lanark ML11 8SG

Notice is hereby given that an application is being made to

[Note 3]	South Lanarkshire Council	Council by	Firm of Thomas Orr
----------	---------------------------	------------	--------------------

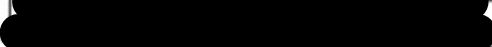

For planning permission to [Note 4]

P/21/1210 - Erect Agricultural Worker's Dwelling House (in principle)
---

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB (planning@southlanarkshire.gov.uk)
---

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	Firm of Thomas Orr 
Date	19th July 2021

\*Delete where appropriate

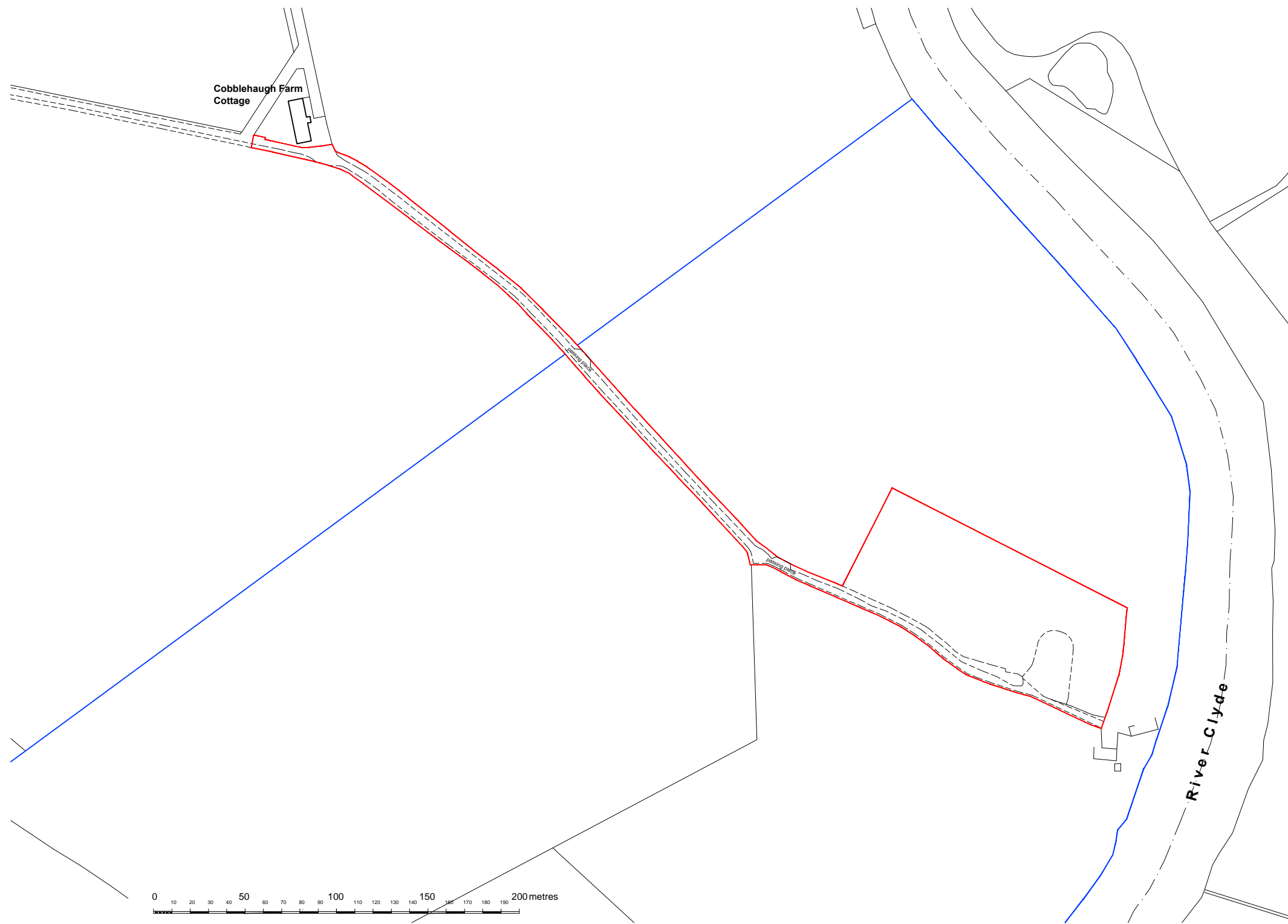
[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.



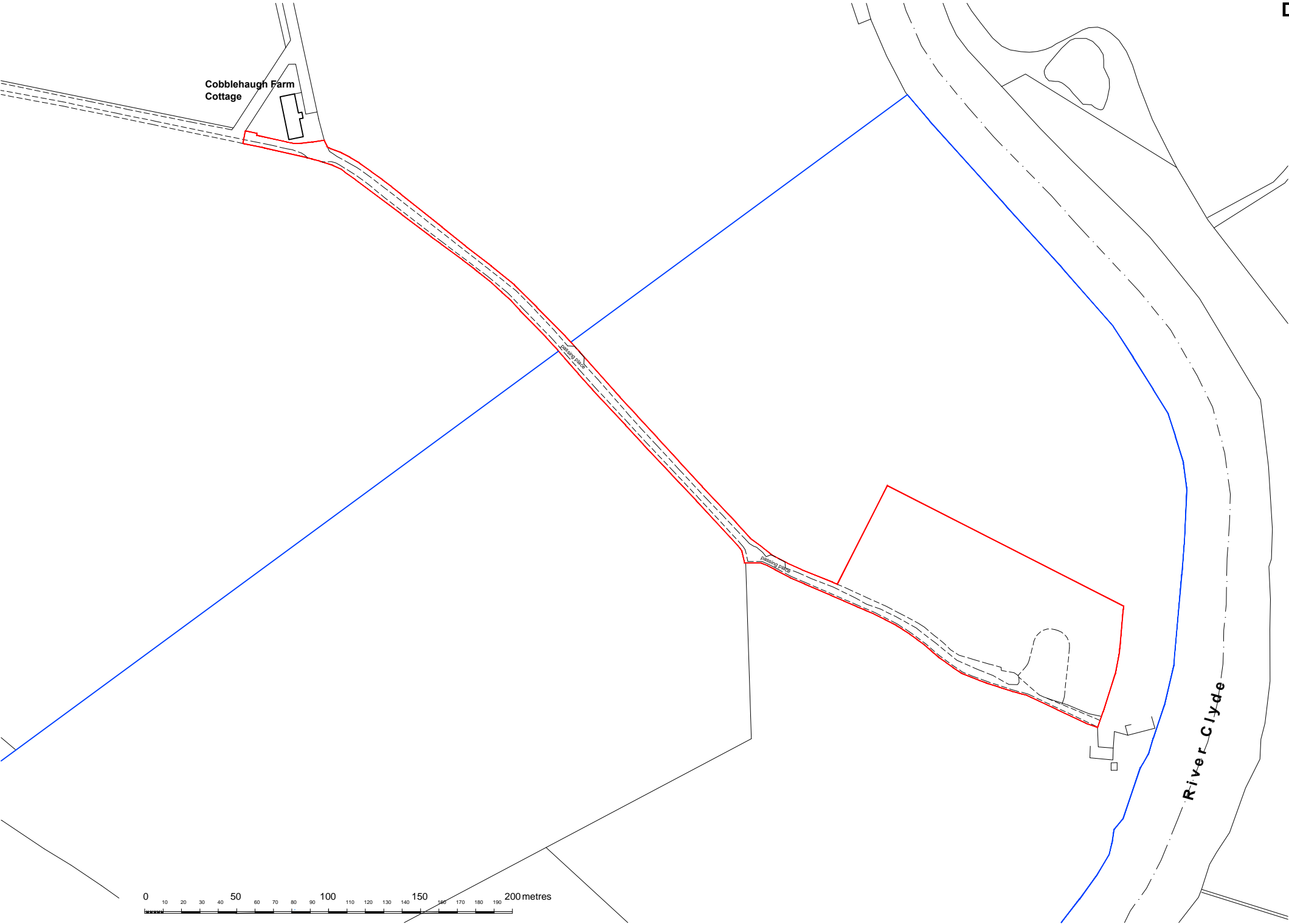
Location Plan 1:2500

Project	Proposed Agricultural Worker's Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(--)001(D)
Drawing	For the Firm of Thomas Orr Location Plan Rev.D	Job No :	G 123
Scales	1:2500 @ A3	Date	May 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

Tel 0131 535 1103  
enquiries@derekscottplanning.com



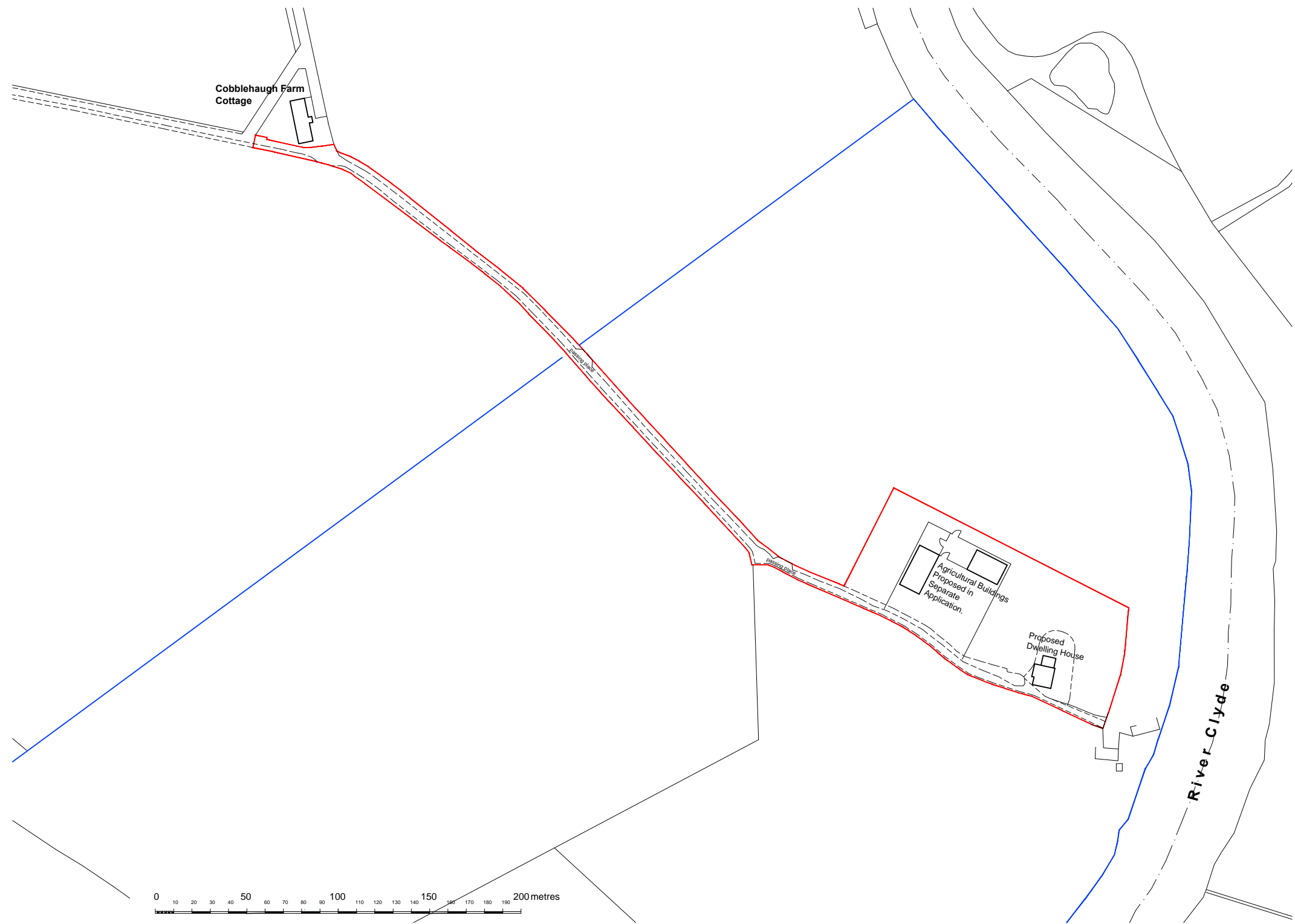
Location Plan 1:2500

Project	Proposed Agricultural Worker`s Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(--)001(D)
Drawing	For the Firm of Thomas Orr Location Plan Rev.D	Job No :	G 123
Scales	1:2500 @ A3	Date	May 2021



Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

Tel 0131 535 1103  
enquiries@derekscottplanning.com



Location Plan 1:2500

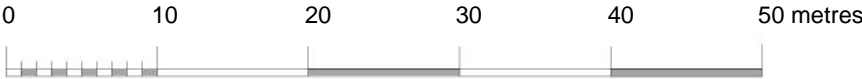
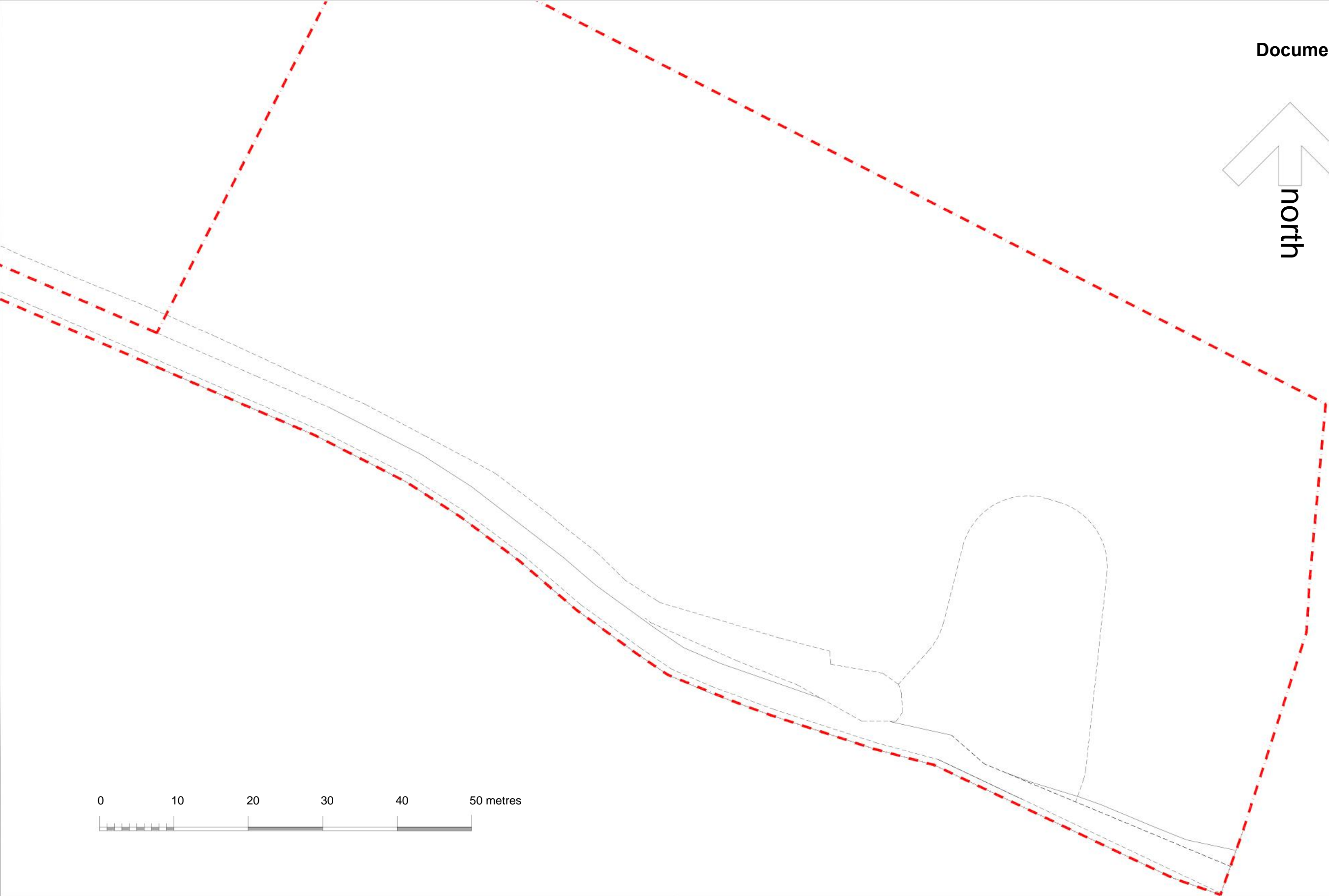
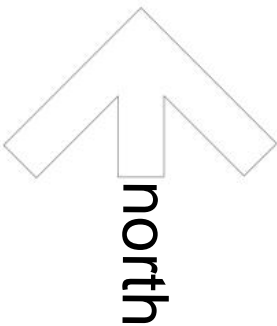
Project	Proposed Agricultural Worker`s Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr
Drawing	Location Plan Rev.F
Scales	1:2500 @ A3

Drawing No	L(-- )001(F)
Job No :	G 123
Date	July 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com



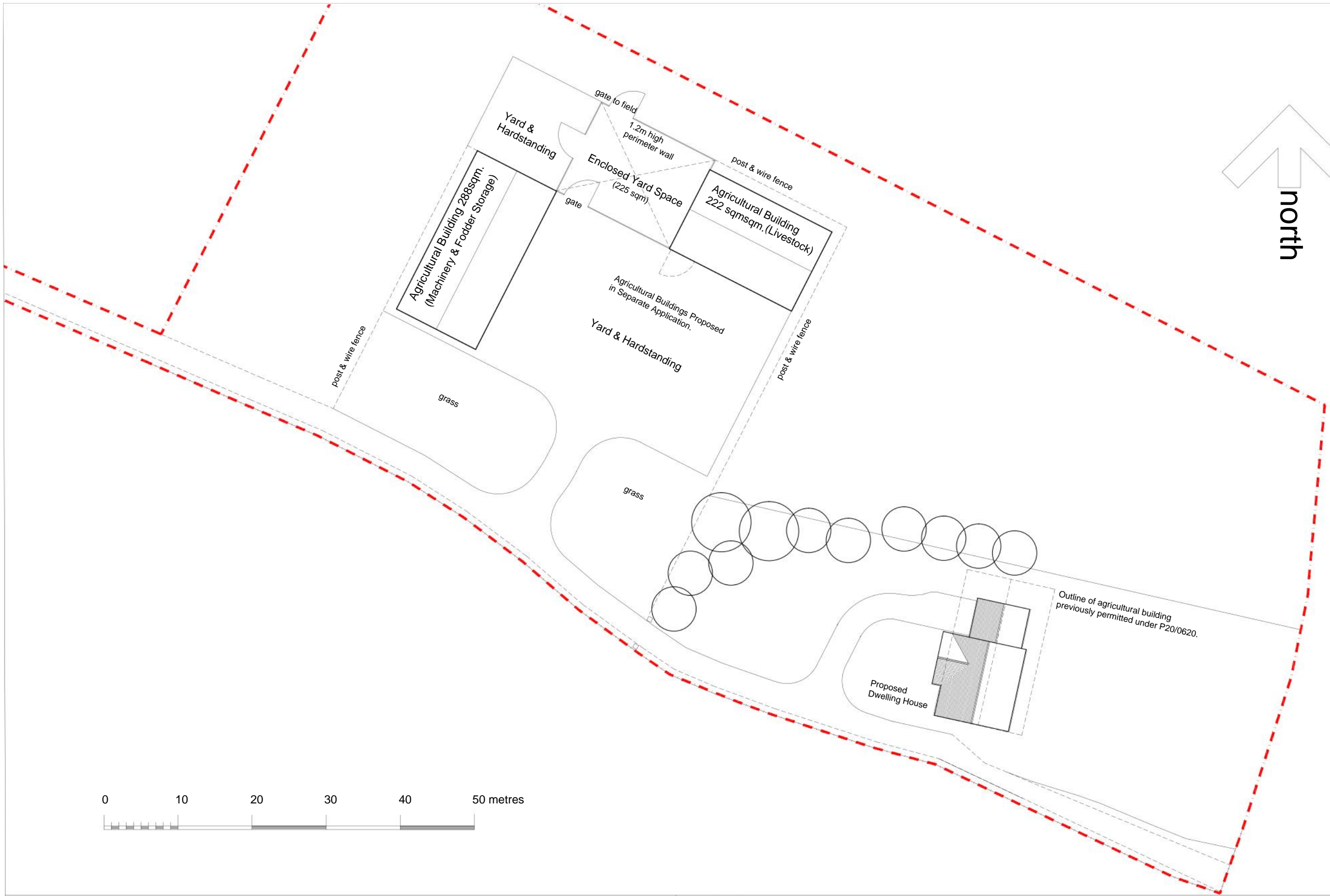
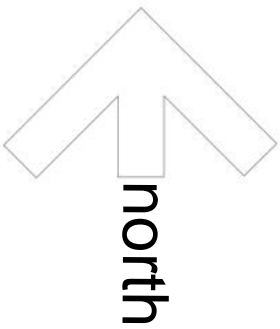


Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)018
Drawing	Existing Site Plan	Job No :	G 123
Scales	1:500 & @ A3	Date	July 2021



Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

Tel 0131 535 1103  
enquiries@derekscottplanning.com

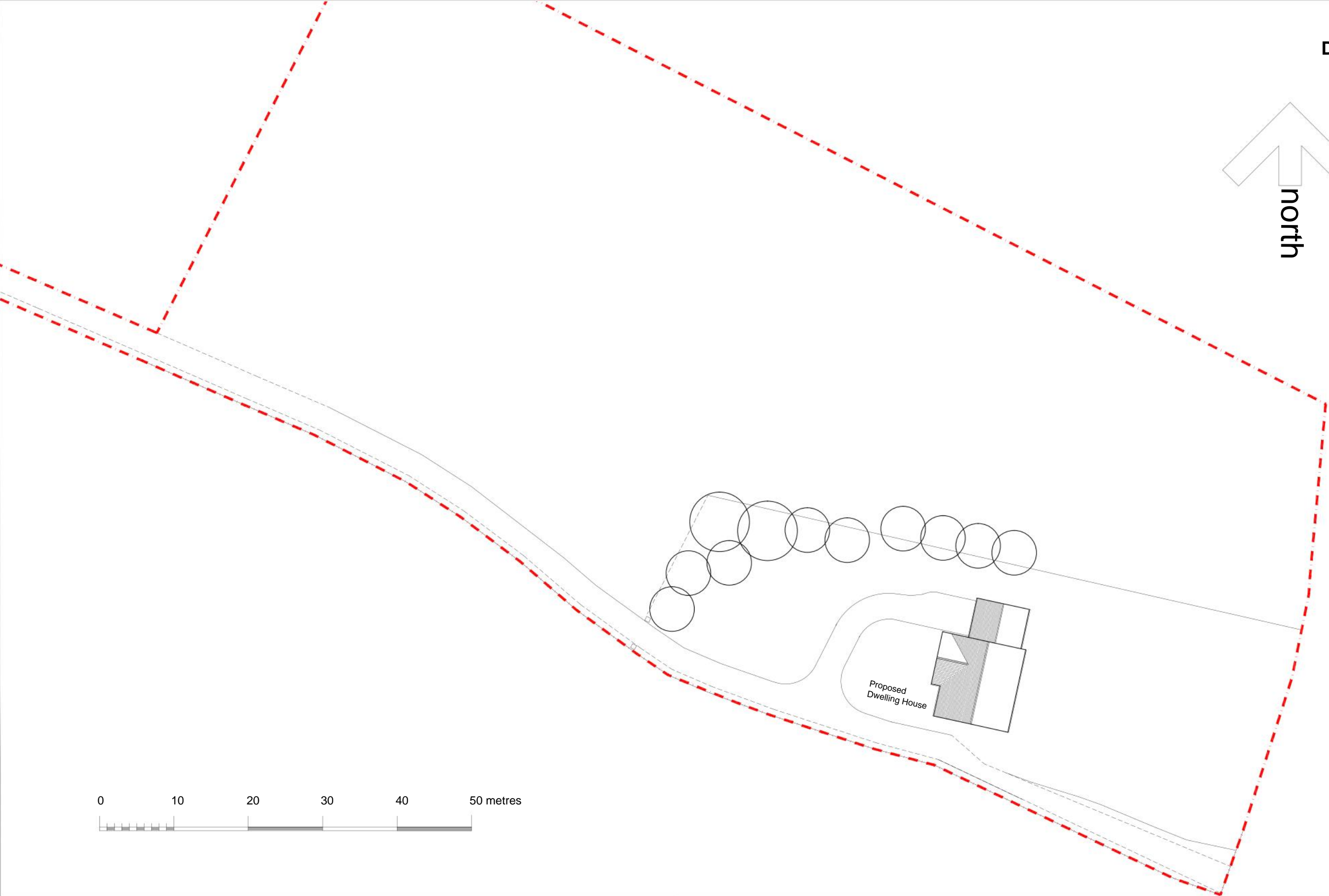
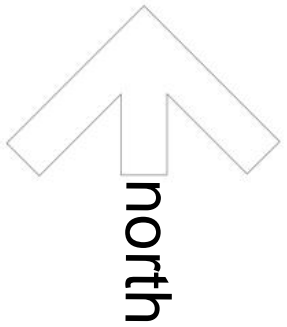


Project	Proposed Agricultural Worker`s Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr
Drawing	Indicative Site Plan Rev.E
Scales	1:500 & @ A3

Drawing No	L(-- )005(E)
Job No :	G 123
Date	July 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com



Project	Proposed Agricultural Worker`s Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr
Drawing	Indicative Site Plan Rev.F
Scales	1:500 & @ A3

Drawing No	L(--)005(F)
Job No :	G 123
Date	11 July 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com

# PLANNING STATEMENT

## ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE AND AGRICULTURAL COMPLEX

On land at

**HYNDFORD MILL COTTAGE  
CHARLESTON PARK FARM  
COBBLEHAUGH ROAD  
NEAR LANARK  
ML11 8SG**

Prepared by

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On behalf of

**Firm of Thomas Orr**

# Executive Summary

## ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE AND AGRICULTURAL COMPLEX ON LAND AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, NEAR LANARK ML11 8SG

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- The farm to which the application relates (Charleston Park Farm) comprises 77.22 hectares (190.81 acres) of Grade 3(2) agricultural land lying to the east of the A70 and to the north and west of the River Clyde on the outskirts of Lanark. There is an existing farmhouse and a complex of farm buildings to the north of the farm accessed off Cobblehaugh Road.
- The Firm of Thomas Orr which was originally established in 1952 and based at Charleston Park Farm is owned and operated by Mr. James T Orr (hereinafter referred to as Mr. Orr). He resides in the farmhouse at Charleston Park Farm with [REDACTED]  
[REDACTED]  
[REDACTED] and has started the processes associated with moving into semi-retirement and succession to the next generation.
- There are three inter-related agricultural enterprises operating from the farm at present including a mixed based arable and livestock (involving breeding activities) enterprise; an agricultural haulage business; and an agricultural contracting business. Total labour requirements associated with the overall business amount to 6.99 units inclusive of 3.43 units in the arable and livestock business; 3.16 units in the haulage business; and 0.4 hours in the contracting business. The business is financially sound, trades profitably and will remain viable in the long term.
- The land and livestock-based activities are undertaken by Mr. Orr with the assistance of other family members and casual labour at various times of the year. Four further employees (full and part-time) assist with the agricultural haulage and contracting side of the business. Given the nature of agricultural activities undertaken on the farm, particularly those of an animal husbandry nature (e.g., breeding cows and ewes) and the storage of livestock in transit, it is essential that agricultural workers are on hand 24 hours per day for 365 days of the year.
- The application site itself which measures 1.375 hectares (3.4 acres) is located to the west of the River Clyde approximately 3 km to the east of Lanark. It incorporates the ruins of the former Hyndford Mill Cottage and farm buildings which were demolished in the late 1990's; adjoining agricultural land; and a surfaced track measuring approximately 0.5 km in length which is accessed via the unclassified Cobblehaugh Road. Cobblehaugh Road, in turn, leads to the A70 Ayr Road approximately 1km to the west with Lanark beyond that. Between the site and the river exist the ruins of the former Mill which the former cottage had served. Prior Notification approval was granted for the erection of an agricultural building on the

site of the former cottage on 08<sup>th</sup> September 2020 under Application Register Reference Number P/20/0620.

- The applications submitted seek planning permission in principle for the erection of an agricultural worker's dwelling house on the site formerly occupied by Hyndford Cottage and prior notification approval for the erection of two agricultural buildings to the west of the proposed house.
- The agricultural buildings proposed will accommodate the sheep farming part of the existing enterprise. The existing buildings on the farm have not been specifically designed for such purposes and present impediments to the future development of that side of the business. Erecting the buildings where proposed at the eastern end of the farm at Hyndford Cottage provides substantially enhanced accessibility to grazing lands compared to that available from the existing buildings and furthermore it will free up space for other activities (e.g., wintering additional cattle and providing short term storage for cattle in transit) within those buildings. The dwelling house proposed in association with the buildings is essential in terms of animal husbandry requirements and will also substantially increase security at an otherwise remote part of the farm.
- The proposal has been assessed against the terms of the South Lanarkshire Local Development Plan 2 and receives support from the terms of Policy 4 on the '*Green Belt and Rural Area*' and the related Policy GBRA10 –on '*Accommodation Associated with an Existing or Proposed Rural Business.*'
- It is respectfully requested that the application be approved and planning permission granted for the agricultural worker's dwelling house applied for.

# PLANNING STATEMENT

**ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE AND AGRICULTURAL COMPLEX  
IN ASSOCIATION WITH ESTABLISHED AGRICULTURAL ENTERPRISES ON LAND AT HYNDFORD  
MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, NEAR LANARK ML11  
8SG**

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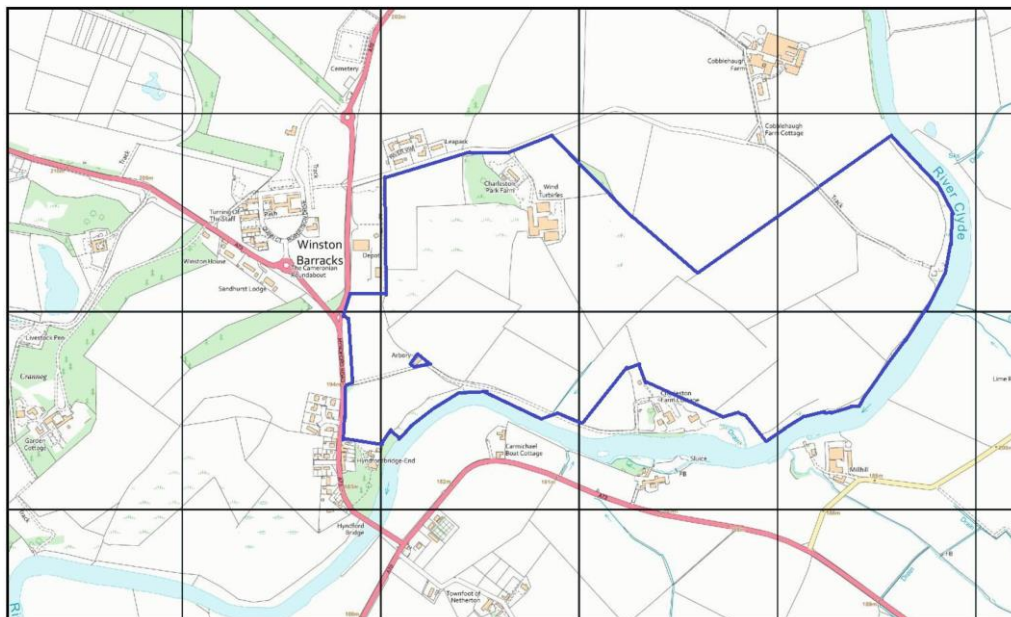
# PLANNING STATEMENT

## ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE AND AGRICULTURAL COMPLEX ON LAND AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, NEAR LANARK ML11 8SG

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### 1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of an application submitted by the Firm of Thomas Orr which seeks planning permission in principle for the erection of an agricultural worker's dwelling house and prior notification approval for the erection of an agricultural complex which are to be developed in association with established agricultural enterprises on land at Hyndford Mill Cottage, Charleston Park Farm, Cobblehaugh Road, near Lanark.
- 1.2 The farm to which the application relates comprises 77.22 hectares (190.81 acres) of Garde 3(2) agricultural land lying to the east of the A70 and to the north and west of the River Clyde on the outskirts of Lanark as shown in the location plan below. There is an existing farmhouse and a complex of farm buildings to the north of the farm accessed off Cobblehaugh Road.



Charleston Park Farm - Location Plan

- 1.3 The Firm of Thomas Orr which was originally established in 1952 is owned and operated by Mr. James T Orr (hereinafter referred to as Mr. Orr). He resides in the farmhouse at Charleston Park Farm [REDACTED]



[REDACTED]  
[REDACTED] [REDACTED] and as a consequence of this has started the

- 1.4 There are three inter-related agricultural enterprises operating from the farm at present including a mixed based arable and livestock enterprise; an agricultural haulage business; and an agricultural contracting business. Whilst the precise nature of business activities varies from year to year the businesses are operating on the following basis at the present time:



## Agricultural Mixed Farming Business

Store Cattle – 210

Suckler Cows – 60

Sheep (Ewes and Rams) – 150

Lambs – 200

36.42 hectares (90 acres) – Spring Barley

28.33 hectares (70 acres) – Silage

12.47 hectares (30.81 acres) – Grass

### **Agricultural Haulage Business**

Four lorries and trailers operating full-time transporting bales and livestock throughout Scotland and the North of England

### **Agricultural Contracting Business**

Sprays some 1500 hectares (3705 acres) of Cereal Crops  
Ploughs approximately 60 hectares  
Bales and hauls approximately 5000 bales of straw

- 1.5 Using figures derived from the Scottish Agricultural College's Farm Management Handbook (2020/21 Edition) and experienced based assumptions the activities undertaken in association with the mixed farming business generates the labour requirements outlined below.

The hourly figures quoted relate to those published in a report of the UK Farm Classification Document (October 2014) which recommends that 1900 hours of labour are equivalent to one standard annual labour unit.

#### **Agricultural Mixed Farming Business**

36.42 hectares of spring barley @ 18 hours per annum	=	656 hours
28.33 hectares of silage @ 22 hours per annum	=	623 hours
12.47 hectares of grass/grazing @ 3.1 hours per annum	=	39 hours
210 store cattle @ 12 hours per annum	=	2520 hours
60 suckler cows @ 26 hours per annum	=	1560 hours
150 sheep (ewes and rams) @ 5.2 hours per annum	=	780 hours
200 lambs (seven months of year) @ 2.9 hours per annum	=	338 hours
<b>Total Farm based Labour Hours per annum</b>	=	<b>6516 hours</b>
<b>Labour Requirement Units</b>		<b>3.43 Labour Units</b>

#### **Agricultural Haulage Business**

4 lorries @ 1500 hours per annum	=	6000 hours
<b>Total Haulage Business</b>	=	<b>6000 hours</b>
<b>Labour Requirement Units</b>		<b>3.16 Labour Units</b>

#### **Agricultural Contracting Business**

1500 hectares of crop spraying @ 3 hectares per hour	=	510 hours
60 hectares of ploughing @ 0.45 hectares per hour	=	133 hours
34 hectares of straw baling @ 2.5 hectares per hour	=	14 hours
200 hectares of fertiliser spraying @ 2 hectares per hour	=	100 hours
<b>Total Agricultural Contracting Business</b>	=	<b>757 hours</b>
<b>Labour Requirement Units</b>	=	<b>0.4 Labour Units</b>

<b>Total Hours</b>	=	<b>13273 hours</b>
<b>Total Labour Requirement Units</b>	=	<b>6.99 Labour Units</b>

- 1.5 The land and livestock-based activities are undertaken by Mr. Orr with the assistance of other family members and casual labour at various times of the year. Four further

employees (full and part-time) assist with the agricultural haulage and contracting side of the business. Given the nature of agricultural activities undertaken on the farm, particularly those of an animal husbandry nature (e.g., breeding cows and ewes) and the storage of livestock in transit it is essential that agricultural workers are on hand 24 hours per day for 365 days of the year.

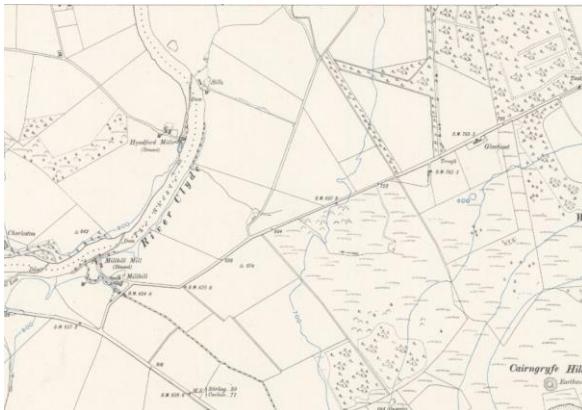
- 1.6 We have attached, as a separate **CONFIDENTIAL** document, a statement from our client's accountant which outlines the recent trading history associated with the business.
- 1.7 As noted previously, Mr Orr is now of an age where he is planning for succession and the process of handing over the reins of the businesses to the next generation. His son, Tom, has recently expressed a desire to return to the farm and to step into the role. As part of the succession process Mr. Orr intends, at some stage in the next 5-6 years to semi-retire but remain living on the farm thus enabling him to oversee the transition process and associated day to day management activities. The proposals presented in this application must be viewed not only against that background but also against the wider objective of further developing the business in response to the ever-changing conditions affecting the industry.

## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site which measures c.1.375 hectares (c.3.4 acres) is located to the west of the River Clyde approximately 3 km to the east of Lanark. It incorporates the ruins of the former Hyndford Mill Cottage and farm buildings which were demolished in the late 1990's; adjoining agricultural land; and a surfaced track measuring approximately 0.5 km in length which is accessed via the unclassified Cobblehaugh Road. Cobblehaugh Road, in turn, leads to the A70 Ayr Road approximately 1km to the west, with Lanark beyond that. Between the site and the river exist the ruins of old mill buildings which the former cottage had served. Prior Notification approval was granted for the erection of an agricultural building on the site of the former cottage on 08<sup>th</sup> September 2020 under Application Register Reference Number P/20/0620.



*Location Plan (Aerial) showing Charleston Park Farm & Hyndford Cottage*



**1912 OS Plan showing Hyndford Mill and Cottage**



**View towards application site looking east from track**





**Ruins of Hyndford Mill to south east of site**



**View of application site from north**



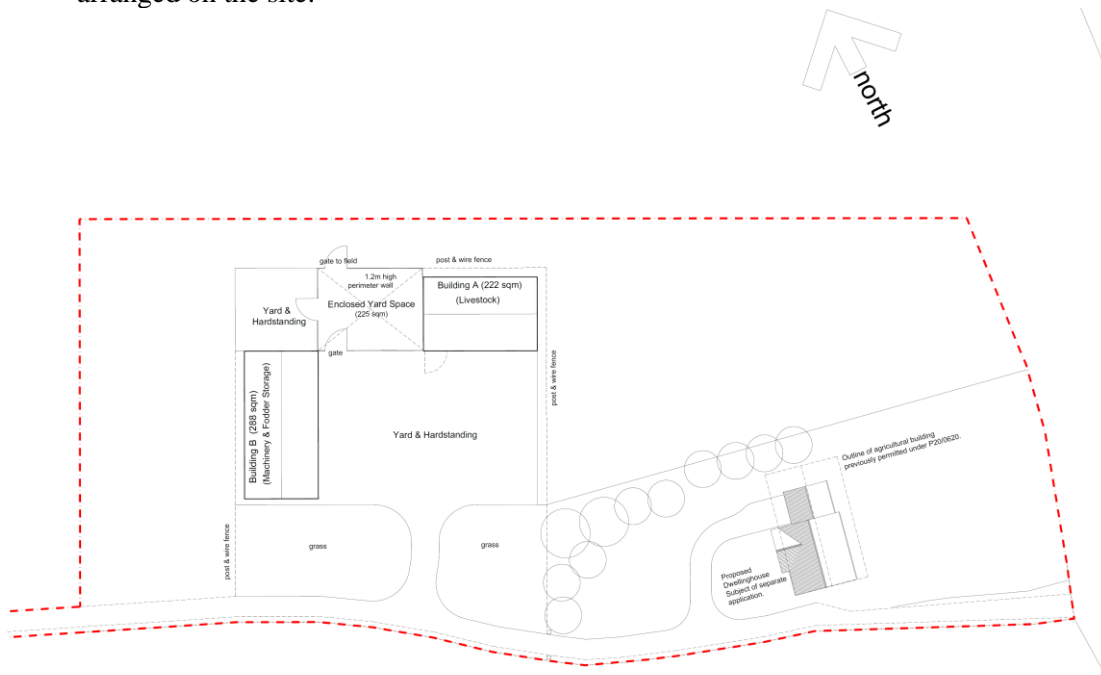
**Travelling north west along access track**



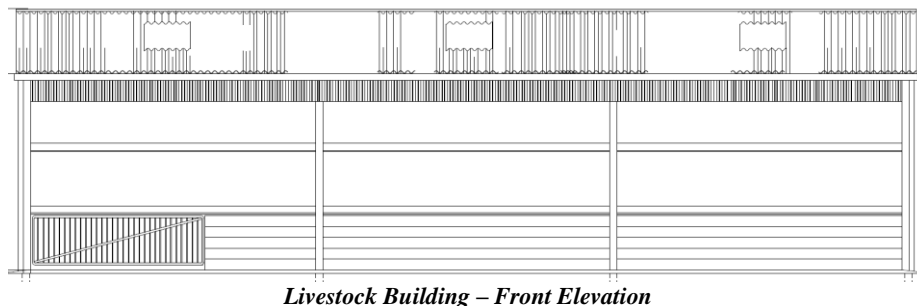
**View of site from south east (Millhead Road)**

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The applications submitted seek planning permission in principle for the erection of an agricultural worker's dwelling house on the site of the former Hyndford Mill Cottage and prior notification approval for the erection of an agricultural complex to the west of the house. The Indicative Layout shown below indicates how the buildings would be arranged on the site.

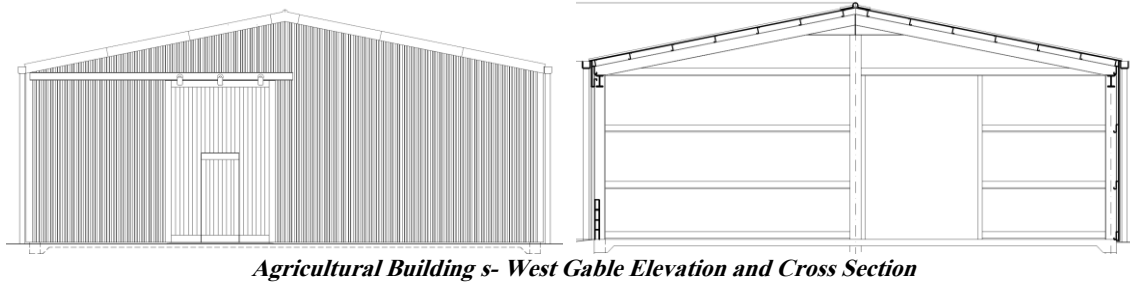


- 3.2 It is envisaged that the dwelling house would provide 3-4 bedrooms and be 1-1.5 storey in height. The agricultural buildings proposed will accommodate the sheep farming part of the enterprise. The existing farm buildings at Charleston Park have not been specifically designed for such purposes and present impediments to the future development of that side of the business. Erecting the buildings where proposed at the eastern end of the farm in the vicinity of the former Hyndford Mill Cottage provides substantially enhanced accessibility to grazing lands compared to that available from the existing buildings and furthermore it will free up space for other activities (e.g., wintering additional cattle and providing short term storage for cattle in transit) within those buildings. The dwelling house proposed in association with the buildings is essential in terms of animal husbandry requirements and will also substantially increase security at an otherwise remote part of the farm.





- 3.3 Access to the dwelling house and agricultural buildings proposed will be provided along the existing surfaced track at the end of Cobblehaugh Road. A number of passing places can be introduced on the track (if required) to facilitate what will be an infrequent movement of vehicles travelling in opposite directions. The site can be adequately serviced with water and electricity with drainage arrangements to be provided via a septic tank or other wastewater treatment system. Our client would also intend to introduce renewable initiatives within the design including an air sourced heat pump and photovoltaics. It is also worth noting that there are two wind turbines at the existing farm complex.



*Access road showing position of passing place on right*

## 4. PLANNING POLICY

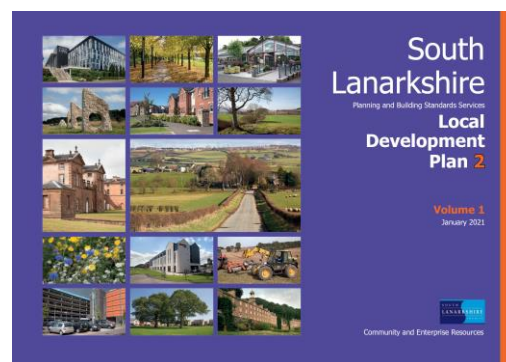
- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

*‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.’*

- 4.2 In the context of the above it is worth making reference to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

- 4.3 The relevant development plan for the area comprises Clydeplan (The Strategic Development Plan for Glasgow and the Clyde Valley) which was approved by Scottish Ministers in July 2017 and the South Lanarkshire Local Development Plan 2 which was adopted by South Lanarkshire Council in December 2020.



- 4.4 **Clydeplan – Strategic Development Plan for Glasgow and the Clyde Valley**
- Clydeplan, the Strategic Development Plan for Glasgow and the Clyde Valley was approved by Scottish Ministers in July 2017. This plan provides the strategic framework for the determination of planning applications and the preparation of local development plans. Whilst it contains no specific policies or proposals which are considered to be of direct relevance to either the site or the proposed development it does recognise the importance of supporting the farming economy; that housing plays a fundamental role in the overall economic, social and environmental success of the Glasgow City Region; that house building makes an important contribution to the city region’s economy and as well



as creating new homes, delivers wider societal benefits through the generation of employment and by sustaining and enhancing local community facilities.

### South Lanarkshire Local Development Plan 2

- 4.5 The South Lanarkshire Local Development Plan was adopted by South Lanarkshire Council on 01<sup>st</sup> December 2020. The application site lies within the countryside; within a Special Landscape Area; and within the vicinity of a High-Pressure Gas Pipeline Hazard Zone.



- 4.6 Policies of key relevance to the determination of the application for the erection of the agricultural worker's dwelling house proposed as outlined within Volume 1 of the Plan include:

**Policy 4** – Green Belt and Rural Area

**Policy 5** – Development management and placemaking

**Policy 14** – Natural and Historic Environment

- 4.7 Policy 4 on the 'Green Belt and Rural Area' states the following:

#### ***'Green Belt'***

*The purpose of the Green Belt is to:*

- *direct development to the most appropriate locations and support regeneration,*
- *protect and enhance the character, landscape setting and identity of the settlement,*
- *protect and provide access to open space.*

*Development in the Green Belt will be strictly controlled and any proposals should accord with the appropriate uses set out in SPP.*

#### ***Rural Area***

*Within the Rural Area the Council seeks to protect the amenity of the countryside while, at the same time, supporting small scale development in the right places that is*

*appropriate in land use terms and is of high environmental quality that will support the needs of communities.*

### **Green Belt and Rural Area**

*Both the Green Belt and the Rural Area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.*

*The scale of renewable energy developments will be governed by considerations set out in Policy 18 - Renewable Energy.*

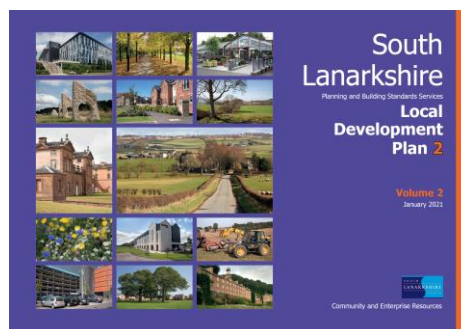
*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.'*

- 4.8 Policies of relevance to the application proposals within Volume 2 of the Plan relating to Policy 4 in Volume 1 include:

**Policy GBRA1 - Rural Design and Development**

**Policy GBRA2 - Business Proposals within Green Belt and Rural Area**

**Policy GBRA10 - Accommodation Associated with an Existing or Proposed Rural Business**



- 4.9 Policy GBRA1 on 'Rural Design and Development' states the following:

*'Within the Green Belt and Rural Area all proposed developments will require to adhere to the following criteria:*

- 1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.*
- 2. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic.*
- 3. Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.*
- 4. Proposals shall make use of appropriate materials which respect and reinforce local character and identity.*
- 5. Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.*

6. *Proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide and, in particular, shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties.*
7. *Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site.*
8. *Proposals shall be readily served by all necessary infrastructure including water, sewerage and electricity as required to accommodate the development.*
9. *Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety.*
10. *Proposals shall not have an unacceptable significant adverse environmental impact on the amenity of the surrounding area. In particular, 'bad neighbour' uses which by virtue of visual impact, noise, smell, air and light pollution, disturbance, traffic or public safety are detrimental to local amenity, will not be permitted.*
11. *Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 sites.*
12. *In the case of a Listed Building or a property within a designated Conservation Area, proposals shall comply with all relevant policy and guidance relating to the historic environment.*

*Where a proposed development is governed by more detailed or topic-specific policies elsewhere in the plan, should there be any conflict or uncertainty, the terms of those topic-specific policies shall be preferred.'*

- 4.10 As this is an application for Planning Permission in Principle, insofar as the proposed dwelling house is concerned, it is only possible at this stage to confirm that the various criteria within the policy can be complied with in the event of the current application being approved. Key points to note in favour of the application at this stage include the following:

- The Council has previously supported the erection of an agricultural building on the site now proposed for the erection of the agricultural worker's dwelling house and therefore have accepted the principle of development from the perspectives of built form, landform and local landscape character and setting. As the dwelling, in combination with the agricultural buildings proposed will form a farmstead grouping characteristic of those found in the local and wider area it should be considered acceptable;
- The site can be satisfactorily accessed via the existing track which can be upgraded to allow for the provision of passing places;
- The site can be provided with all required services (water, electricity and drainage); and

- The site is brownfield in nature having previously accommodated the property known as Hyndford Mill Cottage.

4.11 Policy GBRA2 on ‘*Business Proposals within the Green Belt and Rural Area*’ states the following:

*‘For new businesses and those seeking to relocate to, or extend within the Green Belt and Rural Area, the preference is to re-use or convert existing buildings. Sympathetic extensions and alterations to existing structures may also be acceptable. Where it is shown that appropriate buildings are not available to accommodate the needs of the business, new development may be acceptable where it is shown to integrate within an established building group or it involves the redevelopment of previously developed land.*

*The following types of development are considered appropriate in the Green Belt and Rural Area:*

- 1. Extensions to existing rural business, subject to provision of a reasoned justification for expansion.*
- 2. Agricultural, forestry and horticultural developments, subject to providing details of the proposed business and evidence that land available to them is sufficient for current and future needs (Commercial equestrian developments shall be considered under policy GBRA3).*
- 3. Recreation, tourism, holiday accommodation, leisure and sporting developments subject to meeting the criteria in Policy 5 Visitor Economy and Tourism.*
- 4. Farm diversification proposals, where an existing traditional building is converted. In exceptional circumstances, and generally within the rural area only, limited new build may be considered. Proposals should be complementary to farming activities on the rest of the farm.*
- 5. Agricultural engineering and contracting, rural/agricultural repair services, limited storage of buses or caravan storage, boarding kennels and catteries which can operate entirely from existing rural residential properties, former farm steadings or existing buildings.*
- 6. Renewable Energy or Mineral Extraction proposals which accord with Policies 18 and 19 in Volume 1.*
- 7. In exceptional circumstances, proposals for larger scale business development that generates strategic or locally important employment opportunities where wider economic benefits and a specific locational need can be demonstrated and satisfactory mitigation of any adverse impacts can be achieved.*

*All uses and development types other than those listed above shall be assessed on their merits. The location, siting and design of the proposed development shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. In addition, where required, a 5 year business plan shall be submitted.’*

4.12 We have outlined within Paragraphs 1.4-1.6 and Paragraph 3.2 that both the dwelling house and agricultural buildings proposed support and are entirely justified on the back of the established enterprises at Charleston Park Farm and will improve significantly the infrastructure available to allow for its future development and expansion.

4.13 Policy GBRA10 on ‘*Accommodation Associated with an Existing or Proposed Rural Business*’ states the following:

*Within the Green Belt and Rural Area the provision of a dwelling house or temporary accommodation may be considered in association with a rural business. Proposals will be required to meet the following criteria:*

#### ***A - All Proposals***

- 1. The applicant should first consider whether there are traditional buildings suitable for conversion, redundant buildings, gap sites or opportunities to consolidate a building group within the land available to them.*
- 2. The business proposal shall comply with Policy GBRA2.*
- 3. It is demonstrated that accommodation is essential for the successful management of the business.*
- 4. It is demonstrated that the business (new, relocating or established) is based upon a robust market assessment, planned on a sound financial basis and the business will become viable in the long term.*
- 5. The submission of a 5 year business plan will be required to demonstrate compliance with criteria 3 and 4.*
- 6. The accommodation shall meet rural design policy as set out in Policy GBRA1 and in supporting planning guidance.*

#### ***B - Established Businesses***

*For established businesses a permanent dwelling shall be considered subject to the following criteria:*

- 1. Evidence is provided to demonstrate the business has been trading at the proposed location for at least 2 years. For businesses relocating from an existing countryside location, the submitted business plan shall demonstrate why the relocation is required and that the business would continue to be profitable.*
- 2. If the proposed dwelling house is located in an isolated position and the business use is the only justification for this siting, an occupancy condition will normally be attached to any permission granted.*
- 3. The new dwelling shall be commensurate with the functional requirement of the business.*

#### ***C - Proposed Businesses***

*For businesses which are proposed or cannot yet demonstrate profitability for the preceding 2 years, temporary accommodation shall be considered subject to the following criteria:*

- 1. For the first two years only temporary accommodation will be permitted.*
- 2. After 2 years if it can be demonstrated that the business is currently profitable and projected to remain so for a further 2 years, then a proposal for a permanent dwelling shall be considered. This should comply with the above criteria for established businesses. If it cannot be demonstrated that the business is currently profitable, then an extension to the time period for the temporary accommodation shall be considered. This will be subject to submission of a revised business plan which shows that the business can become viable.*



*The Council will require the removal of any temporary accommodation where the business has failed to develop successfully or within 6 weeks of:*

- either the expiry of the permission, or*
- the occupation of any subsequent permanent dwelling granted permission.'*

4.14 We would respond to the various criteria outlined in Policy GBRA 10 in the following terms:

#### **A - All Proposals**

1. There are no traditional buildings suitable for conversion or redundant buildings suitable for redevelopment on the farm. The erection of a dwelling house within the vicinity of the existing buildings on the farm would not support the proposed relocation of the sheep farming part of the enterprise to Hyndford Mill Cottage nor the inherent benefits deriving from that.
2. As noted in Paragraph 4.12 above, the application proposals are compliant with the terms of Policy GBRA2.
3. As outlined in Paragraphs 1.4-1.6, the three enterprises operated from Charleston Park Farm have a labour requirement of 6.99 units; comprising 3.43 units in farm-based activities; 3.16 units in the agricultural haulage business; and 0.4 units in the agricultural contracting business. There is clearly a need for permanent residency on the farm arising from animal husbandry requirements. The benefits to be derived from relocating the sheep-based component of the farm-based enterprise to Hyndford Mill Cottage as outlined in Paragraph 3.1 can only be realised if it is developed in association with the dwelling house proposed.
4. As noted in the accompanying statement from our client's accountants (Confidential), the business, as a whole and trading under '*The Firm of Thomas Orr*' is financially sound, trades profitably and will remain viable in the long term.
5. Our clients are proposing to continue operating the business in the manner that it has operated for the past five years and would expect it to deliver comparable trading profits. The information contained in the Accountant's statement represents a sufficient substitute for the business plan referred to.
6. The application is for planning permission in principle only. Detailed design considerations can be controlled through the imposition of conditions on any planning permission in principle granted.

#### **B – Established Businesses**

1. The business has been trading from the farm in various forms since 1952. Relocation is not being proposed. The additional dwelling house is required to support an essential worker required for animal husbandry reasons.
2. The dwelling house proposed is not considered to be in an isolated position. It is proposed to erect it on the site of the former Hyndford Mill Cottage immediately adjacent to two agricultural buildings and will thus appear as a cohesive farmstead grouping. Setting that aside, it is inappropriate and contrary to national planning

policy to impose occupancy restrictions on agricultural worker's dwelling houses. The former Chief Planner, Mr. Jim Mackinnon wrote to all Heads of Planning in Scotland in November 2011 advising them that the Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided. In providing this advice, Mr. Mackinnon highlighted a number of issues with the use of occupancy conditions including the inherent difficulties of attracting a mortgage and the difficulty in selling houses with such a restriction in place. Mr. Mackinnon's advices were later incorporated within Scottish Planning Policy in 2014 which states in Paragraphs 81 and 84 that the use of occupancy conditions should be avoided and not imposed in all rural areas. (Refer to Paragraph 4.31 for further details)



3. The new dwelling is clearly commensurate with the business in that it will provide accommodation next to the agricultural buildings proposed. Those said buildings will be used for the sheep component of the overall business where there are animal husbandry requirements associated with lambing activities.

### **C – Proposed Businesses**

As the business to which the dwelling house relates is already established and a profitable entity, the terms of the individual criteria under Part C do not require to be addressed.

- 4.15 Policy 5 within Volume 1 of the local development plan on '*Development Management and Placemaking*' states the following:

*In order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area.*

*Proposals should have no unacceptable significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment and address the six qualities of placemaking. Further detail is included in supporting planning guidance on Design and Placemaking.*

*When assessing development proposals, the Council will ensure that, where appropriate;*

1. *there is no unacceptable significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;*
2. *the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;*

3. *the proposed development provides suitable access, parking and connection to public transport, encourages active travel, has no adverse implications for public safety and incorporates inclusive access for all people, regardless of disability, age or gender;*
4. *sustainability issues are addressed through carbon reduction measures and energy efficient design, layout, site orientation and building practices, including provision for heat network infrastructure and safeguarding space for future pipework/piperuns and energy centres;*
5. *risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development;*
6. *the development will have no unacceptable significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites;*
7. *the development does not result in, or can mitigate against, any unacceptable significant adverse impact on quiet areas, the water environment, air quality or soil quality;*
8. *the proposal includes appropriate:*
  - *utility and roads infrastructure*
  - *open space, green infrastructure and landscape provision*
  - *water management (including foul drainage) and Sustainable Drainage Systems (SuDS) including the provision of SuDS during construction of the development.*

*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.'*

- 4.16 As noted previously the dwelling house is to be located on the site of the former Hyndford Mill Cottage and within the visual context of two proposed agricultural buildings. The Council has previously accepted the principle of developing the site by permitting the erection of an agricultural building under Prior Notification Reference Number P/20/0620. The site can be safely accessed via the existing access track which can, if necessary, be provided with a number of passing places along its length. All other issues identified within Policy 5 can be addressed through the imposition of conditions on any consent granted.

- 4.17 Policies of relevance to the application proposals within the context of Policy 5 in Volume 2 of the plan include:

**Policy DM1** – New Development Design

**Policy DM15** – Water Supply

**Policy DM16** – Foul Drainage/Sewerage Provision

- 4.18 Policy DM1 on 'New Development Design' states the following:

*'New development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.'*

*New developments will require to:*



1. *Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*
2. *Be of a high quality design which is sympathetic to local traditions of form, detailing and materials. Modern, innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building forms. Where local tradition is indistinct or of poor quality, development should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place.*
3. *Ensure that any archaeological, built heritage, landscape features and nature conservation interests on the site, or those adjacent to the site, are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features.*
4. *Address sustainable development issues including the incorporation of energy efficient designs and layouts (including heat networks), the re-use/recycling of materials, water and waste, and the use of alternative energy sources.*
5. *Incorporate the use of sustainable drainage systems (SuDS).*
6. *Make provision for creating new or extending existing footpaths, cycle routes and access to public transport, and appropriate linkages to local centres and services.*
7. *Ensure appropriate provision of green infrastructure, including open space, native trees and landscaping as an integral part of the development.*
8. *Ensure provision of an appropriate road layout and parking, and where appropriate electric vehicle charging points, in accordance with the Council's Guidelines for Development Roads and the Local Transport Strategy.*
9. *Ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.*
10. *Make provision for any building that the public may use, of safe, easy and inclusive access for all people regardless of disability, age or gender.*
11. *Incorporate crime prevention and community safety considerations within the layout and design of the development.*
12. *Minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials once completed and occupied.*
13. *New houses, business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connection.*

*Where appropriate, a Design and Access Statement will be required to accompany planning applications for major developments.'*

4.19 As the application is for planning permission in principle it is not possible or appropriate to comment in detail on all of the criteria identified in Policy DM1. Notwithstanding this we would offer the following comments, where relevant:

1. The application proposes a single/1.5 storey dwelling house on a site previously occupied by development. The scale of the house and the agricultural buildings it

serves are entirely in keeping with other farm complexes in the area and can be satisfactorily accommodated in the landscape without adverse effect on its character or appearance.

2. Detailed design elements associated with the dwelling proposed will be advanced as part of an application for Approval of Matters Specified in Conditions in the event of Planning Permission in Principle being approved.
3. Our client has the required approvals in place to erect an agricultural building on the application site in the same position that is now proposed for the erection of the dwelling house. The impacts associated with the dwelling house on archaeological, built heritage, landscape features and nature conservation interests are not materially different between the previously approved agricultural building and the dwelling house now proposed.
4. Our client is committed to an energy efficient design and the incorporation of renewal energy equipment in the event of the current application being granted, taking due cognisance in the process of Policy SDCC7 within Volume 2 of the Plan on the subject of *'Low & Zero Carbon Emissions from New Buildings.'*
5. Sustainable Drainage Systems (SuDS) can be incorporated, where necessary, at the detailed design stage and in due cognisance of the related Policy SDCC7 within Volume 2 on *'Sustainable Drainage Systems.'*
6. Not applicable.
7. It is suggested that a condition should be imposed on any permission granted requiring the submission and subsequent implementation of a landscaping scheme.
8. The site can be satisfactorily accessed via the existing access track serving the site. Passing places can, if considered necessary, be introduced at regular intervals along the length of the track referred to.
9. There are no other dwellings in close proximity to the site and as a consequence of this there will be no loss of amenity to other properties.
10. Not applicable.
11. One of the advantages associated with the proposed dwelling house is that it will provide observation opportunities over farmland not currently visible from the main farmhouse.
12. Our client is committed, where possible, to recycling any materials presently on the application site (e.g., site of former dwelling house) and to minimise the generation of waste at all other times in due cognisance of the related Policy SDCC5 on *'Waste Management Facilities and Buffer Zones.'*
13. Noted.

4.20 Policy DM15 on *'Water Supply'* states the following:

*‘Development will only be permitted where there is an adequate supply of water to serve the site including a supply of water for human consumption, adequate in quantity and quality as prescribed under EU Directive 80/778; the Water Supply (Water Quality) (Scotland) Regulations 1990 and the Private Water Supplies (Scotland) Regulations 1992.’*

4.21 The site benefits from an existing water supply sufficient for human consumption.

4.22 Policy DM16 on ‘*Foul Drainage/Sewerage Provision*’ states inter-alia, the following:

***‘Foul Drainage/Sewerage Provision (Private)***

*All development outwith areas served by a public adopted and maintained sewer network shall incorporate private foul drainage arrangements for the collection and treatment of householder wastewater, all designed to accord with the requirements of SEPA in terms of compliance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011.*

1. *Foul drainage provision shall incorporate one of the following;*

- *A septic tank and an associated soakaway/reed bed system, or*
- *A package sewage treatment plant (for example a biodisc system).*

2. *All new private foul drainage infrastructure shall be subject to registration with SEPA, prior to the completion of the relevant development.*

*Proposals for the installation of infrastructure for public or private foul drainage must demonstrate that there would be no adverse effect on the integrity of any Natura 2000 site or on the objectives of designation and the overall integrity of any SSSI during installation, operation or Maintenance.’*

4.23 The choice of foul drainage provision on the site will be dictated by ground conditions but will comprise either a septic tank with an associated soakaway or a package sewage treatment plant in accordance with the requirements of the policy.

4.24 Policy 14 within Volume 1 of the local development plan on the subject of the ‘*Natural and Historic Environment*’ states the following:

*‘The Council will assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape.*

*The Council will seek to protect important natural and historic sites and features, as listed in Table 6.2 Natural and Historic Environment Designations, and shown on the proposals map, from adverse impacts resulting from development, including cumulative impacts.*

***Category 1, 2 and 3 Designations***

***In Category 1 areas:***

1. *Development which would have a likely significant effect on a Special Protection Area (SPAs) or Special Area of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that there will be no adverse effect on the integrity of the site, following the implementation of any mitigation measures. Where it cannot be ascertained that there will be no adverse effect on the integrity of the site, proposals will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.*
2. *The Council will seek to protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site. Development proposals affecting the World Heritage Site and its setting will be assessed against the detailed criteria contained in Volume 2. Development proposals within the buffer zone will be assessed for their potential impact on the site's outstanding universal value.*

*In Category 2 areas, development will only be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.*

*In Category 3 areas, development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.*

*Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.*

#### ***Protected Species***

*Development affecting protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation.*

#### ***Local Nature Conservation***

*Development proposals which affect the existing and potential Local Nature Reserves listed in Table 6.1 will require to demonstrate that there is no significant adverse effect on the site's natural heritage, amenity or educational value following the implementation of appropriate mitigation measures.*

*The Council will seek to progress the identification of Local Nature Conservation Sites and produce planning guidance accordingly.*

*Development proposals should seek to manage, protect and enhance existing trees and woodland, in accordance with the Council's Tree Strategy.*

#### ***Landscape***

*Development proposals should take account of the guidance in the South Lanarkshire Landscape Character Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2016 and its Addendum Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2019.*

*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.'*

- 4.25 Policy NHE16 on 'Landscape' within Volume 2 of the Plan states the following:

***'Special Landscape Areas***

*Development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if;*

- 1. they accord with LDP2 policies and guidance on Green Belt and Rural Area, and*
- 2. they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated.*

*All development proposals within or adjacent to an SLA shall take into account the guidance within the Council's Report on Validating Local Landscape Designations (2010).*

***Landscape protection and enhancement***

*Within the SLAs and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character including:*

- the scale, design and location of development within the landscape,*
- the setting of settlements and buildings within the landscape,*
- the pattern of woodland, fields, trees, hedgerows, waterbodies and other features, particularly where they define/create a positive settlement/urban edge,*
- the historical qualities of the area and its sensitivity to change,*
- landform features including key/notable skylines and hills and views to and from them.*

*Development proposals should take account of the South Lanarkshire Landscape Assessment 2010 and where relevant the Landscape Capacity Study for Wind Energy 2016 and Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2019.'*

- 4.26 The application site appears to fall within a Special Landscape Area being an area within Category 3 of the areas referred to in Policy 14. The scheme proposed, which involves the erection of an agricultural worker's dwelling house, is not considered to have an adverse impact or affect on any natural or historic feature on or in the vicinity of the site.
- 4.27 Based on the considerations outlined above we are firmly of the view that the application proposals are compliant with all policies within the South Lanarkshire Local Development Plan 2. Having established that, consideration also needs to be given to other material considerations in respect of which we would refer to Scottish Planning Policy.

**Scottish Planning Policy**

- 4.28 The current version of Scottish Planning Policy (SPP) was published by the Scottish Government in 2014 and updated in December 2020. Its purpose is to set out national planning policies which reflect Scottish Ministers' priorities for the operation of the

planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- *the preparation of development plans;*
- *the design of development, from initial concept through to delivery; and*
- *the determination of planning applications and appeals.*

4.29 Paragraph 75 of SPP requires the Planning System to:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.*



## Scottish Planning Policy



4.31 Paragraphs 81 and 83 of SPP state the following:

*'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.'* (Paragraph 81)

*'In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:*

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.'*

- 4.32 The policies contained within the South Lanarkshire Local Development Plan outline opportunities for the development of new housing in rural environments as required by the terms of SPP and which, as we have demonstrated previously, our client's proposals are entirely compliant with.
- 4.33 Having assessed the proposed development against the terms of both the development plan and other material considerations we do not consider there to be any reasons for withholding the grant of planning permission for the application proposals as applied for.

## 5. SUMMARY AND CONCLUSIONS

- 5.1 The farm to which the application relates (Charleston Park Farm) comprises 77.22 hectares (190.81 acres) of Grade 3(2) agricultural land lying to the east of the A70 and to the north and west of the River Clyde on the outskirts of Lanark. There is an existing farmhouse and a complex of farm buildings to the north of the farm accessed off Cobblehaugh Road.
- 5.2 The Firm of Thomas Orr which was originally established in 1952 and based at Charleston Park Farm is owned and operated by Mr. James T Orr (hereinafter referred to as Mr. Orr). He resides in the farmhouse at Charleston Park Farm [REDACTED]  
[REDACTED]  
[REDACTED] and has started the processes associated with moving into semi-retirement and succession to the next generation.
- 5.3 There are three inter-related agricultural enterprises operating from the farm at present including a mixed based arable and livestock (involving breeding activities) enterprise; an agricultural haulage business; and an agricultural contracting business. Total labour requirements associated with the overall business amount to 6.99 units inclusive of 3.43 units in the arable and livestock business; 3.16 units in the haulage business; and 0.4 hours in the contracting business. The business is financially sound, trades profitably and will remain viable in the long term.
- 5.4 The land and livestock-based activities are undertaken by Mr. Orr with the assistance of other family members and casual labour at various times of the year. Four further employees (full and part-time) assist with the agricultural haulage and contracting side of the business. Given the nature of agricultural activities undertaken on the farm, particularly those of an animal husbandry nature (e.g., breeding cows and ewes) and the storage of livestock in transit it is essential that agricultural workers are on hand 24 hours per day for 365 days of the year.
- 5.5 The application site itself which measures 1.375 hectares (3.4 acres) is located to the west of the River Clyde approximately 3 km to the east of Lanark. It incorporates the ruins of the former Hyndford Mill Cottage and farm buildings which were demolished in the late 1990's; adjoining agricultural land; and a surfaced track measuring approximately 0.5 km in length which is accessed via the unclassified Cobblehaugh Road. Cobblehaugh Road, in turn, leads to the A70 Ayr Road approximately 1km to the west with Lanark beyond that. Between the site and the river exist the ruins of the former Mill which the former cottage had served. Prior Notification approval was granted for the erection of an agricultural building on the site of the former cottage on 08<sup>th</sup> September 2020 under Application Register Reference Number P/20/0620.
- 5.6 The applications submitted seek planning permission in principle for the erection of an agricultural worker's dwelling house on the site formerly occupied by Hyndford Cottage and prior notification approval for the erection of two agricultural buildings to the west of the house.



- 5.7 The agricultural buildings proposed will accommodate the sheep farming part of the existing enterprise. The buildings existing on the farm have not been specifically designed for such purposes and present impediments to the future development of that side of the business. Erecting the buildings where proposed at the eastern end of the farm at Hyndford Cottage provides substantially enhanced accessibility to grazing lands compared to that available from the existing buildings and furthermore it will free up space for other activities (e.g., wintering additional cattle and providing short term storage for cattle in transit) within those buildings. The dwelling house proposed in association with the buildings is essential in terms of animal husbandry requirements and will also substantially increase security at an otherwise remote part of the farm.
- 5.8 The proposal has been assessed against the terms of the South Lanarkshire Local Development Plan 2 and receives support from the terms of Policy 4 on the '*Green Belt and Rural Area*' and the related Policy GBRA10 –on '*Accommodation Associated with an Existing or Proposed Rural Business.*'
- 5.9 In light of the considerations outlined it is respectfully requested that the applications be approved and permission granted for the dwelling house and agriculture complex applied for.
- 5.10 We reserve the right to provide additional information in support of this application or to respond to representations made by third parties prior to its determination.

Signed

A black rectangular redaction box covering the signature of Derek Scott.

Derek Scott

Date 12<sup>th</sup> July 2021



**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Economic Development**

Derek Scott  
Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
EH12 5EH

Our Ref: P/21/1320  
Your Ref:  
If calling ask for: Gail Neely  
Date: 11 April 2022

Dear Sir/Madam

**Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)**

**Application for determination as to whether prior approval is required**

**Proposal :** Erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area (Prior notification)  
**Site address :** Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark  
**Application no :** P/21/1320

I refer to your recent application for prior approval.

With regards to the above, I would advise you that under the terms of the Town & Country (General Permitted Development) (Scotland) Order 1992 (as amended), prior approval is now formally given.

**The development must proceed in accordance with the details submitted and must be commenced within three years from 11 April 2022.** If it is not begun within this time period and you wish to proceed at a later date, then you must submit a further application for determination as to whether prior approval is required.

**The development must comply with the conditions on the paper apart listed overleaf:**

Please check these conditions carefully, particularly for any which require the submission and approval of details before work starts on site. It is most important that these are dealt with before work on the development begins. If the development starts without complying with these 'pre-commencement' conditions, it may be rendered unlawful. Enforcement action may also be taken if conditions or details are not submitted and approved by the Council, if you are required to do so. If you have any queries regarding the conditions which have been imposed, please contact the officer named above.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk) Phone: 01698 455932



Yours faithfully

**Area Manager**

**Grant prior approval**

**Paper apart - Application number: P/21/1320**

**Conditions and reasons**

01.

**Reason(s) for decision**

It is considered that the submission of further details are not required as the proposal raises no significant landscape impact issues.

## Notes to applicant

**Application number: P/21/1320**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(--001 (C)		Approved
L(--012		Approved
L(--013		Approved
L(--014		Approved
L(--016		Approved
L(--017		Approved
L(--011		Approved

02. The development must be commenced within three years from the date of this notice.





**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Economic Development**

### **Important notes**

## **Town and Country Planning (Scotland) Act 1997**

### **1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

### **2. Procedure for appeal to the Scottish Ministers**

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997, within three months of the date of this notice. The notice of appeal should be addressed to:

**The Planning and Environmental Appeals Division**  
**Scottish Government**  
**Ground Floor, Hadrian House**  
**Callendar Business Park**  
**Callendar Road**  
**Falkirk FK1 1XR**

To obtain the appropriate forms:

Telephone: 01324 696 400

Fax: 01324 696 444

E-mail: [dpea@gov.scot](mailto:dpea@gov.scot)

A copy of the notice of appeal should be sent to the planning authority

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning

authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



	<b>Delegated Report</b>	Reference no.	P/21/1320
		Date	8 April 2022

**Planning proposal:** Erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area (Prior notification)

**Location:** Land 475M Southeast of Cobblehaugh Farm Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Application Type :** Prior notification general

**Applicant :** Firm of Thomas Orr

**Location :** Land 475M Southeast of Cobblehaugh Farm  
Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Decision:** Prior approval granted

**Other action/notes:** None

**Report by:** Area Manager (Planning & Building Standards)

## 1 Assessment and Conclusions

- 1.1 The application relates to a prior notification and whilst neighbour notification was not undertaken three letters of representation have been received by the Planning Service. The issues raised in the letters of representation relate to concerns regarding an increase in traffic using the Cobblehaugh Road, the safety of children who use the existing track to access the river and that the proposal relates to the formation of a new farm steading. Whilst the content of these letters is noted, within the remit of a prior notification only an assessment of the visual impact of a development can be undertaken and, unlike a planning application, the principle of a proposal cannot be assessed.
- 1.2 The applicant seeks to erect agricultural buildings under the terms of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Having assessed the proposal, it is considered that the submission of further details is not required as the proposal raises no significant landscape impact issues.

**Delegating officer: Lynda Dickson**

**Date: 8/4/22**

**Previous references**

- ◆ P/20/0620

**List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)

**Representations**

Margaret G Russell, Ashlea, Cobblehaugh Road , Lanark , ML11 8SG,	Dated: 05.09.2021
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Andrew Russell, Leapark, Cobblehaugh Road, Lanark, ML11 8SG,	Dated: 05.09.2021
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Andrea Skinner House Manager Of The Cottage, Received Via Email	Dated: 06.09.2021
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**Contact for further information**

If you would like to inspect the background papers or want further information, please contact: -

Gail Neely, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455932  
Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)

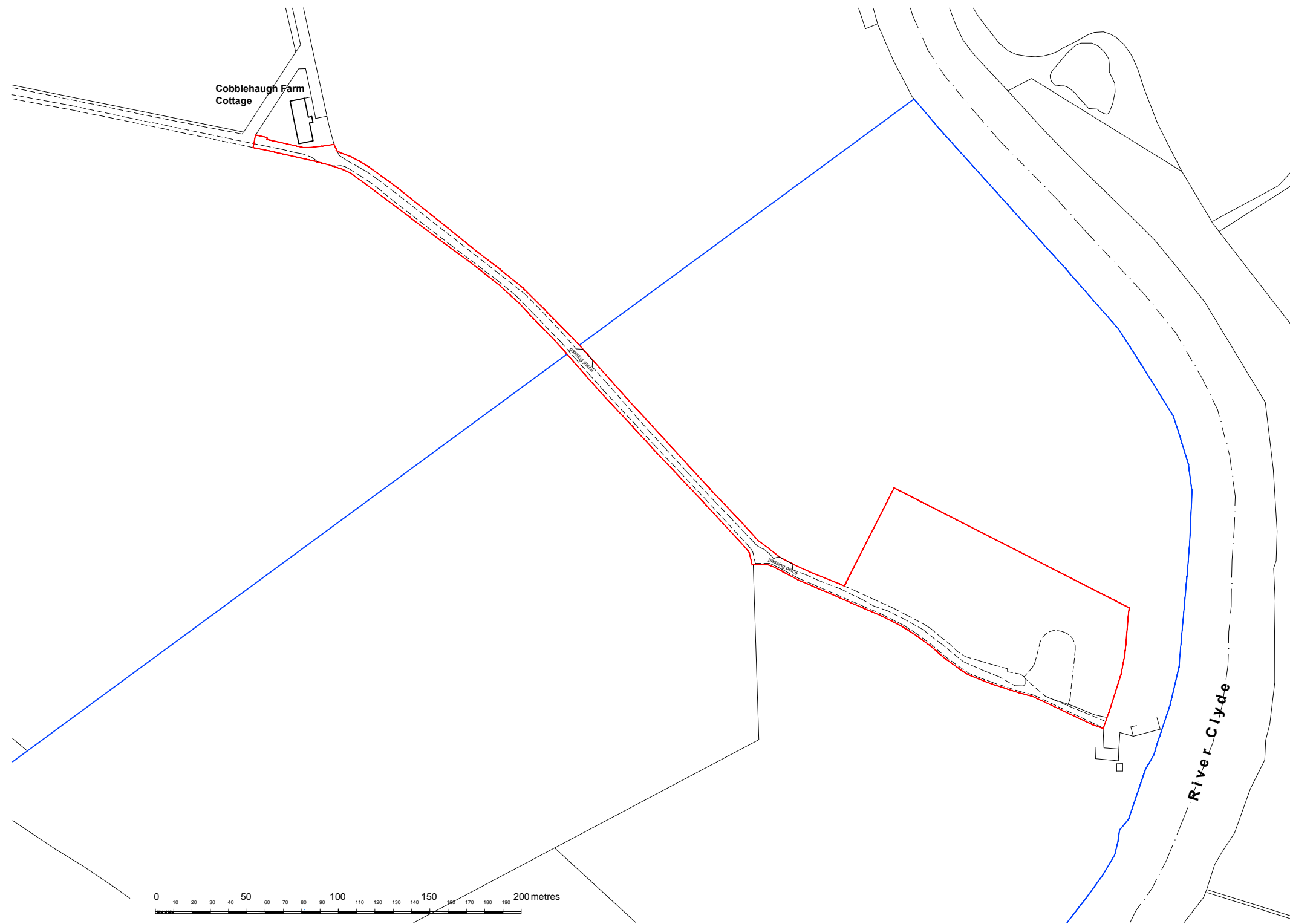
**Planning Application****Application number:** P/21/1320**Reason(s) for decision**

It is considered that the submission of further details are not required as the proposal raises no significant landscape impact issues.

**Informatives**

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
L(-- )001 (C)		Approved
L(-- )012		Approved
L(-- )013		Approved
L(-- )014		Approved
L(-- )016		Approved
L(-- )017		Approved
L(-- )011		Approved



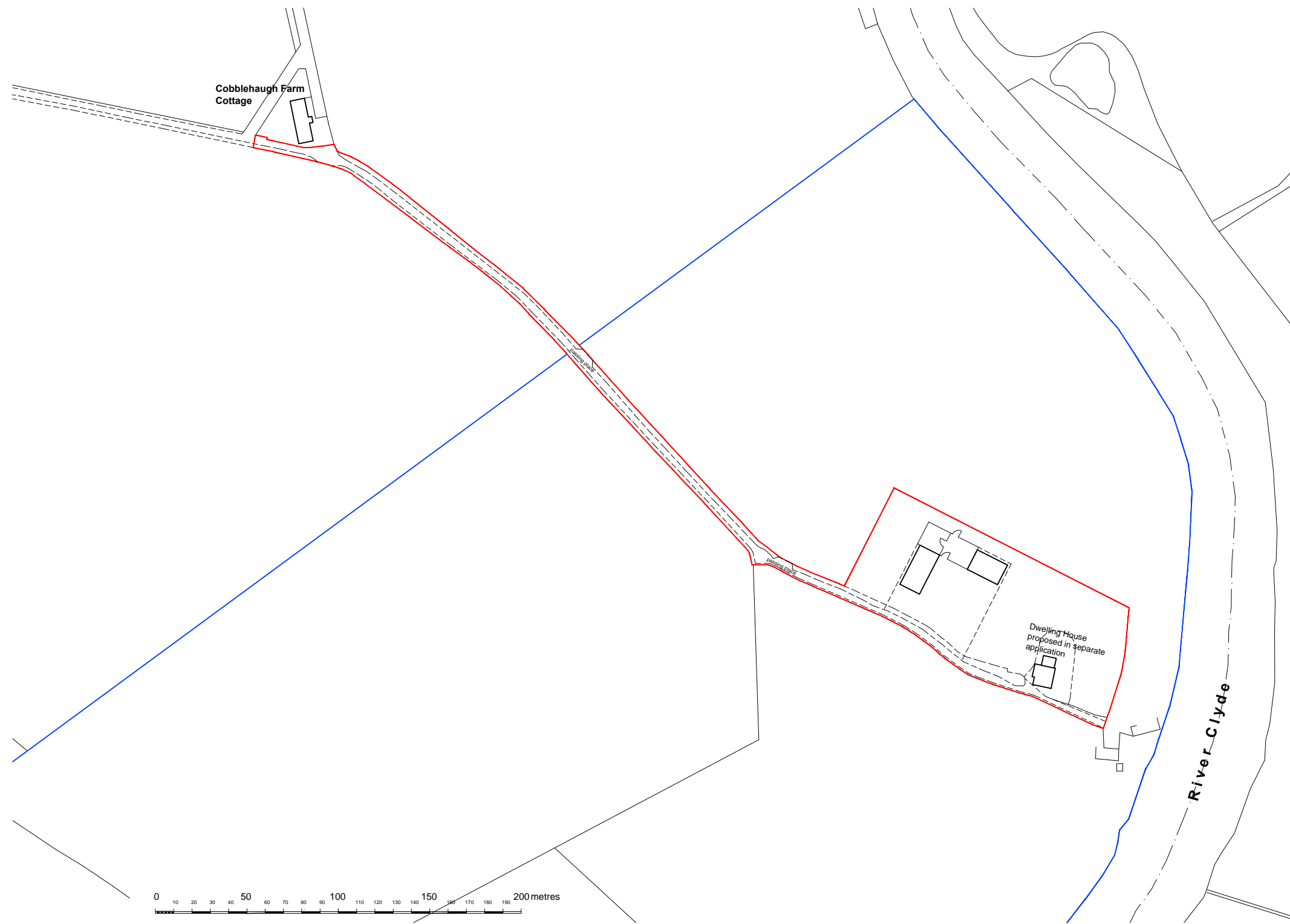
Location Plan 1:2500

Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(-- )001(C)
Drawing	Location Plan Rev.C	Job No :	G 123
Scales	1:2500 @ A3	Date	May 2021 152



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

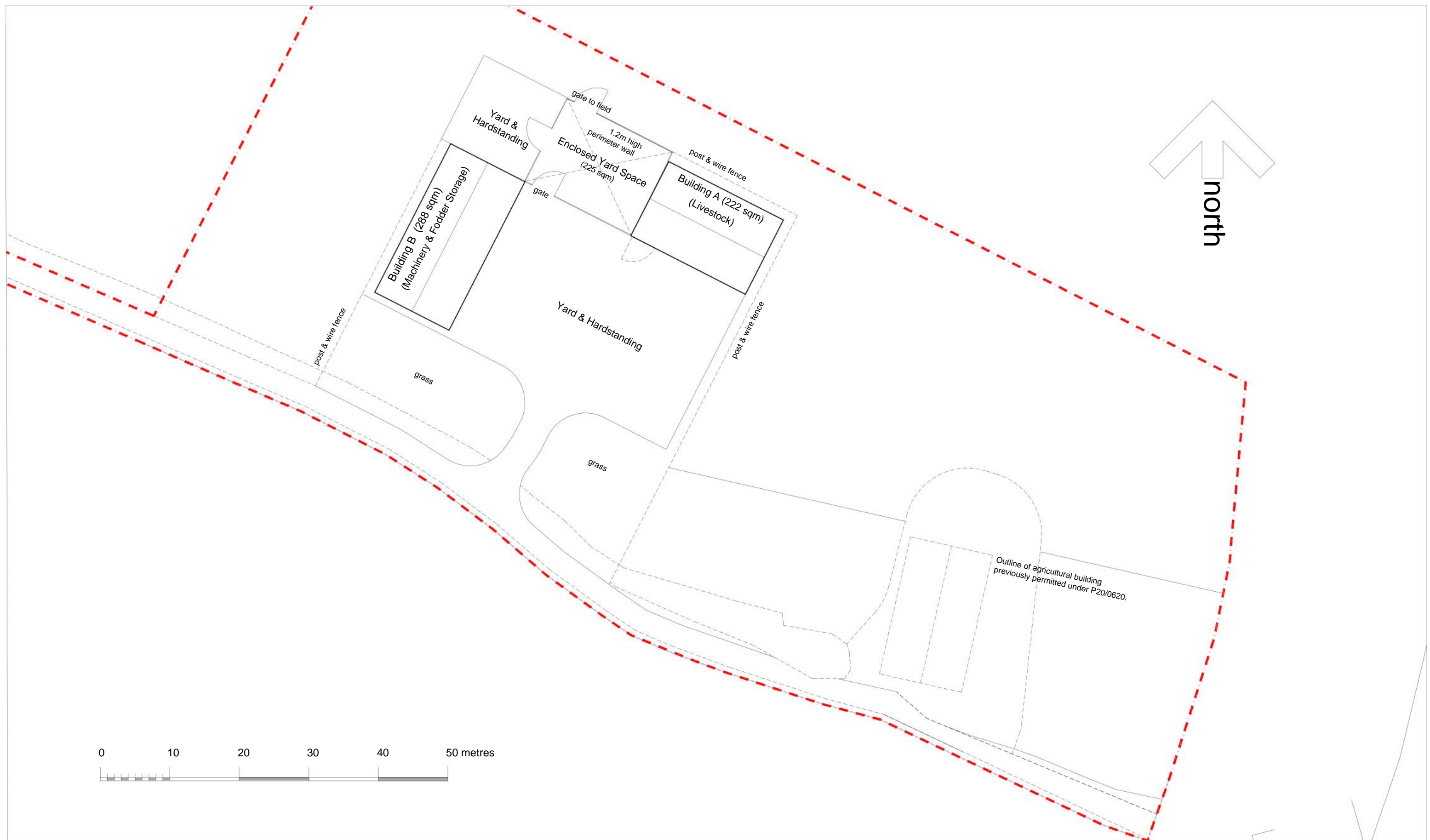
Tel 0131 535 1103  
enquiries@derekscottplanning.com




Location Plan 1:2500

Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)010
Drawing	Location Plan	Job No :	G 123
Scales	1:2500 @ A3	Date	July 2021

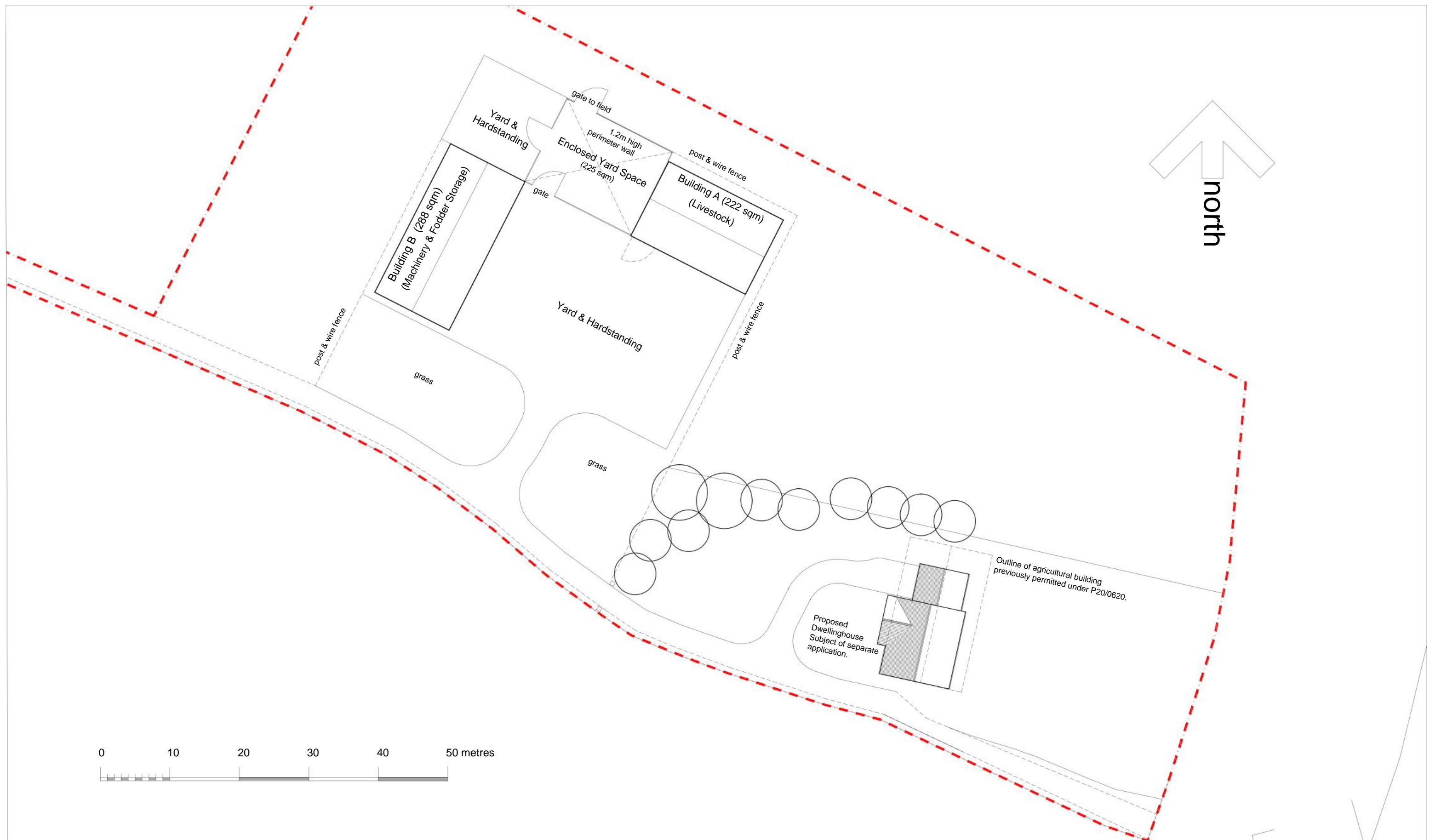
**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com



Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(-- )017
Drawing	Site Plan	Job No :	G 123
Scales	1:500 & @ A3	Date	July 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com



**Project** Proposed Agricultural Buildings at Hyndford Mill Cottage  
Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG  
For the Firm of Thomas Orr

**Drawing**  
Site Plan

**Scales** 1:500 & @ A3

**Drawing No**  
L(--)-015

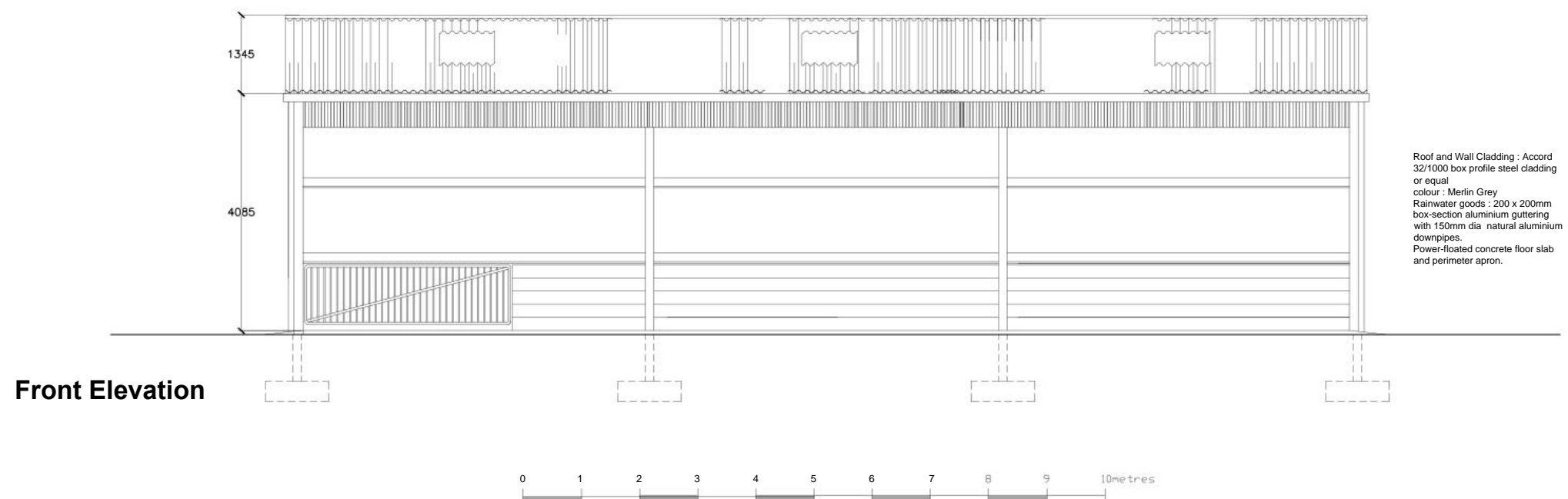
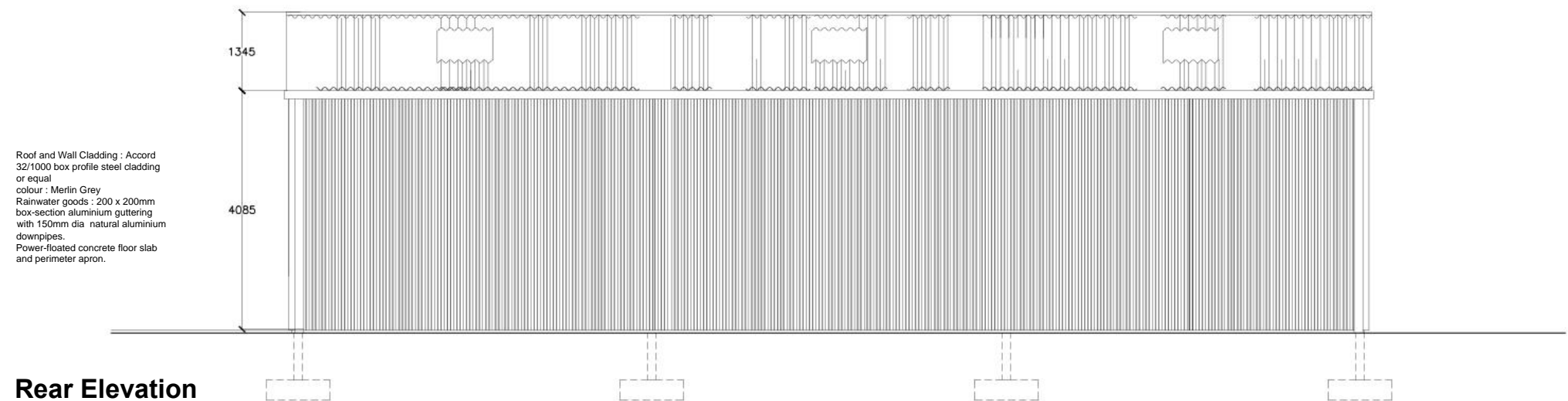
**Job No :**  
G 123


**Date** July 2021  
155



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

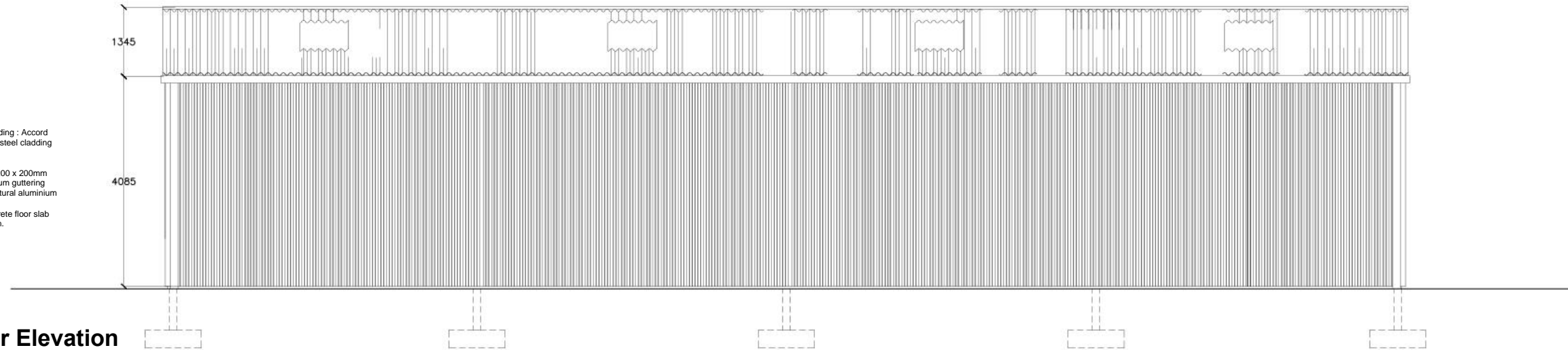
Tel 0131 535 1103  
enquiries@derekscottplanning.com



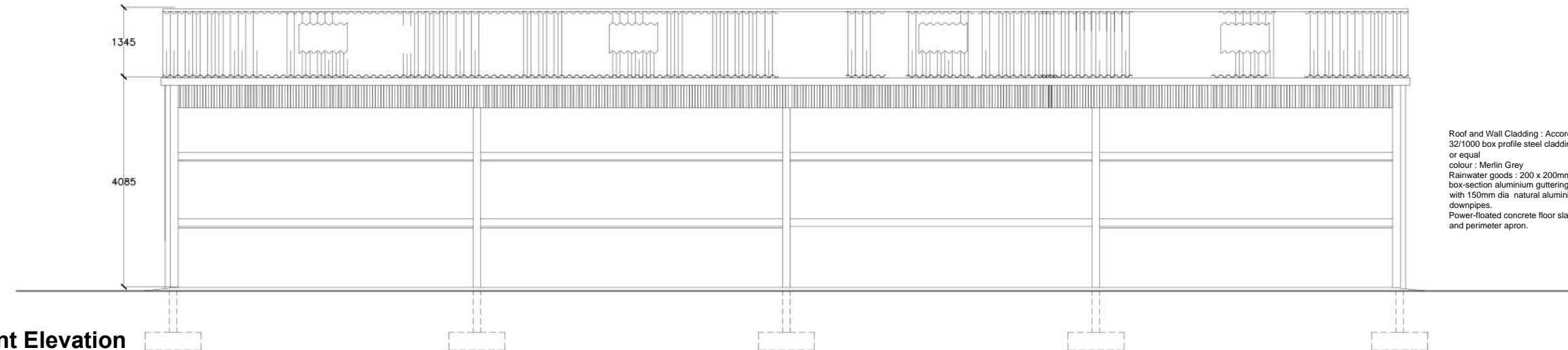
Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No L(-- )012	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Front & Rear Elevations Livestock Building	Job No : G 123	
Scales	1:100 @ A3	Date July 2021	



Roof and Wall Cladding : Accord  
32/1000 box profile steel cladding  
or equal  
colour : Merlin Grey  
Rainwater goods : 200 x 200mm  
box-section aluminium guttering  
with 150mm dia natural aluminium  
downpipes.  
Power-floated concrete floor slab  
and perimeter apron.

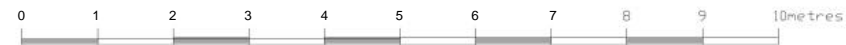


Typical Rear Elevation



Roof and Wall Cladding : Accord  
32/1000 box profile steel cladding  
or equal  
colour : Merlin Grey  
Rainwater goods : 200 x 200mm  
box-section aluminium guttering  
with 150mm dia natural aluminium  
downpipes.  
Power-floated concrete floor slab  
and perimeter apron.

Typical Front Elevation

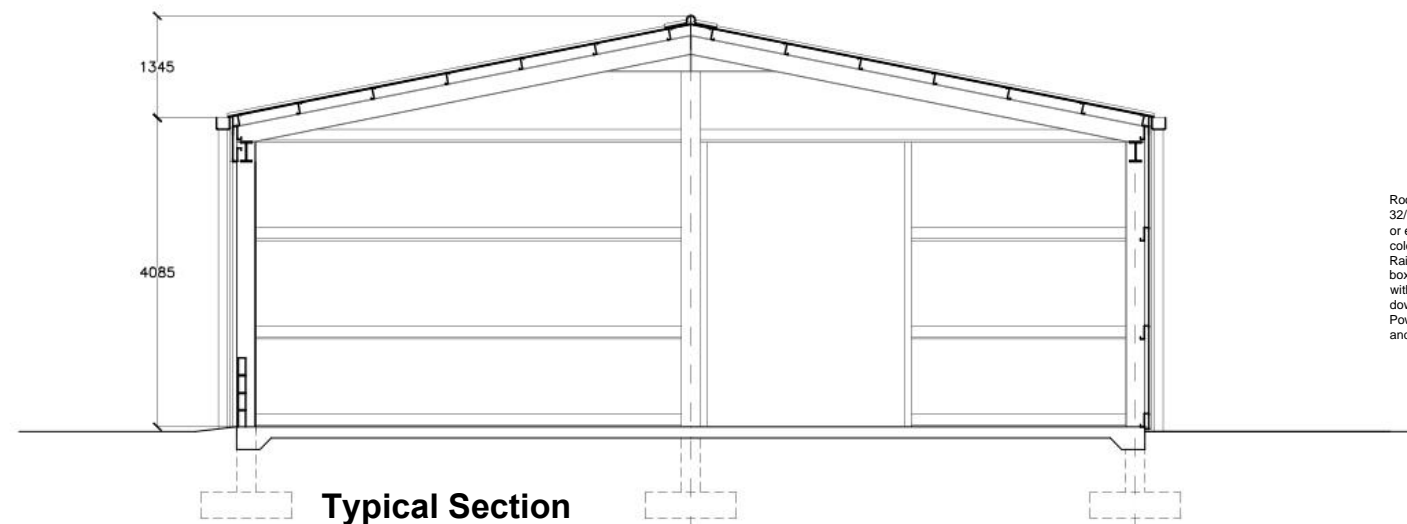


Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)013
Drawing	Front & Rear Elevations Storage Building	Job No :	G 123
Scales	1:100 @ A3	Date	July 2021

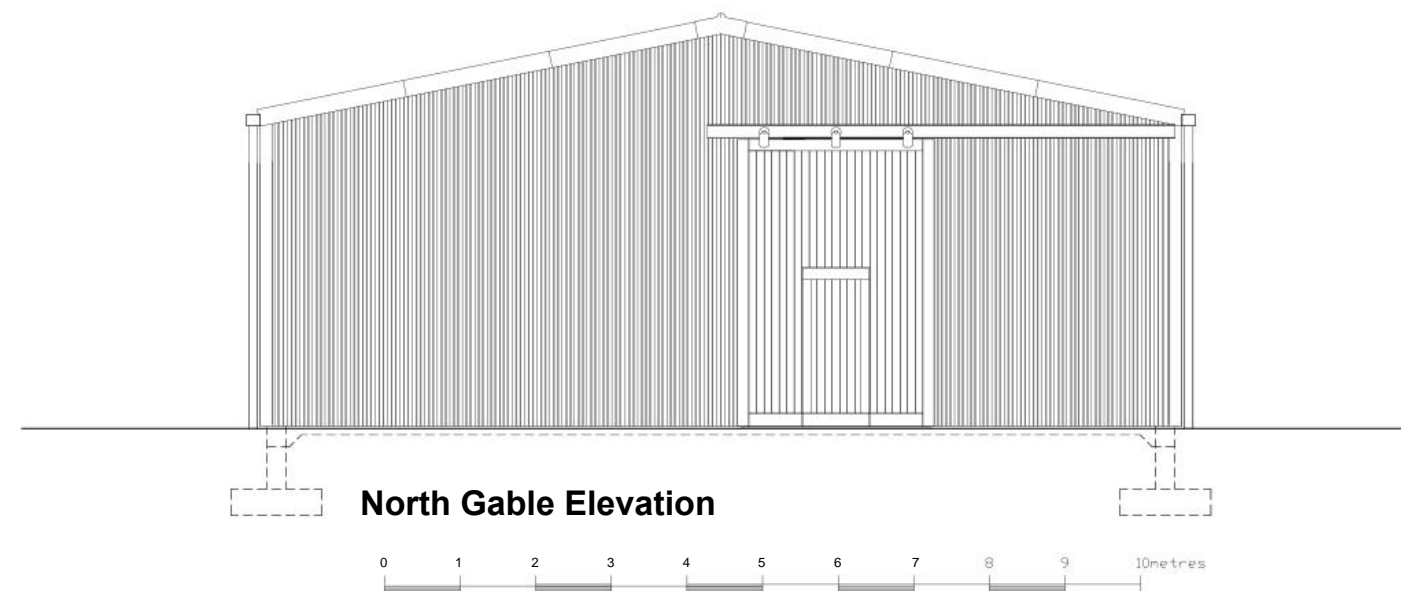
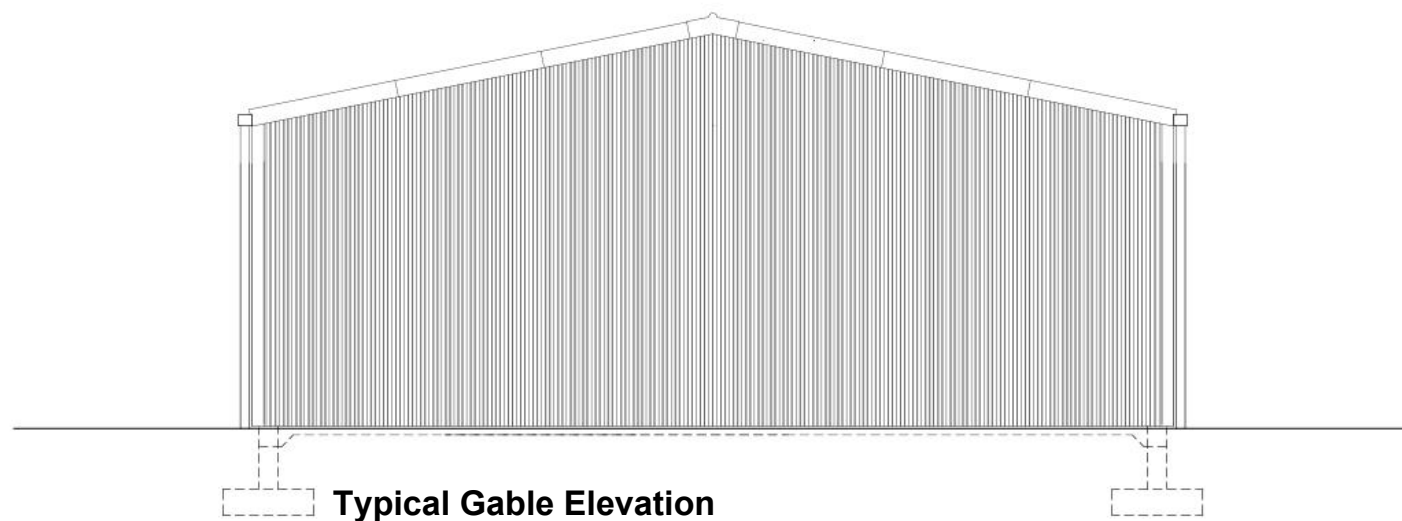
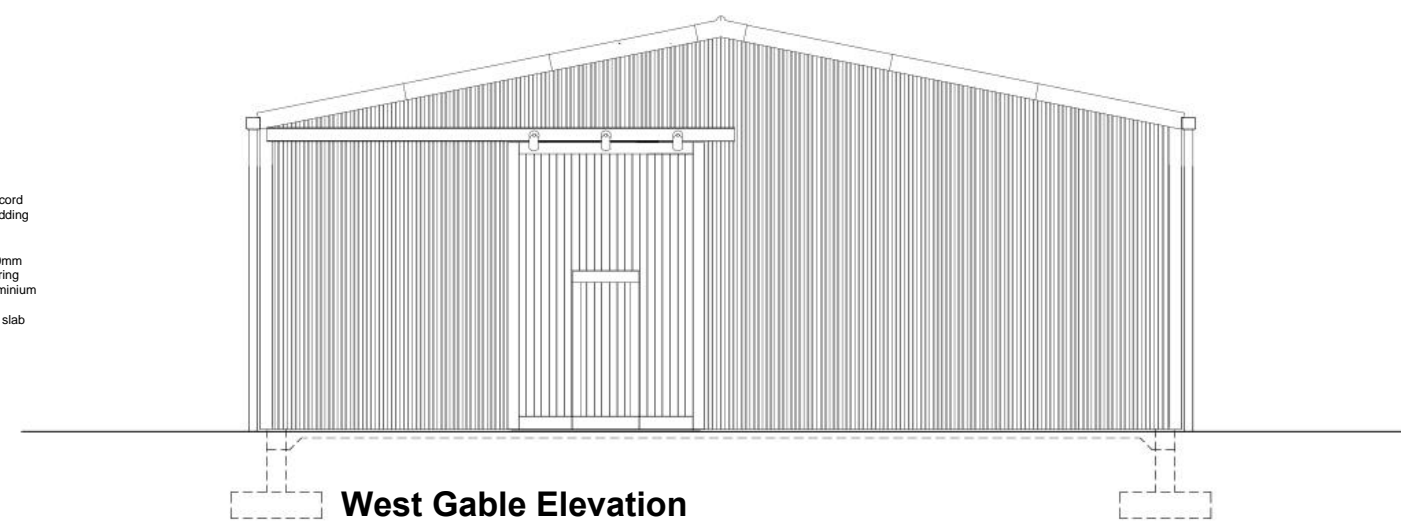



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

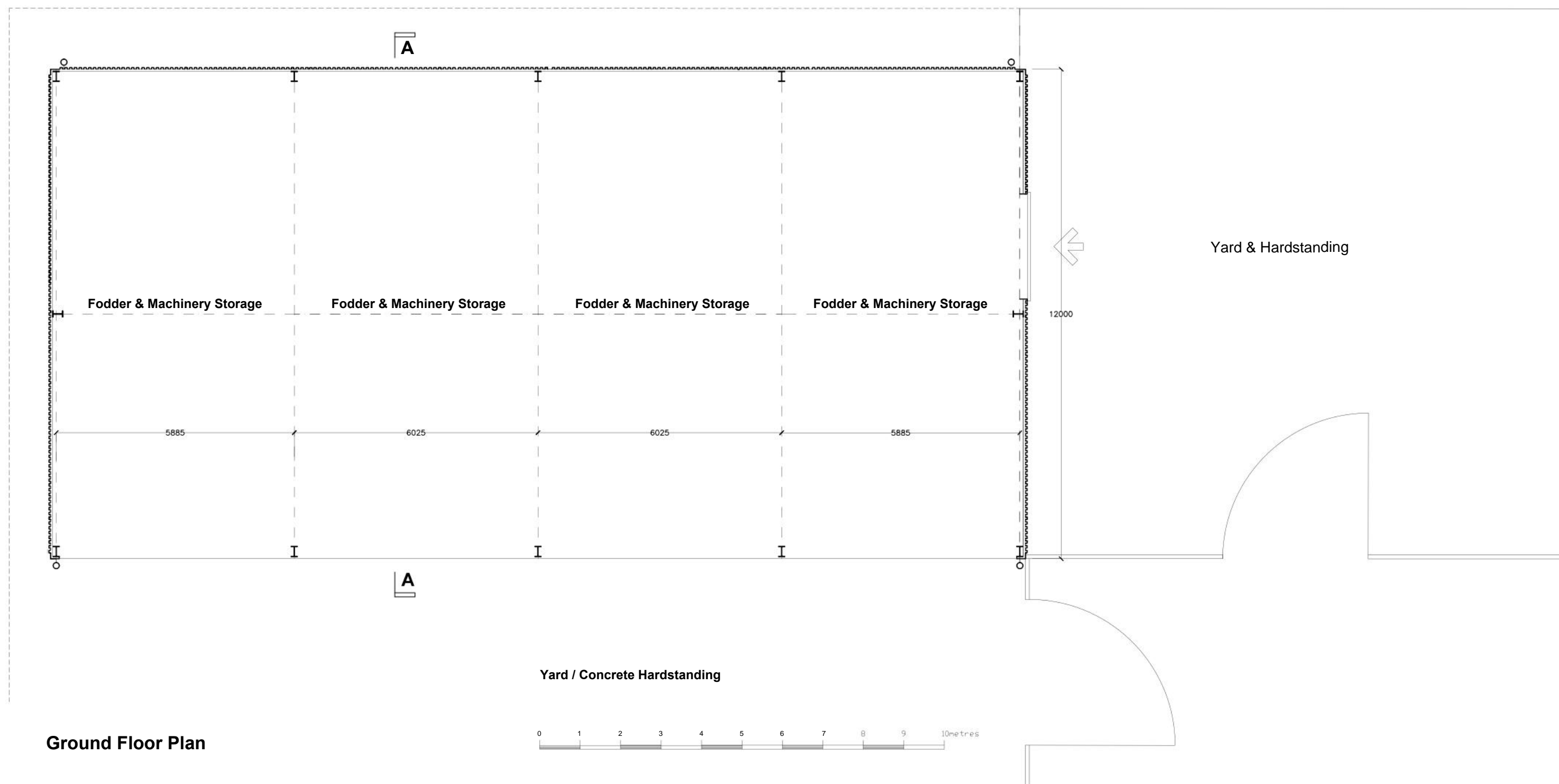
Tel 0131 535 1103  
enquiries@derekscottplanning.com



Roof and Wall Cladding : Accord  
32/1000 box profile steel cladding  
or equal  
colour : Merlin Grey  
Rainwater goods : 200 x 200mm  
box-section aluminium guttering  
with 150mm dia natural aluminium  
downpipes.  
Power-floated concrete floor slab  
and perimeter apron.



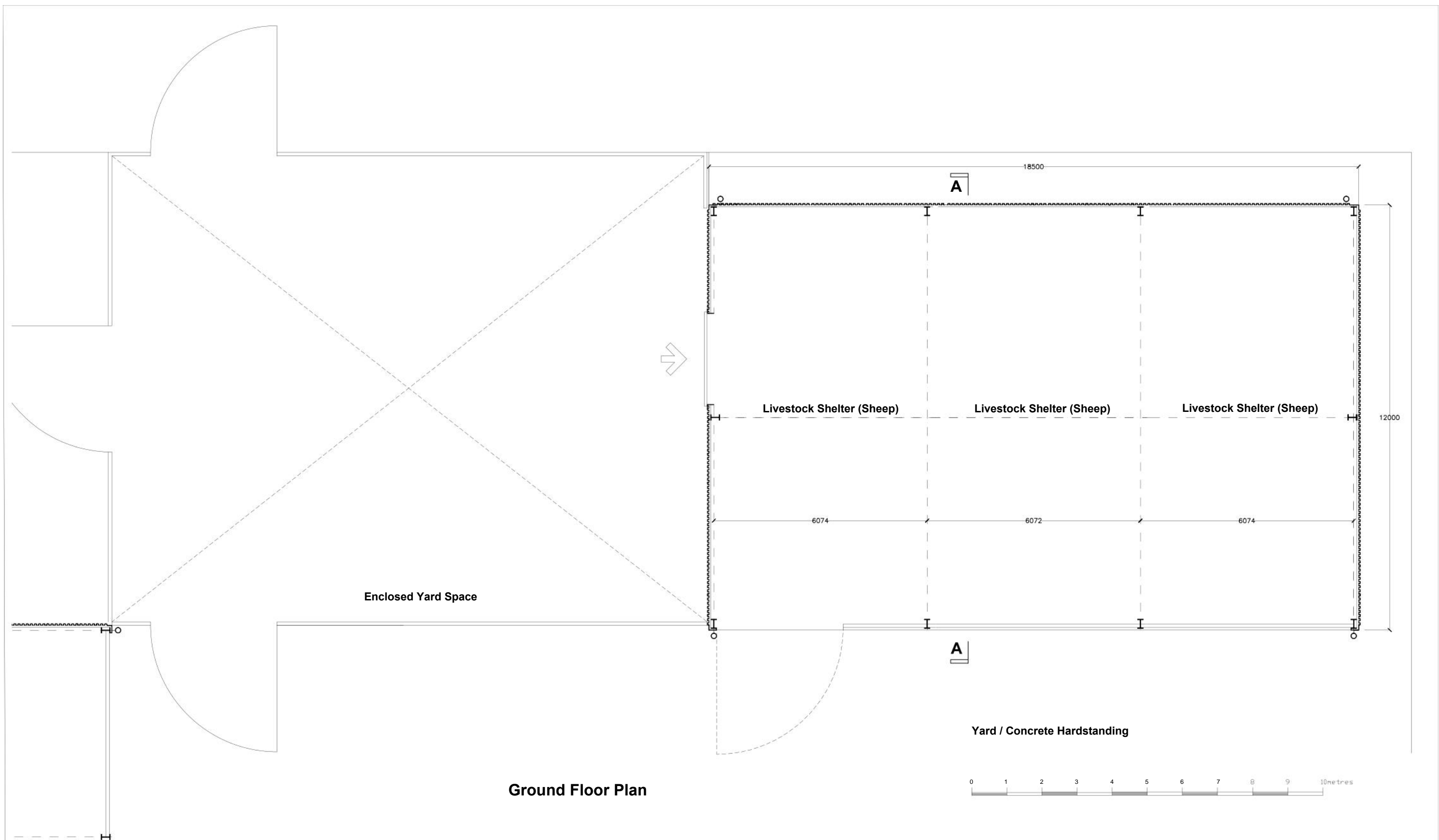
Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(-- )014	 <p><b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com</p>
Drawing	Section & Gable Elevations	Job No :	G 123	
Scales	1:100 @ A3	Date	July 2021	




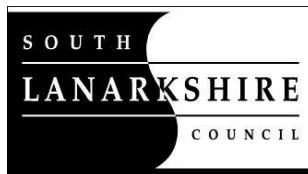
Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(-- )016
Drawing	Fodder & Equipment Store Plan	Job No :	G 123
Scales	1:100 @ A3	Date	July 2021



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com



Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)011	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Livestock Shelter Plan	Job No :	G 123	
Scales	1:100 @ A3	Date	July 2021	



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Derek Scott  
Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
EH12 5EH

Our Ref: P/20/0620  
Your Ref:  
If calling ask for: Jerry Gigya  
Date: 8 September 2020

Dear Sir/Madam

**Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)**  
**Application for determination as to whether prior approval is required**

**Proposal :** Erection of an agricultural building (Prior notification)  
**Site address :** Charleston Park Farm, Cobblehaugh Road, Lanark, ML11 8SG,  
**Application no :** P/20/0620

I refer to your recent application for determination as to whether prior approval is required.

With regards to the above, I would advise you that under the terms of the Town & Country (General Permitted Development) (Scotland) Order 1992 (as amended), I do not require the submission of further details for approval in respect of these proposals.

The development must proceed in accordance with the details submitted, or as amended and agreed in writing with the Council.

The development must be commenced within three years from the date of this notice. If it is not begun within this time period and you wish to proceed at a later date, then you must submit a further application for determination as to whether prior approval is required.

Yours faithfully

**Area Manager**

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [jerry.gigya@southlanarkshire.gov.uk](mailto:jerry.gigya@southlanarkshire.gov.uk) Phone: 01698 455180



	<b>Delegated Report</b>	Reference no.	P/20/0620
		Date	19 August 2020

**Planning proposal:** Erection of an agricultural building (Prior notification)

**Location:** Charleston Park Farm  
Cobblehaugh Road  
Lanark  
ML11 8SG

**Application Type :** Prior notification general

**Applicant :** Mr James T Orr

**Location :** Charleston Park Farm  
Cobblehaugh Road  
Lanark  
ML11 8SG

**Decision:** Prior approval not required

**Report by:** Area Manager (Planning & Building Standards)

## 1 Assessment and Conclusions

- 1.1 The applicant seeks to erect an agricultural building under the terms of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Having assessed the proposal, it is considered that the submission of further details is not required as the proposal raises no significant landscape impact issues.

**Delegating officer:** Lynda Dickson

**Date:** 3/9/20

**Previous references**  
None

### Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Jerry Gigya, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455180  
Email: [jerry.gigya@southlanarkshire.gov.uk](mailto:jerry.gigya@southlanarkshire.gov.uk)

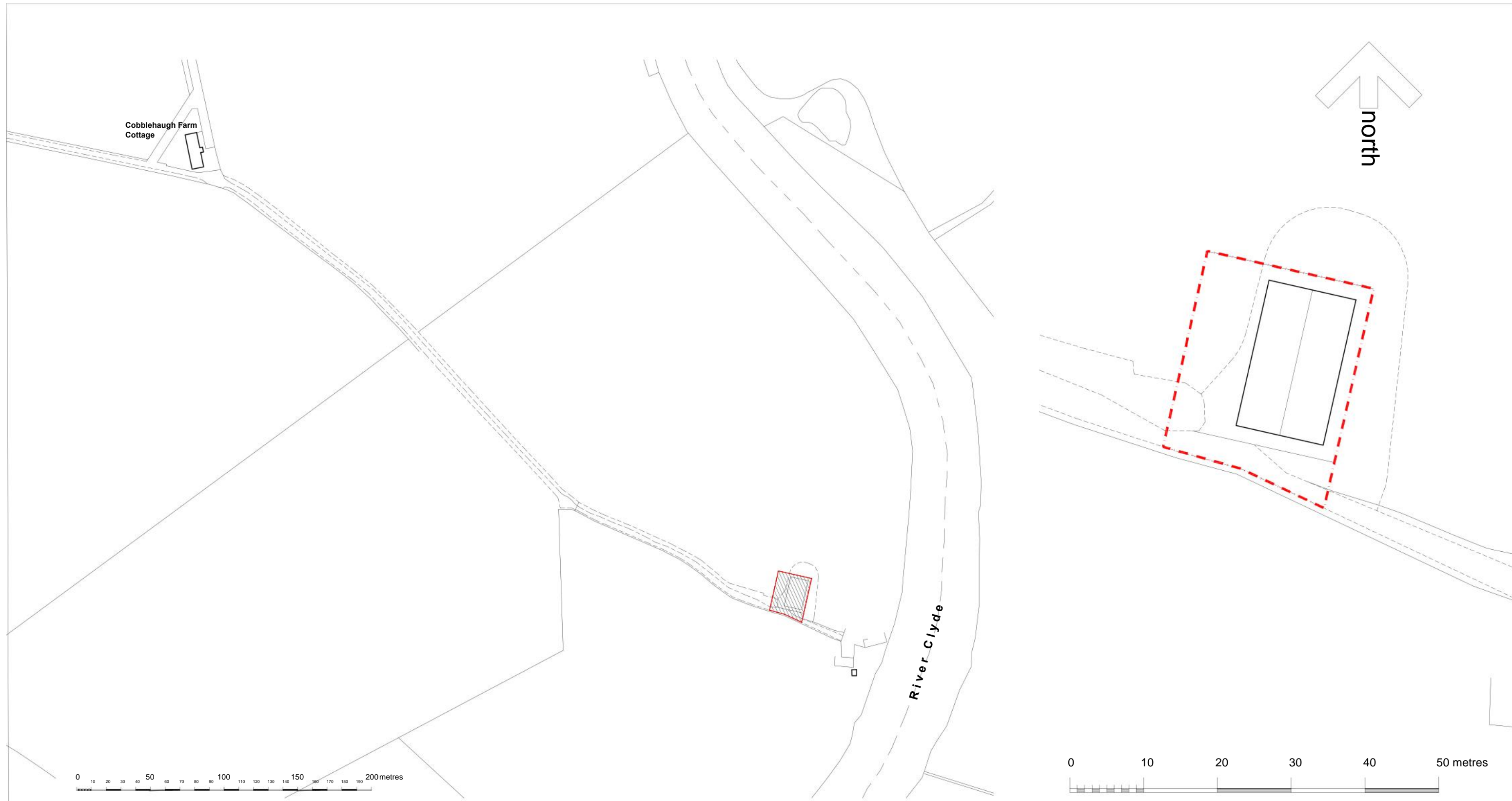
**Planning Application****Application number:** P/20/0620**Reason(s) for decision**

It is considered that the submission of further details is not required as the proposal raises no significant landscape impact issues.

**Informatives**


01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
L(--) 001		Approved
L(--) 001		Approved
L(--) 002		Approved
L(--) 003		Approved
L(--) 004		Approved
Location Plan Master		Approved
Land Ownership Plan		Approved



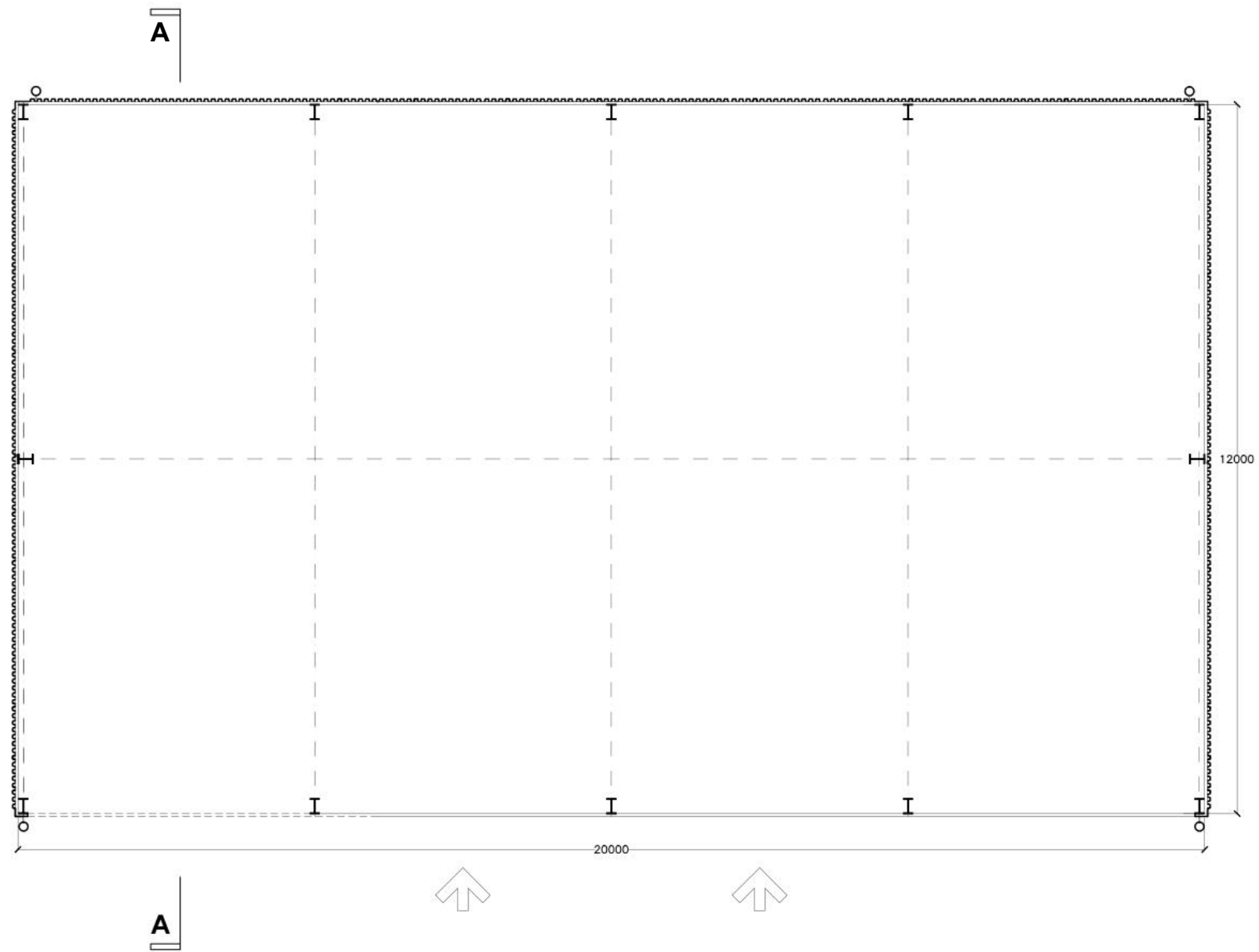
Location Plan 1:2500

Site Plan 1:500

Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No L(-- )001	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Location & Site Plans	Job No : G 123	
Scales	1:500 & 1:2500 @ A3	Date May 2020	

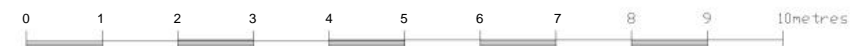





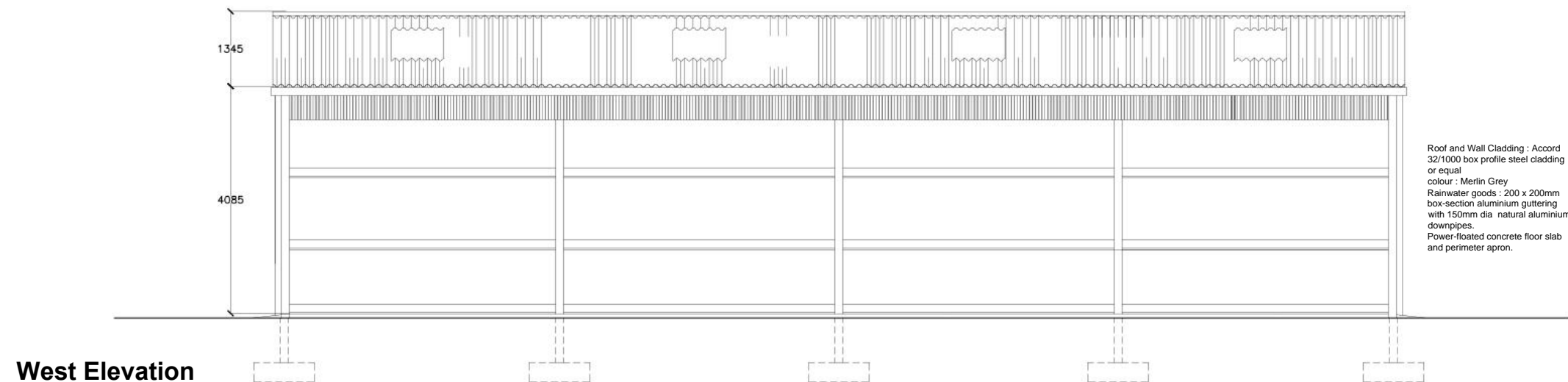
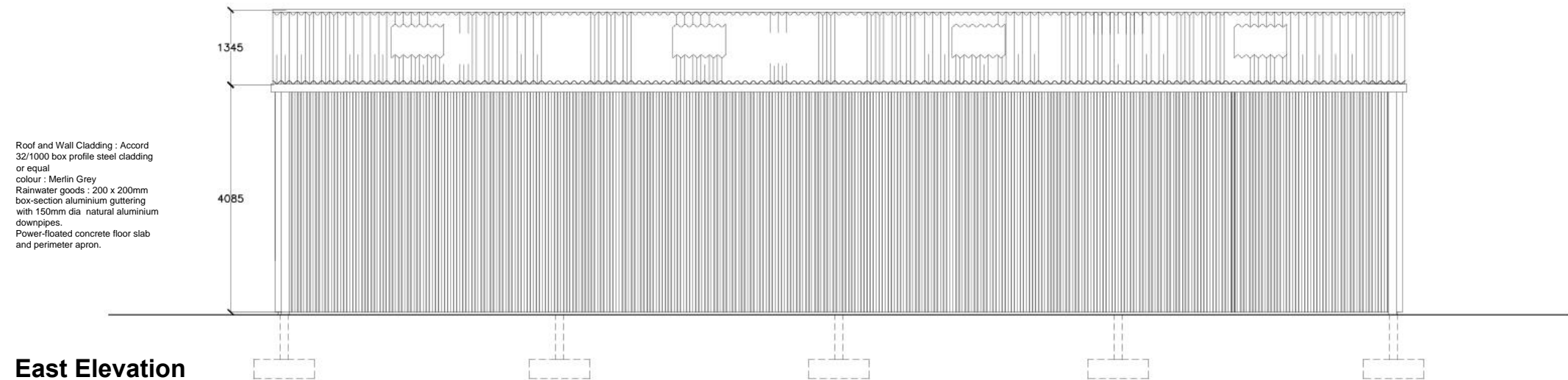



Yard / Concrete Hardstanding

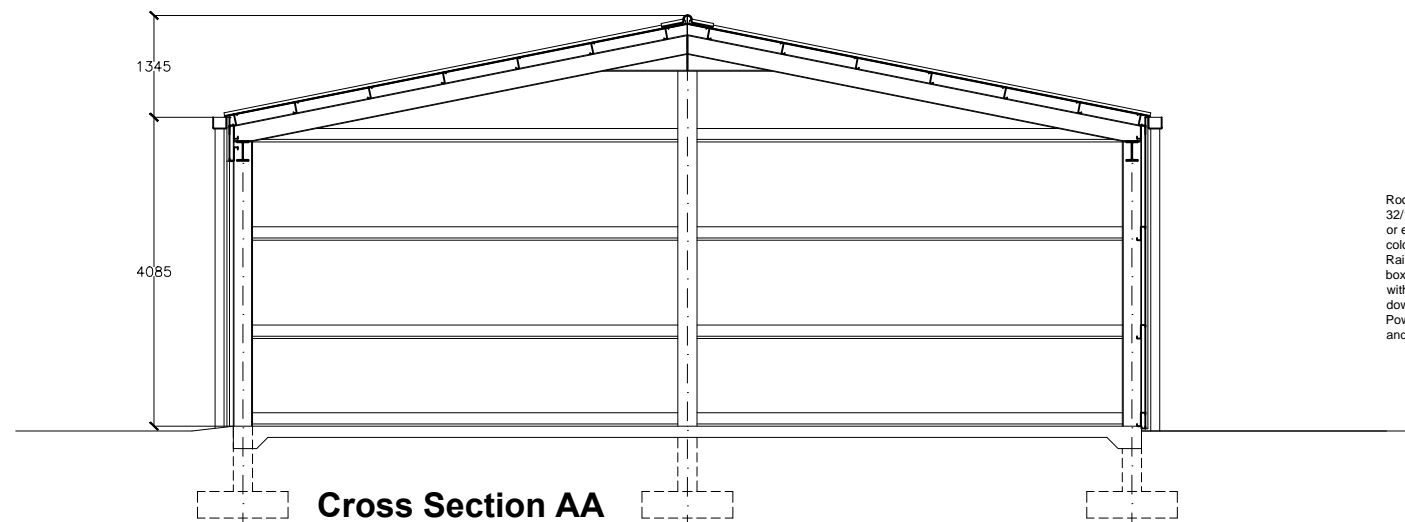
Ground Floor Plan



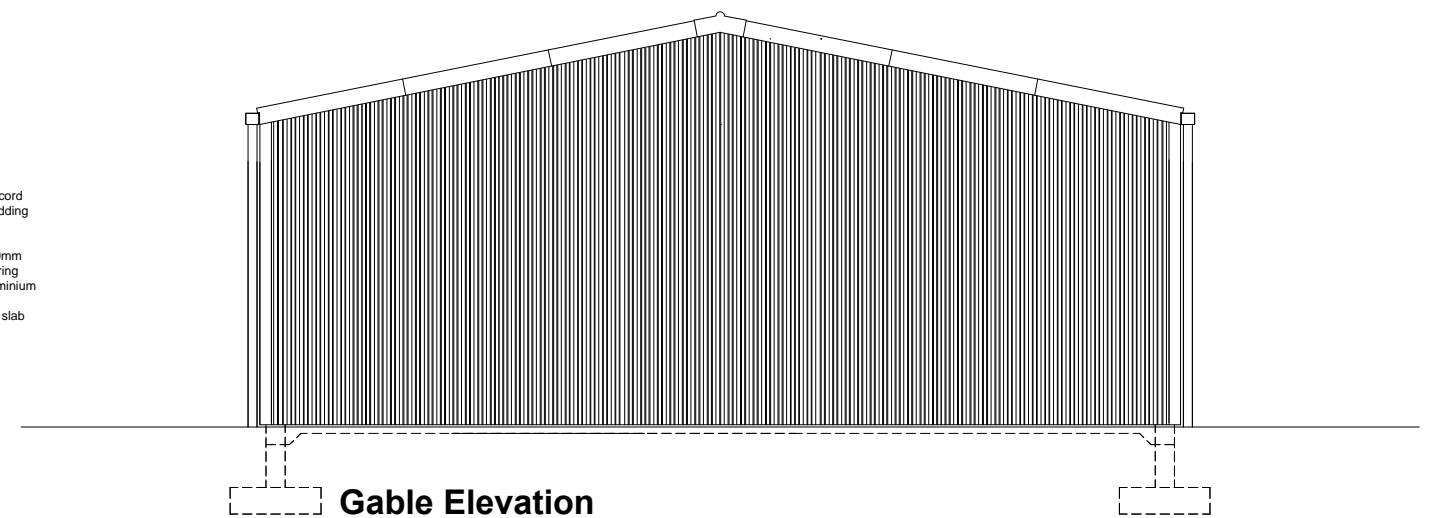
Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(-- )002	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH  Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Floor Plan	Job No :	G 123	
Scales	1:100 @ A3	Date	May 2020	




Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(--)003	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Front & Rear Elevations	Job No :	G 123	
Scales	1:100 @ A3	Date	May 2020	



Roof and Wall Cladding : Accord  
32/1000 box profile steel cladding  
or equal  
colour : Merlin Grey  
Rainwater goods : 200 x 200mm  
box-section aluminium guttering  
with 150mm dia. natural aluminium  
downpipes.  
Power-floated concrete floor slab  
and perimeter apron.



Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(--)004	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Section & Gable Elevation	Job No :	G 123	
Scales	1:100 @ A3	Date	May 2020	

	<b>Delegated Report</b>	Reference no.	P/21/1210
		Date	5 May 2022

**Planning proposal:** Erection of agricultural worker's dwelling house (permission in principle)

**Location:** Land 475m Southeast of Cobblehaugh Farm Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Application Type :** Permission in principle

**Applicant :** Firm of Thomas Orr

**Location :** Land 475m Southeast of Cobblehaugh Farm  
Cottage  
Cobblehaugh Road  
Lanark  
South Lanarkshire

**Decision:** Application refused

**Other action/notes:** None

**Report by:** Area Manager (Planning & Building Standards)

**Policy reference:**

**South Lanarkshire Local Development Plan 2 (Adopted 2021)**

Policy 4 - Green Belt and Rural Area

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy GBR10 - Accommodation Associated with an Existing or Proposed Rural Business

**Assessment**

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

**Consultations**

**Summary of response**

West of Scotland Archaeology Have no objection to the proposal and have requested that

Service	an archaeological watching brief is implemented.		
Roads Development Team	Management	Have advised that the applicant is required to install intervisible passing places along Cobblehaugh Road from the junction with the A70 to the site to widen the road to 5.5m. The agent has submitted details of the proposed passing places, however, it should be noted that the passing places are outwith the application site boundary. Notwithstanding the above, whilst Roads and Transportation Services have recommended the provision of these passing places, it is noted that failure to provide the passing places would not constitute a reason for refusal.	

**Representation(s):**

►	6	Objection letters
►	0	Support letters
►	0	Comment letters



## Planning Application Delegated Report

### 1 Application Summary

- 1.1 The site extends to approximately 1.37ha and relates to land which forms part of Charleston Park Farm. Charleston Park Farm accommodates an existing farm house and associated farm buildings which are located approximately 1000m to the north west of the proposed development.
- 1.2 The site is situated within the designated rural area and is bound to the north, south and west by agricultural fields and is bound by the River Clyde to the east. The site includes the ruins of the demolished Hyndford Mill Cottage and associated farm buildings. The site is accessed via a private farm track.
- 1.3 The proposal relates to the erection of an agricultural worker's dwelling house (permission in principle). The submitted supporting statement identifies that the dwelling is required as the farmer is moving towards semi-retirement in the next 5 to 6 years and the new dwelling is part of the succession plans. In addition, the statement identifies that the proposal would support the development of the sheep farming element of the business and would provide additional security on the farm.
- 1.4 In terms of the planning history of the site, prior approval was granted on 11 April 2022 for the 'erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area' (P/21/1320) at the site. In addition, prior approval for the 'erection of an agricultural building' (P/20/0620) also relates to the site but has not been implemented.

### 2 Representation(s)

- 2.1 Statutory neighbour notification was undertaken and following this publicity six letters of representation were received in relation to the application. The grounds of objection are summarised below:-

**(a) Concerns regarding the heavy traffic in this rural area and the size and weight of some of the vehicles which already use the farm tracks. Traffic has significantly increased since the applicant's business commenced.**

**Response:** Roads and Transportation Services have not raised any issue in this regard.

**(b) Concern regarding the increase in traffic associated with the proposal and the impact on children's safety as many of them use the existing track to access the river.**

**Response:** Roads and Transportation Services have advised that it is a private track and a degree of pedestrian traffic such as walkers is commonplace and they haven't raised any roads safety concerns in relation to this issue.

**(c) There are currently issues with the road and walkers are forced on to the verges to allow traffic to pass.**

**Response:** Noted. Roads and Transportation Services have recommended that additional passing places should be implemented in relation to the proposed development.

**(d) The applicant is to retire and his son is to take over the farm, however, normally the farmer would move to nearby premises rather than continue to reside on the farm. In this case the site is in close proximity to Lanark centre.**

**Response:** It is noted that it is a common occurrence for retired farmers to take up residence nearby but not necessarily at the farm.

- (e) **The proposal appears to be forming another steading.**

**Response:** Noted. This point shall be discussed in section 3 of the report.

- (f) **There is no power supply to the site.**

**Response:** Noted.

- (g) **The majority of activity on the farm is crop production and does not require a live in labourer on the farm.**

**Response:** Noted. This point shall be discussed in section 3 of the report.

- (h) **A large part of the trading history of the farm relates to the haulage element of the business.**

**Response:** Noted.

- (i) **The labour requirement calculation in the submitted planning statement is derived from a handbook and does not reflect the actual operations. Details of the labour requirement should be submitted from a reputable independent agriculture advisor and this report should include plans, a certificate of holding and details of the herd and flock numbers.**

**Response:** The agent was asked to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College (SAC). However, the agent has responded advising that he has historically been preparing planning reports for such applications and no further report has been submitted to date.

- (j) **A flood risk assessment should be submitted.**

**Response:** In this instance it is not considered that a flood risk assessment required to be submitted given that the site does not lie within a flood plain.

- (k) **There are permitted development rights available to farmers to construct buildings for animal shelter etc and the need for such outbuildings does not justify the construction of a new dwellinghouse.**

**Response:** Noted. Indeed, prior notification for agricultural buildings has recently been granted at the site. The need for a new house is discussed in part 3 of the report.

- (l) **The proposal for a new dwelling is contrary to the provisions of the Strategic Development Plan and a number of policies contained within the adopted Local Development Plan.**

**Response:** A policy assessment of the proposed development has been undertaken in Section 3 below.

- (m) **The submitted financial information is minimal and without the submission of detailed accounts there is no evidence of a viable agricultural/ farm business let alone justification for an additional dwelling associated with the business.**

**Response:** It is noted that very limited financial information for the existing operations has been submitted relating to 2016 until 2020. Further information relating to the business has been requested by the Planning Service however, to date no additional financial information has been submitted.



### **3 Assessment and Conclusions**

- 3.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on the designated rural area and special landscape area.
- 3.2 In terms of Local Plan policy, Policy 4 of the adopted Local Development Plan establishes that the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require a countryside location is expected to be accommodated within the settlements identified on the proposals map and isolated and sporadic development will not be supported. Whilst it is noted that prior approval has been granted for agricultural buildings at the site, the prior approval assessment is limited to the visual impact of farm buildings and cannot question the need or principle of the development. The proposed dwelling house is situated a significant distance from the established farmhouse and associated outbuildings. It is considered that this would result in a new dwelling situated at an isolated location, contrary to the provisions of Policy 4 of the adopted Local Development Plan.
- 3.3 Policy 14 seeks to protect and enhance the natural environment including special landscape areas. The proposal relates to the erection of a single dwelling on agricultural land, situated adjacent to the River Clyde, within the designated special landscape area. Subsequently, it is considered that this development would result in an adverse visual impact on the established rural landscape. In this instance the impact of the proposal is not considered to be outweighed by a significant social or economic benefit and therefore the development does not accord with the provisions of Policy 14 of the adopted Local Development Plan.
- 3.4 Policy GBRA1 establishes that existing high quality rural environments require to be protected and that all proposed developments within the rural area require to accord with the criteria identified in this policy. The proposal relates to an application for outline consent and it is considered that the proposed siting of the agricultural dwelling would represent sporadic isolated development in the rural area. The siting of the dwelling is not consolidated within the existing building grouping at Charleston Park Farm, to the detriment of the amenity and landscape character of the surrounding rural area. In addition, Roads and Transportation Services recommended that the existing access to the site be upgraded through the provision of passing places, however, it is noted that failure to provide the passing places would not result in a road safety issue which would warrant refusal of the application. Therefore, the proposed development is not considered to accord with the criteria identified in Policy GBRA1 of the adopted Local Development Plan.
- 3.5 Proposals for a new dwelling associated with a rural business are required to meet all the criteria identified in Policy GBR10. The submitted supporting statement identifies that the siting of the dwelling would allow for the relocation of the sheep farming element of the existing operations and facilitate expansion. Whilst it is accepted that there may not be an opportunity for the conversion or use of redundant buildings at Charleston Park Farm, there are a number of existing buildings associated with the farm. It is considered that a proposed new dwelling should be consolidated within the existing building group and the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established building group is not considered adequate. In addition, it is considered that there is not sufficient justification that a new dwelling house is essential for the successful management of the business. In this regard, the financial information which has been submitted in support of the application is considered to be relatively minimal and does not include the most recent trading years. Therefore, the proposed development is not considered to accord with the criteria identified in Policy GBRA10 of the adopted Local Development Plan.

- 3.6 In summary, the proposal does not accord with the provisions of the adopted South Lanarkshire Local Development Plan 2 and there are no other material considerations which would justify the approval of planning permission. The proposed agricultural worker's dwelling house does not represent an appropriate form of development for the site and therefore planning permission in principle should be refused.

#### **4 Reason for decision**

- 4.1 The proposed development does not accord with the requirements of Policies 4, 14 GBRA1 and GBRA10 of the adopted Local Development Plan 2.

**Delegating officer: Lynda Dickson**

**Date: 5/5/22**

#### **Previous references**

- ◆ P/21/1320
- ◆ P/20/0620

#### **List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 28.07.2021
- ▶ Planning Statement prepared by Derek Scott Planning, received 16.07.2021
- ▶ Drawing L(--)-019(A) 'Cobblehaugh Road Passing Places,' received 9.12.21

#### **▶ Consultations**

West Of Scotland Archaeology Service	12.08.2021
Roads Development Management Team	15.09.2021 21.04.2022

#### **▶ Representations**

Margaret G Russell, Ash Lea, Cobblehaugh Road, Lanark, ML11 8SG,	Dated: 22.08.2021
Mr E Pearson, Pearson Planning, Chartered Surveyors, PO Box 28606, Edinburgh, EH49BQ,	Dated: 26.08.2021
Mr Hugh Loney, 5 River View, Cobblehaugh road, Lanark, ML11 8TJ,	Dated: 31.08.2021
Andrew Russell, Leapark, Cobblehaugh Road, Lanark, ML11 8SG,	Dated: 05.09.2021
Andrea Skinner House Manager Of The Cottage, Received Via Email	Dated: 06.09.2021
Euan Pearson, Via Email	Dated: 12.11.2021

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Gail Neely, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)

## Planning Application

Application number: P/21/1210

### Reasons for refusal

01. The proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification.
02. The proposed development does not accord with the criteria identified in Policy GBRA1 'Rural Design and Development' of the adopted Local Development Plan 2 as it would result in isolated and sporadic residential development in the rural area and the siting of the proposed dwelling would adversely impact on the established visual amenity and landscape character of the surrounding rural area.
03. The proposed development does not accord with the criteria identified in Policy GBRA10 'Accommodation Associated with an Existing or Proposed Rural Business' of the adopted Local Development Plan 2 in that the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established the building group is not considered adequate and there is not sufficient justification that a new dwelling house is essential for the successful management of the business.
04. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Rural Area designation.
05. The proposal is contrary to the provisions of Policy 14 'Natural and Historic Environment' of the adopted Local Development Plan 2 as the visual impact of the development on the special landscape area is not considered to be outweighed by a significant social or economic benefit.

### Reason(s) for decision

The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2.

### Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(--)-018		Refused
L(--)-001 (F)		Refused
L(--)-005 (E)		Refused
L(--)-005 (F)		Refused
L(--)-001 (D)		Refused



**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Economic Development**

Derek Scott  
Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
EH12 5EH

Our Ref: P/21/1210  
Your Ref:  
If calling ask for: Gail Neely  
Date: 6 May 2022

Dear Sir/Madam

**Proposal:** Erection of agricultural worker's dwelling house (permission in principle)  
**Site address:** Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark, South Lanarkshire, ,  
**Application no:** P/21/1210

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Gail Neely on 01698 455932

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk) Phone: 01698 455932



I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

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To :

**Firm of Thomas Orr**  
**Hyndford Mill Cottage ,**  
**Charleston Park Farm,**  
**Cobblehaugh Road ,**  
**Lanark , ML11 8SG ,**

Per : **Derek Scott**

**21 Lansdowne Crescent ,**  
**Edinburgh , EH12 5EH ,**

With reference to your application received on [22.06.2021](#) for planning permission in principle under the above mentioned Act :

**Description of proposed development:**

[Erection of agricultural worker's dwelling house \(permission in principle\)](#)

**Site location:**

[Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road,](#)  
[Lanark, South Lanarkshire, ,](#)

---

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

**REFUSE PLANNING PERMISSION IN PRINCIPLE**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

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Date: 6th May 2022

**Head of Planning and Economic Development**

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This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

**South Lanarkshire Council**  
**Community and Enterprise Resources**  
**Planning and Economic Development**

**Refuse planning permission in principle**

**Paper apart - Application number:** P/21/1210

**Reason(s) for refusal:**

01. The proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification.
02. The proposed development does not accord with the criteria identified in Policy GBRA1 'Rural Design and Development' of the adopted Local Development Plan 2 as it would result in isolated and sporadic residential development in the rural area and the siting of the proposed dwelling would adversely impact on the established visual amenity and landscape character of the surrounding rural area.
03. The proposed development does not accord with the criteria identified in Policy GBRA10 'Accommodation Associated with an Existing or Proposed Rural Business' of the adopted Local Development Plan 2 in that the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established the building group is not considered adequate and there is not sufficient justification that a new dwelling house is essential for the successful management of the business.
04. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Rural Area designation.
05. The proposal is contrary to the provisions of Policy 14 'Natural and Historic Environment' of the adopted Local Development Plan 2 as the visual impact of the development on the special landscape area is not considered to be outweighed by a significant social or economic benefit.

**Reason(s) for decision**

The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2.



## Notes to applicant

**Application number: P/21/1210**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
L(-- )018		Refused
L(-- )001 (F)		Refused
L(-- )005 (E)		Refused
L(-- )005 (F)		Refused
L(-- )001 (D)		Refused



## **COMMUNITY AND ENTERPRISE RESOURCES**

EXECUTIVE DIRECTOR **David Booth**

Planning and Economic Development

### **Important notes**

## **Town and Country Planning (Scotland) Act 1997**

### **1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

### **2. Procedure for appeal to the planning authority**

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



SAC Consulting  
57 High Street, Lanark, ML11 7LF  
01555 662562

Derek Scott  
Derek Scott Planning  
21 Lansdowne crescent  
Edinburgh  
EH12 5EH

13<sup>th</sup> June 2022

Dear Derek ,

Mr J Orr of "The Firm of Thomas Orr" asked me to review the information in several planning documents that you submitted to the council on his behalf in support of Planning Application Ref P/21/1210.

Mr Orr met with me a few weeks ago to discuss the application, in particular the request for a report prepared by a suitable qualified agricultural body such as SAC consulting. Whilst I recognise the requirement for such a report in these types of circumstances it is my opinion that preparing a full labour justification would be an unnecessary cost to Mr Orr when any information that we would provide already exists in the initial planning statement prepared by your company.

As previously discussed with yourself and Mr Orr I have therefore reviewed the information within the planning statement that has been submitted and have provided comment below.

1. Mr Orr has confirmed that the agricultural activities within the report are correct though it was mentioned that the figure of 210 store cattle was on the conservative side as there could often be up to 300 on farm. This additional 90 cattle would increase the labour requirement by up to 1080hours if present all year.

2. The figures used to calculate the Labour requirement (hours/enterprise) are in line with the most recent figures from the UK Farm Classification document (2014) taken from the SAC Farm Management Handbook.
3. The sheep have been classified as "lowland" at a labour requirement of 5.2hours/annum. Given the area I would suggest it more relevant to class the sheep as LFA. This would give an amended sheep figure of 555 hours for ewes and rams. Lambs have been counted as on the holding for 7 months. I personally would only count them towards the labour need from weaning onwards, this would give an amended lamb figure of 258 hours. This would reduce the sheep labour requirement to 813hours. A reduction overall of only 160 hours.
4. The UK Farm Classification Document states that 1 Labour Unit is the equivalent of 1900hours. Excluding haulage and spraying enterprises the labour requirement of the farm is 6211 hours or 3.26 Labour units. If the additional 90 cattle were there all year round this could be increased to 7291 hours or 3.84 Labour Unit. I would conclude that there is therefore a justification for an additional dwelling on farm.
5. Adding in the haulage and contracting figures is useful to give an overall picture of the business however I would not count these towards the labour justification as it is not as important for someone to be resident on the site for these enterprises to continue. I would however note that the value in the equipment owned by the business requires someone resident on site for security purposes. Given that Mr Orr is heavily engaged on these off farm activities this shows increased need for an additional person to be resident on the holding in order to be responsible for the livestock should Mr Orr be held up away from home.

I have also been asked to provide comment on the financial position of the business. Mr Orr provided me with a letter from I A Stewart, a reputable local accountant which summarized the turnover and profit levels of the business. I have reviewed this and provide the following comments.

1. I have had no access to the most recent business accounts as I believe they are yet to be completed. I have no reason to doubt that the information provided by I A Stewart would be incorrect.
2. In the five years of information provided Firm of Thomas Orr averaged a turnover of £516,189 and a profit of £115,465. Whilst profits fluctuate over the 5 years the business remains profitable in all years provided suggesting a stable business.
3. The family has traded from this location for 50 years which suggests a long standing, stable business.
4. Given the farm size and average basic payment rate figures it is possible to calculate an assumed value of subsidy for the business. The business is comfortably making profits in excess of the subsidy received. This gives confidence that the business can operate profitability going forward as subsidies are likely to be reduced.

5. Farming is currently going through a turbulent time however Mr Orr's diversified income streams will be beneficial in helping deal with fluctuations.
6. Whilst cashflow forecasts may help to show a picture of the business going forward this would again be at considerable cost to Mr Orr. The current volatility in agricultural markets also makes it extremely difficult to forecast prices much further than a few weeks in advance.

It would not be usual for us to comment on the location of any dwelling as standard in any of our reports however given that permission has been granted for agricultural sheds at the location of the proposed dwelling and information provided by Mr Orr regarding the sheep enterprise it is considered appropriate to provide some comment on this also

1. It is my understanding that planning for agricultural buildings have been granted at the site of the proposed dwelling which is to be situated separately from the main holding. It is the intention a that these buildings will be used for lambing sheep. Given the round the clock nature of care required over this period it is therefore sensible from an animal welfare perspective that there is also a house located in the vicinity. The current dwelling is some 1km west of these buildings which would reduce the ability to check and respond to animals quickly and therefore increase the risk of animal welfare problems arising.
2. Mr Orr also mentioned that as part of his semi retirement and succession plans that he may look to re-establish a flock of pedigree Suffolks. Given that the main holding can act as a as a layerage for animals in transit there is a biosecurity advantage to locating the sheep enterprise separately. This would be particularly relevant in the instance of a pedigree flock which would likely be required to be part of a health scheme for diseases such as Maedi- Visna.

In conclusion if we had been to prepare a full labour report we would also be concluding that the labour requirement and enterprises on farm are such to justify a second dwelling.

Yours sincerely,

A black rectangular redaction box covering the signature of Jennifer Struthers.

**Jennifer Struthers**  
**Senior Consultant**



# Appendix 6

3h

## Further Representation

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ A Russell, Leapark, Cobblehaugh Road, Lanark
- ◆ E Pearson, by email
- ◆ Pearson Planning on behalf of D and M Russell





## NOTICE OF REVIEW - STATEMENT OF OBSERVATIONS

3h

P/21/1210 - Erection of agricultural worker's dwelling house (permission in principle) at Land 475m Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark

### 1 Planning Background

- 1.1 Agent Derek Scott, on behalf of the Firm of Thomas Orr, submitted a planning application for the 'erection of agricultural worker's dwelling house (permission in principle)' at land 475m Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/21/1210 was refused by the Council under delegated powers on 6 May 2022, for the reasons listed in the decision notice.
- 1.2 The report of handling, dated 5 May 2022, explains in detail all material planning considerations and the reasoned justification for this decision.

### 2 Assessment Against the Development Plan and Other Relevant Policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the appeal site comprises the approved Clydeplan Strategic Development Plan (July 2017) and the adopted South Lanarkshire Local Development Plan 2 (April 2021).
- 2.2 The proposed development for the erection of an agricultural worker's dwelling house at Cobblehaugh Road, Lanark was not considered to be of a strategic scale. It was therefore appropriate to consider the application against the policies in the adopted Local Development Plan, which complements the Strategic Development Plan.
- 2.3 The appeal site is located within the designated rural area and special landscape area in the adopted South Lanarkshire Local Development Plan 2. The site is affected by a number of policies. However, following due consideration and assessment of the proposal it was considered that the development did not accord with the provisions of Policy 4 'Green Belt and Rural Area,' Policy 14 'Natural and Historic Environment,' Policy GBRA1 'Rural Design and Development' and Policy GBR10 'Accommodation Associated with an Existing or Proposed Rural Business.' These policies are set out and discussed in detail within the report of handling.
- 2.4 As part of the planning application process consultations were undertaken. These consultation responses were material to the assessment of the application and are summarised in the report of handling. In addition, statutory neighbour notification was carried out and following this publicity six letters of representation were received in relation to the application. These letters of objection were material to the assessment of the application and provide details of the concerns held by those who reside closest to the site and are likely to be most affected by the development. The report of handling concisely summarises the issues raised in the letters of representation and provides an appropriate planning response.
- 2.5 Whilst the agents statement of reasons requesting a review of the decision are not particularly succinct, they have been summarised below. In addition, detailed comments and clarification from the Planning Service on each of these issues are provided as follows:-

**(1) Having granted approval for the agricultural buildings, it is entirely inconsistent to now claim that a dwelling house proposed at the same location would constitute an isolated form of development.**

It is noted that prior approval was granted on 11 April 2022 for the 'erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area' (P/21/1320) at the site. In addition, prior approval for the 'erection of an agricultural building' (P/20/0620) was also granted at the site. It was noted during the assessment of the planning application that P/20/0620 had not been implemented.

Application P/21/1210 related to an application for planning permission in principle for a stand alone dwelling and, under the terms of the current planning legislation, a planning application requires to be subject to a different assessment process than that of an application for prior approval.

Unlike applications for planning permission, prior notification is a procedure where a developer must advise the Planning Authority about their proposal before utilising their permitted development rights. Therefore, the prior approval assessment was limited to the visual impact of farm buildings at this site and the scope of this assessment cannot question the need for or the principle of the development. The proposal for a new build dwelling at the site, situated a significant distance from the existing farm buildings and operations, was subject to an entirely different assessment from that of a prior notification for agricultural buildings.

**(2) The first reason for the refusal of the application claims quite erroneously that there is inadequate justification for the dwelling house proposed.**

The first reason for refusal establishes that the proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification. Paragraph 3.2 of the report of handling clearly assesses the proposal in the context of Policy 4 of the adopted Local Development Plan.

With regard to the issue of the justification for the dwellinghouse, during the course of the assessment of the application the agent was advised that in order for the Planning Service to support the proposal within the current policy context, it must be demonstrated that a justification exists for a new dwelling in terms of both locational need and viability. It is noted that as part of the planning application submission the agent included a 'Planning Statement' prepared by Derek Scott Planning and Development Consultants. The agent was subsequently asked to provide appropriate justification for the proposed dwelling and submit a labour requirement report from a suitably qualified agricultural body such as SAC and a full set of accounts for the last two years. The agents response to this request is provided in an email dated, 4 April 2022 (Production 1), which states:

'The SAC are consultants to the agricultural industry rather than any sort of body and as a consequence of that I am greatly surprised that you are advertising and promoting the engagement of their services to prepare a labour requirement report. That, to me is totally out of order and of huge concern. I have been preparing labour requirement assessments for the last twenty five years in support of applications for agricultural worker's dwelling houses. They have been accepted in all Council areas where submitted including Aberdeenshire, Angus, East Ayrshire, East Lothian, East Renfrewshire, Fife, Highland, Midlothian, North Lanarkshire, Perth and Kinross, Scottish Borders, West Lothian and South Lanarkshire. This is the first time in those twenty five years that a Council has told me to engage another firm of consultants to prepare such a report implying that I wasn't suitably qualified. Both our client, who

holds a first class honours degree in Agriculture and I am shocked and quite offended by this suggestion and I would suggest you retract it immediately. I would further add that summary accounts were submitted in support of the application.'

Therefore, as demonstrated in Production 1, it was made clear during the assessment of the application that the agent was unwilling to provide the additional information which was requested by the Planning Service in order to fully assess the proposal. Therefore, it was concluded that there was not appropriate justification submitted for the proposed agricultural worker's dwelling house at this site.

**(3) The Planning Officer's report of handling claims that the 'financial information which has been submitted in support of the application is considered to be relatively minimal.' The report of handling also notes that we were 'asked to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College' but did not do so. We have now submitted a letter from the Scottish Agricultural College as part of this notice of review.**

For the avoidance of doubt, the submitted correspondence relating to this Notice of Review includes a document, letter dated 13 June 2022 from SAC Consulting, which is new information submitted after the determination of planning application P/21/1210 and cannot be considered to form part of this review.

**(4) The proposed dwelling house is on a brownfield site and has the potential to significantly improve rather than detract from the character and appearance of the area and gains support in this regard from the terms of Policy GBRA7.**

Policy GBRA7 'Small Scale Settlement Extensions (Rural Area Only)' of the adopted Local Development Plan relates to the development of small scale sites on the edge of existing settlements. The site is considered to be isolated, there are no adjacent existing buildings and its development would not 'round off' the existing built form of an established settlement. Subsequently, this policy was not relevant in the assessment and determination of planning application P/21/1210.

**(5) In relation to reason for refusal number 3, there is no merit or sense whatsoever in erecting another dwelling house next to the established group of farm buildings at Charleston Park Farm, which would be some 1 km to the west of those permitted buildings where the sheep farming enterprise would be based.**

A full assessment of the proposal for a new dwelling in the context of Policy GBRA10 of the adopted Local Development Plan is provided in paragraph 3.5 of the report of handling.

**(6) We do not agree with the reason for refusal number 4. If approving such a proposal sets an undesirable precedent for such applications one must question the actual purpose of the planning system operating within South Lanarkshire and in particular its relevance and applicability to economic development in rural areas.**

The planning application which is the subject of this review has been fully assessed as described in Section 2 above and it was concluded that the proposed agricultural worker's dwelling house does not represent an appropriate form of development.

**(7) We do not accept that the proposed dwellinghouse will have an adverse visual impact on the special landscape area and there are clear social and economic benefits to be derived from the development proposed.**

These issues have been addressed in the report of handling.

**(8) The Economic Development Officer's consultation response in relation to the application has been overlooked by the planning officer.**

The consultation response from Economic Development was fully reviewed as part of the determination of the planning application. In general, consultation responses can be detailed and include numerous pages. However, the planning officers delegated and committee reports, including the subject report of handling, provide a concise summary of the consultations responses and the key issues raised by each consultee. Of particular note in this consultation response was that only sparse financial information had been provided and despite the request, as illustrated in Production 1, no further financial information was provided to the Planning Authority.

### **3 Summary and Conclusions**

- 3.1 In summary, as required by planning law, application P/21/1210 has been assessed in terms of the Development Plan and all other material considerations. In this respect the report of handling provides a detailed summary of all relevant considerations and a reasoned justification that the proposal did not accord with the policy provisions of the adopted South Lanarkshire Local Development Plan 2. It is, therefore, respectfully requested that the Planning Local Review Body support the decision to refuse consent and dismiss the request to overturn the refusal of planning permission P/21/1210 based on the information contained in the report of handling and the associated reasons for refusal.

## **List of Supporting Documents**

Production 1	E:mail from Derek Scott to Bernard Darroch (Planning and Building Standards Manager), dated 4 April 2022
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**From:** [Neely, Gail](#)  
**To:** [Neely, Gail](#)  
**Subject:** FW: P/21/1320 and P/21/1210 Charleston Park Farm, Hyndford Bridge, Lanark  
**Date:** 26 July 2022 16:29:04  
**Attachments:** [image012.jpg](#)  
[image013.png](#)  
[image014.jpg](#)  
[image015.png](#)

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**From:** Derek Scott [REDACTED]  
**Sent:** Monday, April 4, 2022 10:53:33 AM  
**To:** Darroch, Bernard [REDACTED]  
**Cc:** Chief Exec [REDACTED] Booth, David  
[REDACTED]; Lockhart, Richard Councillor  
[REDACTED] Marrs, Julia Councillor  
[REDACTED] McClymont, Catherine Councillor  
[REDACTED]  
**Subject:** P/21/1320 and P/21/1210 Charleston Park Farm, Hyndford Bridge, Lanark

Dear Bernard,

Thank you for your e-mail on Friday evening in connection with the above-mentioned applications. I am unable to hide my disappointment and frustration with the content of your response. Councillor Richard Lockhart was recently advised by your colleague Gail Neely that the only outstanding item to be addressed related to roads considerations and that was due to some apparent confusion and misunderstanding over the use of the access road to the application site for haulage purposes. However, your e-mail now raises a number of other issues, all of which have been raised previously by Gail Neely and responded to in full. Please refer to my further detailed comments below in red . I would suggest in the circumstances that you revisit the applications again, review all of the material submitted in support of them and revert with a proper and comprehensive update on progress. What you have provided is simply not good enough. I attach for convenience below a link to various emails issued to and received from your Council in connection with the application.

<https://wettransfer.com/downloads/22954f89950d8d5e65e6e89507a00a5120220403124056/5f42c4e68fcb6426e1b537d73105feb20220403124114/fc5333>

I look forward to hearing from you further.

Regards

Derek



*Derek Scott Planning*

[REDACTED]

also at

[REDACTED]

[REDACTED]

---

**From:** Darroch, Bernard [REDACTED]  
**Sent:** 01 April 2022 16:57  
**To:** Derek Scott [REDACTED]  
**Subject:** P/21/1320 and P/21/1210 Charleston Park Farm

Hi Derek,

Further to our recent communication, first of all may I offer our apologies for the unacceptably long time these applications have been in our system. We have been experiencing a high volume of applications but I accept that more progress should have been made by now. I have had a discussion with the case officer and we will now undertake to process the applications as a matter of priority.

In terms of the Prior Notification, you stated in your covering letter that you wish that submission to be assessed in conjunction with the application for the dwelling. Therefore, in the event that planning permission were to be granted for the house we would also grant prior approval for the farm buildings. However, it goes without saying that the visual impact of these buildings would be minimised if positioned adjacent to the existing farm steading, as per common practice.

We wrote to Gail on 09<sup>th</sup> August 2021 (7 months ago) providing a detailed justification for the locational position of the buildings proposed. Furthermore and as you should be aware, there is already an extant prior notification approval for the erection of an agricultural building on the application site.

In terms of the planning application for the house, in order for us to be able to support this proposal in policy terms it must be demonstrated that justification exists in terms of both locational need and viability. As you will be aware, in such situations a labour requirement report from a suitably qualified agricultural body such as SAC would normally be submitted. Could this please be lodged along with a full set of accounts for the last 2 years to demonstrate that the agricultural element of the business is financially sound with a clear prospect of remaining so. Obviously, the business plan needs to demonstrate that the income from the business can also support the cost of the accommodation as well as the business premises and the workers income.

The SAC are consultants to the agricultural industry rather than any sort of body and as a consequence of that I am greatly surprised that you are advertising and promoting the engagement of their services to prepare a labour requirement report. That, to me is totally out of order and of huge concern. I have been preparing labour requirement assessments for the last twenty five years in support of applications for agricultural worker's dwelling houses. They

have been accepted in all Council areas where submitted including Aberdeenshire, Angus, East Ayrshire, East Lothian, East Renfrewshire, Fife, Highland, Midlothian, North Lanarkshire, Perth and Kinross, Scottish Borders, West Lothian and **South Lanarkshire**. This is the first time in those twenty five years that a Council has told me to engage another firm of consultants to prepare such a report implying that I wasn't suitably qualified. Both our client, who holds a first class honours degree in Agriculture and I are shocked and quite offended by this suggestion and I would suggest you retract it immediately. I would further add that summary accounts were submitted in support of the application.

I have, during the course of the last eight months drawn Gail's attention to various permissions for agricultural workers dwelling houses granted in South Lanarkshire, details of which you can access via the emails I have forwarded. Can you please confirm that all such applications were accompanied with '*a labour requirement report prepared by a suitably qualified agricultural body such as SAC*'; that they were accompanied by a full set of accounts for the two years previous to the applications made; and that they demonstrated that the income from the business on the back of which they were proposed supported the cost of the accommodation, the business premises and the worker's income. Please forward copies of the said reports and accounts in support of your response and the details of the relevant officials in your Council who are, using your term, '*suitably qualified*,' to assess labour requirement reports and other information submitted in support of such applications. I would like to liaise with them directly. However, I would point in advance of you responding to these points that I know for a fact that the applications referred to have not been supported by the level and extent of information now requested in association with our client's applications. I would appreciate an explanation as to why our client's applications are being treated so differently and not consistently with the others referred to. Please note that the requests for the information sought have been made under the Freedom of Information Acts and I would appreciate you forwarding it to the relevant officer for action.

I am assuming that there are no opportunities to convert an existing building on the steading but would need to discuss this with the case officer on her return. This query has clearly been responded to within information previously submitted in support of the application. You have advised earlier in your e-mail that you had spoken to the case officer. Can you please confirm if you have done so or not?

Indeed, has any consideration been given to the farmhouse being passed on to Mr Orr's son as part of the succession planning, also a common occurrence with the retiring farmer taking up residence nearby but not necessarily on the farm?

Please refer to Section 1.7 of the Statement submitted in support of the application. Your Council has granted a number of permissions previously to provide additional accommodation on the farm for retiring farmers. Details have been forwarded to Gail. I would further add as a note of interest at this stage that under the terms of the Draft National Planning Framework (Fourth) the Scottish Government are proposing, under Policy 31, to introduce a policy to provide for the erection of homes for the retirement succession of a viable farm holding. Is it your Council's intention to ignore such policy just as it has been to ignore policy in SPP which prohibits the use of occupancy conditions on agricultural worker's dwelling houses?

In any event, the striking and most questionable feature about this proposal is the distance of



the proposed house and buildings from the existing steading. It would normally be expected that any worker's dwelling would be located close to the existing steading. In the event that a further house can be justified, I would ask you to consider siting both the dwelling and buildings close to the existing building group in the interests of protecting rural amenity and minimising landscape impact.

This point has been responded to in our letter of 09<sup>th</sup> August 2021. Furthermore and as noted previously permission has been granted for the erection of an agricultural building on the site with no concerns expressed about landscape impact.

Locating the house in such a way would also be beneficial in terms of site access. I note that intervisible passing spaces are required but that there may be an issue in respect of your client's control over the requisite land. I would be pleased to hear your views in this regard.

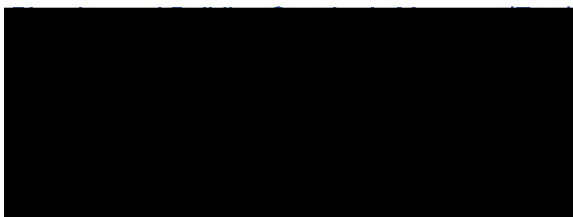
There are no issues with the passing places. Their locations have been agreed with Craig Lattimer who has also confirmed that the land required to form them forms part of the adopted road. Gail should be aware of this. Relevant correspondence in relation to this matter is accessible via the link.

I hope this is of some assistance and , as I say, we shall endeavour to process these applications to a conclusion without further delay.

I would re-iterate how disappointed I am with the level of service received from your Council in its progression of these applications – it's as bad as I've come across in 25 years of practice. I had hoped that your intervention would have reported some progress and moved matters on but to be perfectly honest I've come to the conclusion that the application has been lying idle for the vast majority of the time it has been with your department. That without any form of reasonable explanation is totally unacceptable and unbefitting of any planning profession.

Regards

Bernard Darroch



Information on how our services are affected by the current restrictions on working can be found here - [Coronavirus \(COVID 19\) advice - planning and building standards](#)

Tel no. 





**Comments about our service? Please complete our brief [customer survey](#)**



[www.NHSinform.scot/Covid-19](http://www.NHSinform.scot/Covid-19)

**British Sign Language (BSL) users can contact us via [www.contactscotland-bsl.org](http://www.contactscotland-bsl.org).**



**More information**

More information about contactSCOTLAND-BSL can be found at their website  
<https://contactscotland-bsl.org/>

**South Lanarkshire Council Disclaimer**

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Leapark  
Cobblehaugh Road  
Lanark  
ML11 8SG

South Lanarkshire Council  
Council Offices  
Almada Street  
Hamilton ML3 0AA

8 August 2022

F.A.O. Stuart McLeod

By e-mail only to [stuart.Mcleod@southlanarkshire.gov.uk](mailto:stuart.Mcleod@southlanarkshire.gov.uk)

Dear Stuart,

**Planning Application P/21/1210, Erection of an agricultural worker's dwelling house (permission in principle). Land 475m Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, South Lanarkshire**

I write further to your e-mail received 26 July 2022 informing me that the applicant, Mr James Orr, has requested a review of the decision taken by the Planning Authority to refuse planning permission for the above application.

My previous comments and concerns over the proposed development stand. I am however pleased to see at least that should the development go ahead, passing places will be introduced along the Cobblehaugh Road which would ease concerns and reduce increased risks I expressed around public safety.

I support the Planning Officers response that any new dwelling house deemed necessary to support the applicant's ambitions is "consolidated within the existing building group" as the applicant has failed to provide adequate supporting information to justify the dwelling house being proposed in a location some distance away from the exiting building group position. The location of the proposed dwelling house is fundamental to my concerns which would be much reduced should the dwelling house be constructed within the current steading area.

I'm sure, should the Planning authority's decision be reversed or that if any dwelling house is eventually permitted on the applicant's landholding, that occupancy of the property will be restricted to a person employed locally in agriculture.

I'd also like to ensure that the Planning Local Review Body is aware that in 2011, Mr Orr, applied to and received consent from the planning authority to remove a condition relating to agricultural occupancy attached to the consent for a second dwelling house constructed on the applicant's landholding (refer to planning application reference no. P/LK/82/101). Within the submission to remove the condition, the applicant explained that "the nature of animal husbandry and working practices on the farm had changed" and accordingly, labour requirements had reduced to around one. Consent to remove the agricultural clause from that dwelling house was granted as a result. Around ten years later, the applicant appears to have completed a full "U-turn" and is now arguing that animal husbandry demands not only a huge increase in labour requirements, but that the dwelling house needs to be immediately adjacent to the new agricultural buildings. Whilst I am not qualified to comment formally, I would be very surprised if farming practices, and in particular animal husbandry, have



changed by this degree in such a short timeframe to warrant this change of stance by the applicant.

I am seriously concerned that Mr Orr is planning a second farm steading. I am also concerned if permission is granted for a second dwelling house, that at some time following the succession process that Mr Orr describes, one or other of the dwelling houses may be deemed unnecessary and a request to remove agricultural occupancy restrictions is submitted once again.

Yours Sincerely,

A solid black rectangular box used to redact the signature of Andrew Russell.

Andrew Russell

**From:** Euan FS Pearson [REDACTED]  
**Sent:** 03 August 2022 17:05  
**To:** Jessup, Shona; McLeod, Stuart  
**Subject:** Notice of Review: P/21/1210 | The Firm of Thomas Orr | Erection of an Agricultural Worker's Dwelling House (Permission in Principle) | Cobblehaugh, Lanark

Dear Member of the Local Review Body,

This is a Representation, under Regulation 10(4), submitted on behalf of D&M Russell of Cobblehaugh Farm, an interested party.

D&M Russell objected to application for planning permission in principle Ref: P/21/1210, for a dwellinghouse, refused by scheme of delegation.

The objection is by definition a "review document" and must be in front of the LRB when determining this Review.

The Officer's letter of 6 May 2022, advised that the decision was taken for the following reason:

"The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2."

This is commensurate with the Decision letter issued to the Applicant [Document TO5].

D&M Russell agrees with the Officer's decision to refuse and asks that the LRB make (i) a decision without further procedure; and (ii) uphold the decision of the Officer under Section 43A(14) of the Acts.

### New Evidence

Before taking each policy in turn, there is the matter of the letter [T06] submitted as new evidence. It is a letter from SAC Consulting a trading name of Scottish Rural College. The letter is not a Labour Requirement Report nor a full assessment of the Applicant's operations.

Indeed, the author confirms that they had no access to accounts, nor did they visit the Farm. In fact, the author does not appear to have been provided with any evidence about the farming operations: relying solely on:

- \* one page letter from the Applicant's accountant, IA Stewart & Co, with turnover/profit figures for The Firm, NOT broken down by activity; and

- \* statements made about the Applicant's operations, by Applicant, regurgitated by the planning consultant (unsubstantiated).

A labour requirement report is not expensive to prepare. The Applicant should have provide this. It would not be financially burdensome to do so, especially as SAC Consulting has made the assumption that "the business is comfortably making profits".

Pearson Planning, Chartered Surveyors is an advisory firm registered with Rural Payments & Services.

It is not considered that, individually, or taken together, the documentation submitted demonstrates either a viable agri-business nor a labour requirement for more than one person.

#### Prior Approval for Agricultural Buildings

Reference is made to P/21/1320, a submission by the Applicant seeking "determination as to whether or not prior approval of the authority will be required to the siting, design and external appearance of the building". These are not planning applications and assessment of such matters is limited only to siting, design and external appearance. In giving prior approval (or concluding it is not required) the Council is not adjudicating on the viability or longevity of any agricultural business. Agricultural buildings can be used for a variety of uses (e.g. plant & machinery) and not exclusively for animal welfare. Therefore, contrary to what the Applicant's planning consultant claims the Council did NOT grant permission for these buildings: they are Permitted Development in terms of Part 6 the Order. Erection of these buildings certainly does not justify building a dwellinghouse.

#### Policy 4

The Application Site is agricultural land within a Rural Area. Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. In addition, "isolated" development "will not be supported". There remains no agricultural justification for the new dwellinghouse and the Applicant has not explained why He cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. Evidence has not been submitted to demonstrate that there are no available properties in Lanark. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road, 1,800m from a bus stop. The Applicant does not own the access and they have no rights to alter it (including passing places). No thought has been given to siting a caravan, temporarily, on the Farm to provide accommodation during what the Applicant describes as a succession period.

The Applicant appears to be arguing that because the Council decided that Prior Approval was not required (P/20/0620) for a large agricultural shed, that somehow means that the Application Site is not "isolated". To use the Applicant's consultant's own words this "is quite extraordinary". Prior Approval is not planning permission/planning permission in principle, and that determination doesn't take into account the question of 'isolation' nor any Local Development Plan provisions.

#### Policy 14

The Application Site is within a Special Landscape Area. These are Category 3 areas, in terms of the policy, and the Council only permits development, in these areas, that do not have an significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the can down the road". This is not appropriate in a Special Landscape Area. Specific details of the dwellinghouse and a design statement are necessary in order for an assessment of impact to be robust and measurable. Equally, the Applicant has not submitted any documentation demonstrating social/economic benefit. The Applicant is the only person to benefit.

#### Policy GBRA1

All new development within a Rural Area is required to satisfy ALL of the 12 criteria in policy GBRA1. The proposal does not, primarily because it is an application for planning permission in principle. Id Est, as the matters such as design, scale, materials etc have not been submitted, an assessment against criteria 1 to 4; 6 & 7; and 9 cannot be made. In relation to criterion 8, there is no information on water, sewage and electricity connectivity. Technical Approval, from Scottish Water, is what is required demonstrating capacity, agreement and the actual points of connection. Scottish Power can provide something similar. The Applicant cannot assume that connections will be made across third party land.

### Policy GBRA10

Similarly, policy GBRA10 requires proposals for a new dwellinghouse to satisfy criteria in both GBRA10.A and GBRA10.B. It does not.

A.1 The Farm has an existing building group and it has not been demonstrated that the proposal cannot be sited there. Farming sheep does not require a dwellinghouse to be within a certain distance of the flocks.

A.3 It has not been demonstrated that there is a genuine labour requirement, justifying an additional dwellinghouse.

A.4 Insufficient evidence of financial viability has been submitted. A significant element of the Applicant's business relates to haulage and not agriculture.

A.5 A Business Plan has not been submitted.

A.6 There is no design information about the proposed dwellinghouse, and policy GBRA has not been satisfied.

B.3 There is no design information and very basic business information, therefore, it is not possible to assess/establish whether (or not) the dwellinghouse would be commensurate with any labour requirements.

### Conclusions

In conclusion, the proposed development does not accord with the Development Plan and the LRB is requested to uphold the Officer's decision to refuse planning permission in principle.

Yours Faithfully

Euan FS Pearson MRTPI MRICS

Pearson Planning, Chartered Surveyors  
PO Box 28606 | Edinburgh | United Kingdom EH4 9BQ

  
RICS Regulated Firm No. 716764





Dear Member of the Local Review Body,

3h

This is a Representation, under Regulation 10(4), submitted on behalf of D&M Russell of Cobblehaugh Farm, an interested party.

D&M Russell objected to application for planning permission in principle Ref: P/21/1210, for a dwellinghouse, refused by scheme of delegation. The objection is by definition a "review document" and must be in front of the LRB when determining this Review.

The Officer's letter of 6 May 2022, advised that the decision was taken for the following reason:

"The proposed development does not accord with the requirements of Policies 4, 14, GBRA1 and GBRA10 of the adopted Local Development Plan 2."

This is commensurate with the Decision letter issued to the Applicant [Document T05].

D&M Russell agrees with the Officer's decision to refuse and asks that the LRB make (i) a decision without further procedure; and (ii) uphold the decision of the Officer under Section 43A(14) of the Acts.

#### New Evidence

Before taking each policy in turn, there is the matter of the letter [T06] submitted as new evidence. It is a letter from SAC Consulting a trading name of Scottish Rural College. The letter is not a Labour Requirement Report nor a full assessment of the Applicant's operations.

Indeed, the author confirms that they had no access to accounts, nor did they visit the Farm.

In fact, the author does not appear to have been provided with any evidence about the farming operations: relying solely on:

- \* one page letter from the Applicant's accountant, IA Stewart & Co, with turnover/profit figures for The Firm, NOT broken down by activity; and

- \* statements made about the Applicant's operations, by Applicant, regurgitated by the planning consultant (unsubstantiated).

A labour requirement report is not expensive to prepare. The Applicant should have provide this.

It would not be financially burdensome to do so, especially as SAC Consulting has made the assumption that "the business is comfortably making profits".

Pearson Planning, Chartered Surveyors is an advisory firm registered with Rural Payments & Services.

It is not considered that, individually, or taken together, the documentation submitted demonstrates either a viable agri-business nor a labour requirement for more than one person.

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Reference is made to P/21/1320, a submission by the Applicant seeking "determination as to whether or not prior approval of the authority will be required to the siting, design and external appearance of the building". These are not planning applications and assessment of such matters is limited only to siting, design and external appearance. In giving prior approval (or concluding it is not required) the Council is not adjudicating on the viability or longevity of any agricultural business. Agricultural buildings can be used for a variety of uses (e.g. plant & machinery) and not exclusively for animal welfare. Therefore, contrary to what the Applicant's planning consultant claims the Council did NOT grant permission for these buildings: they are Permitted Development in terms of Part 6 the Order. Erection of these buildings certainly does not justify building a dwellinghouse.

#### Policy 4

The Application Site is agricultural land within a Rural Area. Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. In addition, "isolated" development "will not be supported". There remains no agricultural justification for the new dwellinghouse and the Applicant has not explained why He cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. Evidence has not been submitted to demonstrate that there are no available properties in Lanark. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road, 1,800m from a bus stop. The Applicant does not own the access and they have no rights to alter it (including passing places). No thought has been given to siting a caravan, temporarily, on the Farm to provide accommodation during what the Applicant describes as a succession period.

The Applicant appears to be arguing that because the Council decided that Prior Approval was not required (P/20/0620) for a large agricultural shed, that somehow means that the Application Site is not "isolated". To use the Applicant's consultant's own words this "is quite extraordinary". Prior Approval is not planning permission/planning permission in principle, and that determination doesn't take into account the question of 'isolation' nor any Local Development Plan provisions.

#### Policy 14

The Application Site is within a Special Landscape Area. These are Category 3 areas, in terms of the policy, and the Council only permits development, in these areas, that do not have an significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the

can down the road". This is not appropriate in a Special Landscape Area. Specific details of the dwellinghouse and a design statement are necessary in order for an assessment of impact to be robust and measurable. Equally, the Applicant has not submitted any documentation demonstrating social/economic benefit. The Applicant is the only person to benefit.

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All new development within a Rural Area is required to satisfy ALL of the 12 criteria in policy GBRA1. The proposal does not, primarily because it is an application for planning permission in principle. Id Est, as the matters such as design, scale, materials etc have not been submitted, an assessment against criteria 1 to 4; 6 & 7; and 9 cannot be made. In relation to criterion 8, there is no information on water, sewage and electricity connectivity. Technical Approval, from Scottish Water, is what is required demonstrating capacity, agreement and the actual points of connection. Scottish Power can provide something similar. The Applicant cannot assume that connections will be made across third party land.

#### Policy GBRA10

Similarly, policy GBRA10 requires proposals for a new dwellinghouse to satisfy criteria in both GBRA10.A and GBRA10.B. It does not.

A.1 The Farm has an existing building group and it has not been demonstrated that the proposal cannot be sited there. Farming sheep does not require a dwellinghouse to be within a certain distance of the flocks.

A.3 It has not been demonstrated that there is a genuine labour requirement, justifying an additional dwellinghouse.

A.4 Insufficient evidence of financial viability has been submitted. A significant element of the Applicant's business relates to haulage and not agriculture.

A.5 A Business Plan has not been submitted.

A.6 There is no design information about the proposed dwellinghouse, and policy GBRA has not been satisfied.

B.3 There is no design information and very basic business information, therefore, it is not possible to assess/establish whether (or not) the dwellinghouse would be commensurate with any labour requirements.

#### Conclusions

In conclusion, the proposed development does not accord with the Development Plan and the LRB is requested to uphold the Officer's decision to refuse planning permission in principle.

**Yours Faithfully**

Euan FS Pearson MRTPI MRICS

Pearson Planning, Chartered Surveyors  
PO Box 28606 | Edinburgh | United Kingdom EH4 9BQ



RICS Regulated Firm No. 716764

## **Appendix 7**

3i

**Applicant's Comments on Further Representations  
Submitted by Interested Parties in the Course of the  
Notice of Review Consultation Process**



# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/2022/007/agrihouse/DS

17<sup>th</sup> August 2022

Local Review Body  
South Lanarkshire Council  
c/o Executive Director (Corporate Resources)  
Council Headquarters  
Almada Street  
Hamilton  
ML3 0AA

## To whom it may concern

**REQUEST TO SOUTH LANARKSHIRE COUNCIL'S LOCAL REVIEW BODY TO REVIEW THE DECISION OF THE APPOINTED PLANNING OFFICER TO REFUSE PLANNING APPLICATION REFERENCE NUMBER P/21/1210 WHICH HAD SOUGHT PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK**

Thank you for your e-mail of 04<sup>th</sup> August 2022 in connection with the above-mentioned Review Request and for your invitation to respond to the representations submitted by Pearson Planning on behalf of D&M Russell of Cobblehaugh Farm.

We have set out in red on the attached document our responses to the various points made within those representations.

Please note that we reserve the right to respond to any further submissions made by third parties and/or by the Council's Planning Department in advance of the determination of the Review Request by your Council's Review Body.

Kindly acknowledge receipt and registration of this letter and the attachment by return.

Yours faithfully

A black rectangular box redacting the signature of Derek Scott.

Derek Scott

cc. and enc. Firm of Thomas Orr

**Response by Derek Scott Planning on behalf of the Firm of Thomas Orr to the representations submitted by Pearson Planning on behalf of D&M Russell of Cobblehaugh Farm in connection with the Local Review Body Request relating to Planning Application Reference Number P/21/1210**

*New Evidence*

*Before taking each policy in turn, there is the matter of the letter [T06] submitted as new evidence. It is a letter from SAC Consulting a trading name of Scottish Rural College. The letter is not a Labour Requirement Report nor a full assessment of the Applicant's operations.*

*Indeed, the author confirms that they had no access to accounts, nor did they visit the Farm.*

*In fact, the author does not appear to have been provided with any evidence about the farming operations: relying solely on:*

*\* one page letter from the Applicant's accountant, IA Stewart & Co, with turnover/profit figures for The Firm, NOT broken down by activity; and*

*\* statements made about the Applicant's operations, by Applicant, regurgitated by the planning consultant (unsubstantiated).*

*A labour requirement report is not expensive to prepare. The Applicant should have provided this.*

*It would not be financially burdensome to do so, especially as SAC Consulting has made the assumption that "the business is comfortably making profits".*

*Pearson Planning, Chartered Surveyors is an advisory firm registered with Rural Payments & Services.*

*It is not considered that, individually, or taken together, the documentation submitted demonstrates either a viable agri-business nor a labour requirement for more than one person.*

**Response** – The Planning Officer's Report of Handling on our client's application stated that we were requested, prior to the determination of the application, to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College (SAC) in support of the application. We were subsequently advised by the Planning Department that such a report had been requested as there was not a 'suitably qualified' member of staff within the Council to assess labour requirement reports and other supporting information submitted in support of such applications.

No such report was submitted as a detailed breakdown of the labour requirements associated with the farm were contained within the Planning Statement originally submitted (Refer to **Document TO1g**). The labour requirement calculations had been prepared by our company (Derek Scott Planning) who are highly experienced in this field of work having prepared such assessments in support of many similar applications across Scotland including South Lanarkshire during the course of the past 20+years.

Notwithstanding this and in light of the comments referred to in the Report of Handling, our client approached and had a meeting with a Senior Agricultural Consultant in the SAC (Jennifer Struthers) following the refusal of the application and who, contrary to the disingenuous claims made by Pearson Planning, reviewed all available evidence relating to the existing business and with which she was previously familiar having visited the farm on a number of occasions. Ms. Struthers also reviewed the labour requirement calculations within the Planning Statement referred to (including the accounts information submitted in support of the application) and subsequently confirmed that she generally agreed with the information provided within it; that there was a need for an additional dwelling house on the farm; that the dwelling house proposed, should, in the interests of good animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**); and that the business was profitable and had every prospect of remaining so in the future.



The Planning Department in correspondence received subsequent to the determination of the application have now confirmed that they had no concerns about the content or otherwise of the information we provided in support of the application and that it did not constitute a reason for its refusal. As a result of this, their concerns about the proposal would appear to relate solely to the location of the proposed dwelling house rather than the need or requirement for it.

We have submitted, via e-mail, a copy of the SAC Letter to the Council's Planning Department on 06<sup>th</sup> July 2022 and asked if the contents of that letter had altered their views on the application and if resubmitted would it receive their support. We have sent numerous reminders to the Council's Planning Department since then (See **Document TO7**) but have not received a response.

Whilst Pearson Planning claim that the information submitted in support of the application fails to demonstrate either a viable agricultural business or a labour requirement for more than one person, those claims are not supported by any evidence whatsoever and clearly conflict with our conclusions, those of the Scottish Agricultural College and those of the Council's Planning Department. The claims made, which are mischievous, spurious and without any credible foundation whatsoever, should be given no weight in the determination of our client's review request.

### ***Prior Approval for Agricultural Buildings***

*Reference is made to P/21/1320, a submission by the Applicant seeking "determination as to whether or not prior approval of the authority will be required to the siting, design and external appearance of the building". These are not planning applications and assessment of such matters is limited only to siting, design and external appearance. In giving prior approval (or concluding it is not required) the Council is not adjudicating on the viability or longevity of any agricultural business. Agricultural buildings can be used for a variety of uses (e.g. plant & machinery) and not exclusively for animal welfare. Therefore, contrary to what the Applicant's planning consultant claims the Council did NOT grant permission for these buildings: they are Permitted Development in terms of Part 6 the Order. Erection of these buildings certainly does not justify building a dwelling house.*

**Response** – The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) grants planning permission for some forms and types of development subject to compliance with various criteria (known as 'permitted development'). As far as agricultural buildings less than 1,000 sq. metres are concerned, and in advance of those permitted development rights being exercised, an application must be made to the relevant Planning Authority to establish if its prior approval is required in terms of siting, design and external appearance of any building or buildings proposed.

The Planning Officer in approving the application made under Application Reference Number P/21/1320 concluded that the buildings proposed were acceptable in terms of their siting, design and external appearance – in other words, they would not have an adverse effect on the character or appearance of the area's landscape. If agricultural buildings of this nature are not considered to have an adverse effect on the character and appearance of the landscape it is difficult to comprehend how a dwelling house located immediately adjacent to them on a site occupied by the ruins of a former house (i.e. a brownfield site) would have an adverse effect.

Pearson Planning claim that '*the Council did NOT grant planning permission for these buildings*' and that the '*erection of these buildings does not justify building a dwelling house.*' Pearson Planning are wrong on both counts.

The Council's decision not to require '*prior approval*' for the buildings in terms of their location, siting and design allows the grant of planning permission permitted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) to be exercised. That decision then lends support for the erection of the dwelling house insofar as considerations relating to location, siting and design are concerned. As noted previously and as confirmed by the Scottish Agricultural College (SAC Consulting), the dwelling house should, in the interests of good animal husbandry and biosecurity considerations, be located next to the agricultural buildings which have been approved under Application Reference Number P/21/1320 and not at the existing farm buildings some 1km to the west.



*Application site formerly occupied by dwelling house now in ruinous condition*

#### **Policy 4**

*The Application Site is agricultural land within a Rural Area. Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. In addition, "isolated" development "will not be supported". There remains no agricultural justification for the new dwellinghouse and the Applicant has not explained why he cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. Evidence has not been submitted to demonstrate that there are no available properties in Lanark. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road, 1,800m from a bus stop. The Applicant does not own the access and they have no rights to alter it (including passing places). No thought has been given to siting a caravan, temporarily, on the Farm to provide accommodation during what the Applicant describes as a succession period.*

**Response** – The suggestion by Pearson Planning that the retiring farmer (Mr. James T Orr) should move to a house in Lanark and that his son (or he) should live in a caravan until the succession process has been completed (five years) conflicts with the acceptance by both the Planning Department and the Scottish Agricultural College that the erection of an additional house at Charleston Park Farm is justified in terms of labour requirements and viability considerations. The suggestion also conflicts with the Draft National Planning Framework 4 published by the Scottish Government in November 2021 which supports the erection of a ‘single home for the retirement succession of a viable farm holding.’ Contrary to the claims inferred by Pearson Planning, our client benefits from access rights to the site of the proposed dwelling house. There are no passing places proposed on the stretch of the access road not owned by our client, nor are they required to be provided.

*The Applicant appears to be arguing that because the Council decided that Prior Approval was not required (P/20/0620) for a large agricultural shed that somehow means that the Application Site is not "isolated". To use the Applicant's consultant's own words this "is quite extraordinary". Prior Approval is not planning permission/planning permission in principle, and that determination doesn't take into account the question of 'isolation' nor any Local Development Plan provisions.*

**Response** – The Council's Local Development Plan does not provide a definition of the term ‘isolated.’ However, within the context of the policy referred to and its use in conjunction with the term ‘sporadic,’ it has clearly been incorporated in order to discourage the development of new houses which are far away or remote from other places or buildings. The dwelling house proposed in the application sits on the site of a former dwelling house (now in ruins) and immediately adjacent to the agricultural buildings approved under the terms of Application Reference Number P/21/1320. As such it will be neither isolated nor sporadic in nature. It is quite wrong to suggest otherwise.

The earlier granting of prior approval for the erection of an agricultural building under Application Reference Number P/20/0620 highlights that the Council were previously satisfied that a building, of a similar scale to a dwelling house,

could be erected on the site without adverse effect on the character or appearance of the landscape in terms of considerations relating to location, siting and design.

Pearson Planning again fail to recognise that it is The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) which grants planning permission for agricultural buildings albeit subject to various criteria being met, part of which, as noted previously relates to the 'prior approval' process.

#### **Policy 14**

*The Application Site is within a Special Landscape Area. These are Category 3 areas, in terms of the policy, and the Council only permits development, in these areas, that do not have a significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the can down the road". This is not appropriate in a Special Landscape Area. Specific details of the dwelling house and a design statement are necessary in order for an assessment of impact to be robust and measurable. Equally, the Applicant has not submitted any documentation demonstrating social/economic benefit. The Applicant is the only person to benefit.*

**Response** – The Council's Local Development Plan does not require applications for development proposals within a designated Special Landscape Area to be submitted in a detailed form. Pearson Planning are clearly inventing their own rules and not those administered by the Council's Planning Department. Matters relating to scale, design and siting can be considered within the context of an Application for the Approval of Matters Specified in Conditions (AMSIC) in the event of Planning Permission in Principle being granted.

As noted previously, the dwelling house proposed will not have a significant adverse impact on the designating qualities of the Special Landscape Area within which it is located. The site was previously occupied by a dwelling house (now in ruins) and has the benefit of planning permission for the erection of an agricultural building (Application Reference Number P/20/0620). Permission for a further two agricultural buildings exist immediately adjacent to the northwest (Application Reference Number P/21/1320). As there will be no significant adverse impacts on the landscape as a result of the dwelling house proposed, there is no requirement to demonstrate a social/economic benefit. Notwithstanding this, the application of even the slightest degree of common sense would conclude that the dwelling proposed, in view of its intrinsic relationship to the adjacent agricultural buildings and their subsequent relationship to the business as a whole, will bring both social and economic benefits to the area in terms of employment and related economic benefits.

#### **Policy GBRA1**

*All new development within a Rural Area is required to satisfy ALL of the 12 criteria in policy GBRA1. The proposal does not, primarily because it is an application for planning permission in principle. Id Est, as the matters such as design, scale, materials etc have not been submitted, an assessment against criteria 1 to 4; 6 & 7; and 9 cannot be made. In relation to criterion 8, there is no information on water, sewage and electricity connectivity. Technical Approval, from Scottish Water, is what is required demonstrating capacity, agreement and the actual points of connection. Scottish Power can provide something similar. The Applicant cannot assume that connections will be made across third party land.*

**Response** – The application submitted seeks 'planning permission in principle' for the erection of a dwelling house. The points raised above are detailed matters which would be considered at either the AMSIC stage or as part of separate legislative procedures (e.g. Building Warrant). As far as we are concerned, the application site can be satisfactorily serviced with water, sewage and electricity provisions and there are no constraints preventing the delivery of these. It is simply mischievous of Pearson Planning to suggest otherwise.

#### **Policy GBRA10**

*Similarly, policy GBRA10 requires proposals for a new dwelling house to satisfy criteria in both GBRA10.A and GBRA10.B. It does not.*

*A.1 The Farm has an existing building group and it has not been demonstrated that the proposal cannot be sited there. Farming sheep does not require a dwellinghouse to be with 215 certain distance of the flocks.*

**Response** - The dwelling house requires, in the interests of good animal husbandry and biosecurity considerations, to be located in close proximity to the agricultural buildings which are being constructed under the terms of Application Reference Number P/21/1320.

*A.3 It has not been demonstrated that there is a genuine labour requirement, justifying an additional dwellinghouse.*

**Response** – The letter provided by SAC (Refer to **Document TO6**) has, as noted previously, confirmed the need for the erection of an additional dwelling house on the farm. That need, insofar as we can establish, has been accepted by the Planning Department.

*A.4 Insufficient evidence of financial viability has been submitted. A significant element of the Applicant's business relates to haulage and not agriculture.*

**Response** – Information prepared by our client's accountant and submitted in support of the application demonstrates that the business is profitable and has every prospect of remaining so in the future. Whilst an element of the revenue generated by the business is derived from haulage activities, these are related entirely to agriculture and inextricably linked to the facilities existing on the farm. Pearson Planning have clearly not grasped or understood how our client's business operates.

*A.5 A Business Plan has not been submitted.*

**Response** – Sufficient information based on past accounting records has been submitted with the application to demonstrate the viability of the business moving forward. Planning Applications for rural based dwelling houses supported by agricultural or equestrian enterprises are frequently approved by the Council's Planning Department in the absence of business plans.

*A.6 There is no design information about the proposed dwellinghouse, and policy GBRA has not been satisfied.*

**Response** – The application seeks planning permission in principle for the erection of an agricultural worker's dwelling house. Matters relating to design will be considered as part of an application for Approval of Matters Specified in Conditions in the event of Planning Permission in Principle being granted.

*B.3 There is no design information and very basic business information, therefore, it is not possible to assess/establish whether (or not) the dwellinghouse would be commensurate with any labour requirements.*

**Response** – It has been conclusively demonstrated that there is a need for an additional dwelling house to serve the labour requirements generated by activities undertaken on the farm.

We would suggest, as part of the assessment process associated with the determination of our client's Review Request that Local Members familiarise themselves with all of the applications listed below. The applications referred to have all permitted the erection of dwelling houses on the back of agricultural or equestrian enterprises within South Lanarkshire. All are cited as precedents in support of our client's Review Request with many being approved with considerably less information and justification than that submitted or requested to be provided in support of our client's application. Some of the decisions arrived at are also entirely inconsistent with the reasons issued for the refusal of our client's application. Interestingly, Pearson Planning have not made reference to any of them in their objections from which I conclude that none of them support their client's opposition to the planning application under consideration.

**CL/17/0150** - Formation of horse trotting track, equestrian centre, restaurant/bar, participants stables, 8 residential units for participants, owners/managers house, parking area, access road, associated earth works and land filling (Amendment to CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark ML11 0RL

**CL/18/0001** - Erection of agricultural worker's house and detached triple garage at Brae View, Brownlee Road, Law, Carluke South Lanarkshire

**P/19/0249** - Erection of dwellinghouse for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark ML11 9UA



**P/19/0947** - Erection of agricultural worker's dwellinghouse on Land 100M ENE of East Windyedge, Lethame Highway, Strathaven South Lanarkshire

**P/20/0036** - Erection of dwelling for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark, South Lanarkshire ML11 9UA

**P/20/1047** - Redevelopment of existing farm buildings to provide farm workers dwellings, new agricultural buildings, estate office and main farmhouse with access, landscaping and associated infrastructure. (Planning Permission in Principle) at Auchentibber Farm, Auchentibber Road, Blantyre G72 0TW

**P/20/1257** - Relocation of existing farm business and erection of replacement farmhouse at Mossie Farm, Climpie Road, Forth, Lanark, South Lanarkshire

**P/20/1304** - Erection of house for a farm worker (Planning permission in principle) on Land 45M southeast Of 112 Stonehill Road, Stonehill Road, Carmichael, Biggar South Lanarkshire

**P/20/1859** - Erection of dwellinghouse in association with equestrian business at Shawrigg, Ayr Road, Shawsburn, Larkhall ML9 2TZ

**P/21/0132** - Erection of a detached single storey dwellinghouse in association with existing agricultural, equestrian and kennels businesses on Land 30M Southwest Of Bracken Farm, B7086 from Strathaven to Lesmahagow, Strathaven, South Lanarkshire

**P/21/1171** - Erection of detached dwelling for agricultural worker at Shaws Farm, A70 from Rigside to Hyndford Bridge, Rigside, Lanark ML11 9TD

**P/21/1228** - Erection of agricultural worker's dwellinghouse at Unused Field, Gated Entrance Off Millwell Road, Opposite Laigh Cleughearn Farm, East Kilbride

**P/21/1402** - Erection of a detached dwellinghouse in association with the equestrian business, formation of parking for the equestrian centre and new vehicular access at Boghill Farm, Hawksland Road, Lesmahagow, ML11 9PY

**P/21/1540** - Erection of two storey detached dwelling for agricultural worker at Carlindean Farm, A70 From Carnwath To Boundary By Tarbrax, Carnwath, Lanark, South Lanarkshire ML11 8LQ

**P/22/0608** - Erection of agricultural worker's dwelling house and associated works at South Brownhill Farm, High Brownside And Caldergreen Highway, Strathaven ML10 6QP

In conclusion we would reiterate a number of key points in support of our client's planning application/review request which in our opinion warrants the granting of planning permission for the proposal:

- 1. There is an undisputed requirement for the erection of an additional house at Charleston Park Farm based on labour requirements and financial viability considerations.**
- 2. There is a requirement and justification for the erection of a dwelling house adjacent to the agricultural (sheep) buildings approved under Application Reference Number P/21/1320 on the grounds of animal husbandry considerations. The functional requirements of that dwelling house cannot be met at or adjacent to the existing farm buildings.**
- 3. The application site is brownfield in nature having previously been occupied by a dwelling house (Hyndford Mill Cottage – now in ruins). The Council has previously acknowledged that the erection of an agricultural building on the site under Application Reference Number P/20/0620 was acceptable in terms of siting, design and external appearance. That being the case, it is incomprehensible to now suggest that a dwelling house of a similar size would be unacceptable.**

Signed

A black rectangular box redacting the signature of Derek Scott.

Derek Scott

Date

17<sup>th</sup> August 2022

**Document TO7**

**Copy of e-mail exchanges with South Lanarkshire Council in relation to Supporting  
Letter from SAC Consulting**

**From:** Derek Scott  
**Sent:** 17 August 2022 09:43  
**To:** 'Darroch, Bernard' <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** 'Booth, David' <David.Booth@southlanarkshire.gov.uk>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails below. Could you please revert with an indication of when you intend to respond to my e-mail of 06<sup>th</sup> July 2022? If you are not intending on doing so can you also please advise.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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*enquiries@derekscottplanning.com - E*  
*www.derekscottplanning.com - W*

---

**From:** Derek Scott  
**Sent:** 15 August 2022 11:19  
**To:** 'Darroch, Bernard' <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** 'Booth, David' <David.Booth@southlanarkshire.gov.uk>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails below and would appreciate a response.



Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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*enquiries@derekscottplanning.com - E  
www.derekscottplanning.com - W*

---

**From:** Derek Scott

**Sent:** 12 August 2022 10:26

**To:** Darroch, Bernard <Bernard.Darroch@southlanarkshire.gov.uk>; Booth, David  
<David.Booth@southlanarkshire.gov.uk>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails of 06<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> July and 04<sup>th</sup>, 05<sup>th</sup> 08<sup>th</sup>, 09<sup>th</sup> and 10<sup>th</sup> August 2022 (see below) in connection with the above-mentioned planning application. I would be grateful if you could respond.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
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*also at*

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---

**From:** Derek Scott  
**Sent:** 10 August 2022 14:05  
**To:** Darroch, Bernard <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** Booth, David <David.Booth@southlanarkshire.gov.uk>  
**Subject:** RE: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

Dear Mr. Darroch,

I refer to the e-mail exchanges below and would appreciate it if you could provide me with an indication of the timescales within which you intend to respond.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
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*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
T - 01383 620 300 M - 07802 431970*

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*www.derekscottplanning.com - W*

---

**From:** Derek Scott  
**Sent:** 09 August 2022 12:24  
**To:** Darroch, Bernard <[Bernard.Darroch@southlanarkshire.gov.uk](mailto:Bernard.Darroch@southlanarkshire.gov.uk)>  
**Cc:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I understand from your colleague, Mr. Booth that you are now dealing with the above matter. I would appreciate a response to my query which was initially issued to your Department on 06<sup>th</sup> July 2022 (see below and attached)

Regards

Derek Scott



*Derek Scott Planning  
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*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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**From:** Maxwell, Karen [mailto:Karen.Maxwell@southlanarkshire.gov.uk] **On Behalf Of** Booth, David  
**Sent:** 08 August 2022 14:39  
**To:** Derek Scott <enquiries@derekscottplanning.com>  
**Cc:** Booth, David <David.Booth@southlanarkshire.gov.uk>  
**Subject:** RE: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

Dear Mr Scott,

Your emails have been passed to Bernard Darroch, Area Manager who will be the link now the Pauline has left. Bernard will be in touch with you.

Kind regards.

Karen Maxwell  
Secretary to Executive Director  
Community & Enterprise Resources  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton ML3 6LB  
Tel: 01698 454798  
Email: [Karen.Maxwell@southlanarkshire.gov.uk](mailto:Karen.Maxwell@southlanarkshire.gov.uk)  
Website: [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)



[www.NHSinform.scot/Covid-19](http://www.NHSinform.scot/Covid-19)



Contact us through an online  
sign language interpreter  
contact@SCOTLAND-BSL

---

**From:** Derek Scott

**Sent:** 08 August 2022 09:24

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth,

I refer to the e-mail trail below. I would be grateful if you could provide me with a response.

Regards

Derek Scott



*Derek Scott Planning*

*21 Lansdowne Crescent, Edinburgh, EH12 5EH*

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*also at*

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*enquiries@derekscottplanning.com - E*

*www.derekscottplanning.com - W*

---

**From:** Derek Scott

**Sent:** 05 August 2022 12:09

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth,

I understand that Ms. Elliott has left. Can you please advise who will be dealing with this matter in her absence?

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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---

**From:** Derek Scott  
**Sent:** 04 August 2022 12:58  
**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mails of 06<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> July 2002 (see below) in connection with the above application.

I would appreciate a response.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
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*also at*

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T - 01383 620 300 M - 07802 431970*

*enquiries@derekscottplanning.com - E  
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**From:** Derek Scott  
**Sent:** 22 July 2022 10:24

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mails of 06<sup>th</sup> and 15<sup>th</sup> July 2002 (see below) in connection with the above application and would be grateful if either of you could find the time to respond.

Regards

Derek Scott



*Derek Scott Planning*  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970

also at

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[www.derekscottplanning.com](http://www.derekscottplanning.com) - W

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**From:** Derek Scott

**Sent:** 15 July 2022 12:00

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mail of 06<sup>th</sup> July 2022 (see below) in connection with the above-mentioned planning application. I would be grateful to receive the courtesy of a response.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
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---

**From:** Derek Scott  
**Sent:** 06 July 2022 07:39  
**To:** Elliott, Pauline <[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>; Booth, David  
<[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>  
**Subject:** P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Booth/Ms. Elliott

I refer to previous correspondence in connection with the above-mentioned planning application and attach for your attention a copy of a letter from SAC Consulting (the firm who your department have previously advised offers independent and impartial advice). You will note from the letter referred to that they have confirmed that they generally agree with the labour requirement calculations provided in our supporting statement; that there is a need for an additional dwelling house on the farm; that the dwelling house proposed should, in the interests of good animal husbandry be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320); and that the business is profitable and has every prospect of remaining so in the future.

Can you please advise if the contents of the SAC letter alter your views on the application and if re-submitted would it receive the support of your Planning Department?

I look forward to hearing from you in response.

Regards

Derek Scott



**Derek Scott Planning**  
**21 Lansdowne Crescent**

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SAC Consulting  
57 High Street, Lanark, ML11 7LF  
01555 662562

Derek Scott  
Derek Scott Planning  
21 Lansdowne crescent  
Edinburgh  
EH12 5EH

13<sup>th</sup> June 2022

Dear Derek ,

Mr J Orr of "The Firm of Thomas Orr" asked me to review the information in several planning documents that you submitted to the council on his behalf in support of Planning Application Ref P/21/1210.

Mr Orr met with me a few weeks ago to discuss the application, in particular the request for a report prepared by a suitable qualified agricultural body such as SAC consulting. Whilst I recognise the requirement for such a report in these types of circumstances it is my opinion that preparing a full labour justification would be an unnecessary cost to Mr Orr when any information that we would provide already exists in the initial planning statement prepared by your company.

As previously discussed with yourself and Mr Orr I have therefore reviewed the information within the planning statement that has been submitted and have provided comment below.

1. Mr Orr has confirmed that the agricultural activities within the report are correct though it was mentioned that the figure of 210 store cattle was on the conservative side as there could often be up to 300 on farm. This additional 90 cattle would increase the labour requirement by up to 1080hours if present all year.

2. The figures used to calculate the Labour requirement (hours/enterprise) are in line with the most recent figures from the UK Farm Classification document (2014) taken from the SAC Farm Management Handbook.
3. The sheep have been classified as "lowland" at a labour requirement of 5.2hours/annum. Given the area I would suggest it more relevant to class the sheep as LFA. This would give an amended sheep figure of 555 hours for ewes and rams. Lambs have been counted as on the holding for 7 months. I personally would only count them towards the labour need from weaning onwards, this would give an amended lamb figure of 258 hours. This would reduce the sheep labour requirement to 813hours. A reduction overall of only 160 hours.
4. The UK Farm Classification Document states that 1 Labour Unit is the equivalent of 1900hours. Excluding haulage and spraying enterprises the labour requirement of the farm is 6211 hours or 3.26 Labour units. If the additional 90 cattle were there all year round this could be increased to 7291 hours or 3.84 Labour Unit. I would conclude that there is therefore a justification for an additional dwelling on farm.
5. Adding in the haulage and contracting figures is useful to give an overall picture of the business however I would not count these towards the labour justification as it is not as important for someone to be resident on the site for these enterprises to continue. I would however note that the value in the equipment owned by the business requires someone resident on site for security purposes. Given that Mr Orr is heavily engaged on these off farm activities this shows increased need for an additional person to be resident on the holding in order to be responsible for the livestock should Mr Orr be held up away from home.

I have also been asked to provide comment on the financial position of the business. Mr Orr provided me with a letter from I A Stewart, a reputable local accountant which summarized the turnover and profit levels of the business. I have reviewed this and provide the following comments.

1. I have had no access to the most recent business accounts as I believe they are yet to be completed. I have no reason to doubt that the information provided by I A Stewart would be incorrect.
2. In the five years of information provided Firm of Thomas Orr averaged a turnover of £516,189 and a profit of £115,465. Whilst profits fluctuate over the 5 years the business remains profitable in all years provided suggesting a stable business.
3. The family has traded from this location for 50 years which suggests a long standing, stable business.
4. Given the farm size and average basic payment rate figures it is possible to calculate an assumed value of subsidy for the business. The business is comfortably making profits in excess of the subsidy received. This gives confidence that the business can operate profitably going forward as subsidies are likely to be reduced.

5. Farming is currently going through a turbulent time however Mr Orr's diversified income streams will be beneficial in helping deal with fluctuations.
6. Whilst cashflow forecasts may help to show a picture of the business going forward this would again be at considerable cost to Mr Orr. The current volatility in agricultural markets also makes it extremely difficult to forecast prices much further than a few weeks in advance.

It would not be usual for us to comment on the location of any dwelling as standard in any of our reports however given that permission has been granted for agricultural sheds at the location of the proposed dwelling and information provided by Mr Orr regarding the sheep enterprise it is considered appropriate to provide some comment on this also

1. It is my understanding that planning for agricultural buildings have been granted at the site of the proposed dwelling which is to be situated separately from the main holding. It is the intention a that these buildings will be used for lambing sheep. Given the round the clock nature of care required over this period it is therefore sensible from an animal welfare perspective that there is also a house located in the vicinity. The current dwelling is some 1km west of these buildings which would reduce the ability to check and respond to animals quickly and therefore increase the risk of animal welfare problems arising.
2. Mr Orr also mentioned that as part of his semi retirement and succession plans that he may look to re-establish a flock of pedigree Suffolks. Given that the main holding can act as a as a layerage for animals in transit there is a biosecurity advantage to locating the sheep enterprise separately. This would be particularly relevant in the instance of a pedigree flock which would likely be required to be part of a health scheme for diseases such as Maedi- Visna.

In conclusion if we had been to prepare a full labour report we would also be concluding that the labour requirement and enterprises on farm are such to justify a second dwelling.

Yours sincerely,



**Jennifer Struthers**  
**Senior Consultant**





# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/2022/008/agrihouse/DS

26<sup>th</sup> August 2022

Local Review Body  
South Lanarkshire Council  
c/o Executive Director (Corporate Resources)  
Council Headquarters  
Almada Street  
Hamilton  
ML3 0AA

## To whom it may concern

**REQUEST TO SOUTH LANARKSHIRE COUNCIL'S LOCAL REVIEW BODY TO REVIEW THE DECISION OF THE APPOINTED PLANNING OFFICER TO REFUSE PLANNING APPLICATION REFERENCE NUMBER P/21/1210 WHICH HAD SOUGHT PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK**

Thank you for your e-mail of 12<sup>th</sup> August 2022 in connection with the above-mentioned Review Request and for your invitation to respond to the representations submitted by Mr. Andrew Russell

We have set out in red on the attached document our responses to the various points made within those representations.

Please note that we reserve the right to respond to any further submissions made by third parties or by the Council's Planning Department in advance of the determination of the Review Request by your Council's Review Body.

Kindly acknowledge receipt and registration of this letter by return.

Yours faithfully

A black rectangular box redacting the signature of Derek Scott.

Derek Scott

cc. Firm of Thomas Orr

**Response by Derek Scott Planning on behalf of the Firm of Thomas Orr to the representations submitted by Mr. Andrew Russell of Leapark, Cobblehaugh Road, Lanark in connection with the Local Review Body Request relating to Planning Application Reference Number P/21/1210**

*My previous comments and concerns over the proposed development stand. I am however pleased to see at least that should the development go ahead, passing places will be introduced along the Cobblehaugh Road which would ease concerns and reduce increased risks I expressed around public safety*

**Response** – Whilst the Council's Roads and Transportation Department recommended that the existing access to the site be upgraded through the provision of passing places, the Planning Officer's Report of Handling (See **Document TO4**) notes that the failure to provide such passing places would not result in a road safety issue which would warrant the refusal of the application. In other words they are not required. That being the case, the request for the provision of passing places is not sufficiently related to the proposed development to comply with the terms of the relevant tests outlined in Scottish Government Circulars 4/1998 on the 'Use of Conditions in Planning Permissions,' or 3/2012 on 'Planning Obligations and Good Neighbour Agreements.'

*I support the Planning Officers response that any new dwelling house deemed necessary to support the applicant's ambitions is 'consolidated within the existing building group;' as the applicant has failed to provide adequate supporting information to justify the dwelling house being proposed in a location some distance away from the existing building group position. The location of the proposed dwelling house is fundamental to my concerns which would be much reduced should the dwelling house be constructed within the current steading area.*

**Response** – The letter provided by SAC Consulting (See **Document TO6**) in response to the reasons for the refusal of the application confirms, inter-alia, that there is a need for an additional dwelling house on the farm; and that the dwelling house proposed, should, in the interests of good animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**). The Council's Planning Department have confirmed to us in writing that it relies on reports and opinions prepared by independent organisations such as the SAC in its consideration of applications of this nature as a 'suitably qualified' member of staff to assess labour requirement reports and other supporting information submitted in support of such applications is not available within the Council. The erection of the dwelling house required, within the existing building group, would not provide the levels of animal husbandry and biosecurity required in association with the proposed use of the agricultural buildings approved under Prior Approval Application Reference Number P/21/1320.

Mr. Russell claims that the location of the proposed dwelling house is fundamental to his concerns. Such claims contradict the outcome of a discussion my client (Mr. Orr) had with Mr. Russell earlier this week during which he advised Mr. Orr that he had no concerns about a single house being erected in the location proposed. His objection to the application relates to concerns he has that a future application will seek permission for a group or hamlet of houses in this location. Our client, wishes to assure both Mr. Russell and the members of the Local Review Body that he has absolutely no intention of submitting an application for the erection of more than one house on this site and would be happy to enter into a legal agreement to this effect.

*I'm sure, should the Planning Authority's decision be reversed or that if any dwelling house is eventually permitted on the applicant's landholding. That occupancy of the property will be restricted to a person employed local in agriculture.*

**Response** – Whilst our client has no objection in principle to the imposition of an agricultural occupancy condition, such conditions do not come without their problems particularly in terms of acting as a restriction to attracting mortgage funding from lending institutions. This was recognised as an issue by a former Chief Planning Officer in the Scottish Government, who in November 2011 wrote to all Planning Authorities in Scotland advising them that '**The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.**' These advises were subsequently cemented in Scottish Planning Policy in 2014 where Paragraphs 81 and 83 state the following:

81. *In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

83. *In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:*

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing<sup>41</sup> and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- ***not impose occupancy restrictions on housing.***

Whilst Mr. Russell's views are no doubt well intentioned it is clear from the above that they fly in the face of Government Policy and as such cannot be accepted.

*I'd also like to ensure that the Planning Local Review Body is aware that in 2011, Mr. Orr, applied to and received consent from the planning authority to remove a condition relating to agricultural occupancy attached to the consent for a second dwelling house constructed on the applicant's landholding (refer to planning application reference no. P/LK/82/101). Within the submission to remove the condition, the applicant explained that 'the nature of animal husbandry and working practices on the farm had changed' and accordingly, labour requirements had reduced to around one. Consent to remove the agricultural clause from that dwelling house was granted as a result. Around ten years later, the applicant appears to have completed a full 'U-turn' and is now arguing that animal husbandry demands not only a huge increase in labour requirements, but that the dwelling house needs to be immediately adjacent to the new agricultural buildings. Whilst I am not qualified to comment formally, I would be very surprised if farming practices, and in particular animal husbandry, have changed by this degree in such a short timeframe to warrant this change of stance by the applicant.*

**Response** – Mr. Russell is correct in pointing out that an agricultural occupancy condition was removed from the property known as the 'Arbory' in 2011. That particular property is an isolated bungalow located some 1.3km (by road) to the south of the existing buildings at Charleston Park and is no longer available. Agricultural practices and those specific to our client have changed quite substantially in the last ten years. Emerging from the significant financial crash of that era, our client has diversified his business and expanded it considerably compared to that which existed at the time – something he should be supported and applauded for rather than criticised. As the labour requirement analysis outlined in the Planning Statement submitted in support of the application (See **Document TO1g**) demonstrates and as confirmed by SAC Consulting in its letter (See **Document TO6**), the activities now undertaken on the farm justifies the erection of a new dwelling house. This must, due to animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under Prior Approval Application Reference Number P/21/1320. With respect to Mr. Russell he has at least admitted in his submissions that he is not qualified to formally comment on various matters relating to our client's application. Given the comments he has made that is very evidently the case.

*I am seriously concerned that Mr. Orr is planning a second farm steading. I am also concerned if permission is granted for a second dwelling house, that at some time following the succession process that Mr. Orr describes, one or other of the dwelling houses may be deemed unnecessary and a request to remove agricultural occupancy restrictions is submitted once again.*

**Response** – As noted previously the use of agricultural occupancy restrictions is prohibited by Scottish Planning Policy. Setting that important consideration aside, the information submitted in support of the application clearly demonstrates that there is a requirement for an additional dwelling house on the farm and that the dwelling house required, due to animal

husbandry and biosecurity considerations, must be provided in close proximity to the agricultural buildings already approved by the Council under Prior Approval Application Reference Number P/21/1320.

Signed

A black rectangular box redacting the signature of Derek Scott.

Derek Scott

Date

26<sup>th</sup> August 2022



# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/2022/009/agrihouse/DS

21<sup>st</sup> September 2022

Local Review Body  
South Lanarkshire Council  
c/o Executive Director (Corporate Resources)  
Council Headquarters  
Almada Street  
Hamilton  
ML3 0AA

## To whom it may concern

**REQUEST TO SOUTH LANARKSHIRE COUNCIL'S LOCAL REVIEW BODY TO REVIEW THE DECISION OF THE APPOINTED PLANNING OFFICER TO REFUSE PLANNING APPLICATION REFERENCE NUMBER P/21/1210 WHICH HAD SOUGHT PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK**

Thank you for your e-mail of 08<sup>th</sup> September 2022 in connection with the above-mentioned Review Request and for your invitation to respond to the representations submitted by your Council's Planning Department.

We have set out in red on the attached document our responses to key points of note made within those representations.

Please note that we reserve the right to respond to any further submissions made by third parties or by the Council's Planning Department in advance of the determination of the Review Request by your Council's Review Body.

Kindly acknowledge receipt and registration of this letter by return.

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Derek Scott

cc. Firm of Thomas Orr

**Response by Derek Scott Planning on behalf of the Firm of Thomas Orr to the representations submitted by South Lanarkshire Council's Planning Department in connection with the Local Review Body Request relating to Planning Application Reference Number P/21/1210**

2.4 *As part of the planning application process consultations were undertaken. These consultation responses were material to the assessment of the application and are summarised in the report of handling. In addition, statutory neighbour notification was carried out and following this publicity six letters of representation were received in relation to the application. These letters of objection were material to the assessment of the application and provide details of the concerns held by those who reside closest to the site and are likely to be most affected by the development. The report of handling concisely summarises the issues raised in the letters of representation and provides an appropriate planning response.*

**Response** – There are two consultation responses referred to and summarised in the Report of Handling; the first from the West of Scotland Archaeology Service and the second from the Roads Development Management Team. Following the determination of the application we established that a consultation response had also been received from a member in the Council's Economic Development Team. That response has not been referred to in any shape, manner or form in the Report of Handling yet was very clearly positively disposed towards the application proposals.

**(1)** *Having granted approval for the agricultural buildings, it is entirely inconsistent to now claim that a dwelling house proposed at the same location would constitute an isolated form of development.*

*It is noted that prior approval was granted on 11 April 2022 for the 'erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area' (P/21/1320) at the site. In addition, prior approval for the 'erection of an agricultural building' (P/20/0620) was also granted at the site. It was noted during the assessment of the planning application that P/20/0620 had not been implemented.*

**Response** – Whilst it is accepted that the prior approval for the erection of the agricultural building under Prior Approval Reference Number P/20/0620 has not been implemented, as it was approved on 08<sup>th</sup> September 2020 it remains live and capable of implementation. The same applies to the agricultural buildings which were approved on 11<sup>th</sup> April 2022 under Prior Approval Reference Number P/21/1320. These are significant considerations which cannot be overlooked or swept aside as being irrelevant in the determination of the application.

*Application P/21/1210 related to an application for planning permission in principle for a standalone dwelling and, under the terms of the current planning legislation, a planning application requires to be subject to a different assessment process than that of an application for prior approval.*

*Unlike applications for planning permission, prior notification is a procedure where a developer must advise the Planning Authority about their proposal before utilising their permitted development rights. Therefore, the prior approval assessment was limited to the visual impact of farm buildings at this site and the scope of this assessment cannot question the need for or the principle of the development. The proposal for a new build dwelling at the site, situated a significant distance from the existing farm buildings and operations, was subject to an entirely different assessment from that of a prior notification for agricultural buildings.*

**Response** – The application applied for and under consideration by the Review Body did not seek permission for a 'standalone' dwelling. It sought permission for a dwelling which is to be developed in association with the agricultural buildings approved under Prior Approval Reference Number P/21/1320. That was clearly outlined in all information submitted in support of the application.

*Whilst it is accepted that applications for prior approval and planning permission are subject to separate procedures, there are also elements common to both including an assessment of the siting, design and the external appearance of any buildings proposed. The Planning Officer has concluded that an agricultural building would be acceptable on grounds relating to siting,*

design and external appearance but a dwelling house of a similar size and scale to that agricultural building and on exactly the same site would not. Such conclusions are considered to be both inconsistent and unreasonable.

The Planning Officer correctly claims in her observations that the need or the principle of an agricultural building cannot be questioned under prior approval procedures. That being the case, we have questioned why the same planning officer requested our client, in a letter issued on 05<sup>th</sup> August 2021 (Refer to **Document TO - PA1**) in connection with Prior Approval Application Reference Number P/21/1320, to ‘provide a reasoned justification for the erection of the new agricultural buildings in the chosen location and detailed reasons why existing buildings or extensions to the existing buildings at the main farm steading can’t be used for this development.’ That question has not been answered.

**(2) The first reason for the refusal of the application claims quite erroneously that there is inadequate justification for the dwelling house proposed.**

*The first reason for refusal establishes that the proposed development is contrary to Policy 4 'Green Belt and Rural Area' of the adopted Local Development Plan 2 as it would constitute an isolated form of development within the Rural Area without appropriate justification. Paragraph 3.2 of the report of handling clearly assesses the proposal in the context of Policy 4 of the adopted Local Development Plan.*

**Response** – As noted in our earlier responses to the submissions made by Pearson Planning on behalf of D&M Russell, the Council’s Local Development Plan does not provide a definition of the term ‘isolated.’ Unfortunately the Planning Officer’s further submissions provides little, if any further clarification on this matter simply cross referring to Paragraph 3.2 of her Report of Handling within which she claims, inter-alia, that:

*‘The proposed dwelling house is situated a significant distance from the established farmhouse and associated outbuildings. It is considered that this would result in a new dwelling situated at an isolated location, contrary to the provisions of Policy 4 of the adopted Local Development Plan.’*

Within the context of Policy 4 referred to and its use in conjunction with the term ‘sporadic,’ the term ‘isolated’ has clearly been incorporated within the policy to discourage the development of new houses which are far away or remote from other places or buildings. The dwelling house proposed in the current application sits on the site of a former dwelling house (now in ruins) and immediately adjacent to the agricultural buildings approved under the terms of Prior Approval Reference Number P/21/1320. As such it will be neither isolated nor sporadic in nature and it is quite wrong to suggest otherwise. The earlier granting of prior approval for the erection of an agricultural building under Application Reference Number P/20/0620 highlights that the Planning Department were previously satisfied that a building, of a similar scale to a dwelling house, could be erected on the site without adverse effect on the character or appearance of the landscape in terms of considerations relating to location, siting and design.

As the labour requirement analysis outlined in the Planning Statement submitted in support of the original application (See **Document TO1g**) demonstrates and as confirmed by SAC Consulting in its letter (See **Document TO6**), the activities now undertaken on the farm justifies the erection of a new dwelling house. This dwelling must, due to animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under Prior Approval Reference Number P/21/1320.

*With regard to the issue of the justification for the dwelling house, during the course of the assessment of the application the agent was advised that in order for the Planning Service to support the proposal within the current policy context, it must be demonstrated that a justification exists for a new dwelling in terms of both locational need and viability. It is noted that as part of the planning application submission the agent included a ‘Planning Statement’ prepared by Derek Scott Planning and Development Consultants. The agent was subsequently asked to provide appropriate justification for the proposed dwelling and submit a labour requirement report from a suitably qualified agricultural body such as SAC and a full set of accounts for the last two years. The agents response to this request is provided in an email dated, 4 April 2022 (Production 1), which states:*

*‘The SAC are consultants to the agricultural industry rather than any sort of body and as a consequence of that I am greatly surprised that you are advertising and promoting the engagement of their services to prepare a labour requirement report. That, to me is totally out of order and of huge concern. I have been preparing labour requirement assessments for the last twenty five years in support of applications for agricultural buildings and dwellings. They have been accepted in all Council*

*areas where submitted including Aberdeenshire, Angus, East Ayrshire, East Lothian, East Renfrewshire, Fife, Highland, Midlothian, North Lanarkshire, Perth and Kinross, Scottish Borders, West Lothian and South Lanarkshire. This is the first time in those twenty five years that a Council has told me to engage another firm of consultants to prepare such a report implying that I wasn't suitably qualified. Both our client, who holds a first class honours degree in Agriculture and I are shocked and quite offended by this suggestion and I would suggest you retract it immediately. I would further add that summary accounts were submitted in support of the application.'*

*Therefore, as demonstrated in Production 1, it was made clear during the assessment of the application that the agent was unwilling to provide the additional information which was requested by the Planning Service in order to fully assess the proposal. Therefore, it was concluded that there was not appropriate justification submitted for the proposed agricultural worker's dwelling house at this site.*

**Response** – The Planning Officer claims above that our unwillingness to provide the additional information referred to, namely, *a labour requirement report from a suitably qualified agricultural body such as SAC and a full set of accounts for the last two years* led to the conclusion that *'there was not appropriate justification submitted for the proposed agricultural worker's dwelling house at this site.'*

That statement conflicts and contradicts completely with a statement made in letters sent to us by Mr David Booth, the Executive Director of Community & Enterprise Resources in the Council on 15<sup>th</sup> June 2022 and 09<sup>th</sup> September 2022 (Refer to **Document TO - PA2**) where in responding to concerns we had expressed to him about the Planning Officer's Handling of the Application and request for information from the Scottish Agricultural College (SAC) he advised the following:

*'Whilst further information was requested, the application was ultimately considered based on the information that was submitted. No concerns were raised in terms of the content or otherwise of the information that you provided, and it did not constitute a reason for refusal.'* (Refer to **Document TO - PA2** Paragraph f)

It is quite extraordinary and symbolic of the manner in which this application has been determined that we have, on the one hand, the Executive Director of Community & Enterprise Resources claiming that there were no concerns about the content or otherwise of the information that had been provided in support of the application and that the information submitted did not constitute a reason for the refusal of the application, but on the other hand we have the Planning Officer claiming that the lack of a report from a suitably qualified agricultural body such as the SAC led to the conclusion that the application could not be supported. It is either one or the other but it can't be both!

Prior to the receipt of Mr. Booth's letter we had also received a letter dated 19<sup>th</sup> April 2022 (Refer to **Document - TO PA3**) from the now departed Head of Planning and Economic Development, Ms. Pauline Elliot, stating, inter-alia, the following:

*The reason why we request supporting information from a 'suitable body such as SAC' is to enable a full assessment of the need for additional workers accommodation based on impartial, professional advice regarding the practices of the agricultural unit. SAC are usually the consultant used by planning and architectural agents. Hence this is common and accepted practice in applications of this type, as is the request for a full set of business accounts to demonstrate the viability of the farm business, not just turnover and profit figures.*

*However, whilst each application is assessed on its own merits, I can confirm that the requirement for certain information to support an application is standard practice and should certainly have formed part of the assessment of those applications relating to the provision of agricultural workers accommodation.'*

On receipt of that correspondence we provided to the Planning Department a list of applications submitted during the course of the last five years where permission had been granted for the erection of dwelling houses on the back of agricultural or equestrian enterprises within South Lanarkshire. When asked why many of these applications had been approved with considerably less information and justification than that submitted or requested to be provided in support of our client's application we received the standardised response that *'each application is considered on its own merit's.'* The applications referred to are listed below and as noted in our earlier response to the representations submitted by Pearson Planning on behalf of D&M Russell they are cited as precedents in support of our client's review request against the refusal of this application.

**CL/17/0150** - Formation of horse trotting track, equestrian centre, restaurant/bar, participants stables, 8 residential units for participants, owners/managers house, parking area, access road, associated earth works and land filling (Amendment to CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark ML11 0RL

**CL/18/0001** - Erection of agricultural worker's house and detached triple garage at Brae View, Brownlee Road, Law, Carluke South Lanarkshire

**P/19/0249** - Erection of dwellinghouse for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark ML11 9UA

**P/19/0947** - Erection of agricultural worker's dwellinghouse on Land 100M ENE of East Windyedge, Lethame Highway, Strathaven South Lanarkshire

**P/20/0036** - Erection of dwelling for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark, South Lanarkshire ML11 9UA

**P/20/1047** - Redevelopment of existing farm buildings to provide farm workers dwellings, new agricultural buildings, estate office and main farmhouse with access, landscaping and associated infrastructure. (Planning Permission in Principle) at Auchentibber Farm, Auchentibber Road, Blantyre G72 0TW

**P/20/1257** - Relocation of existing farm business and erection of replacement farmhouse at Mosside Farm, Climpby Road, Forth, Lanark, South Lanarkshire

**P/20/1304** - Erection of house for a farm worker (Planning permission in principle) on Land 45M southeast Of 112 Stonehill Road, Stonehill Road, Carmichael, Biggar South Lanarkshire

**P/20/1859** - Erection of dwellinghouse in association with equestrian business at Shawrigg, Ayr Road, Shawsburn, Larkhall ML9 2TZ

**P/21/0132** - Erection of a detached single storey dwellinghouse in association with existing agricultural, equestrian and kennels businesses on Land 30M Southwest Of Bracken Farm, B7086 from Strathaven to Lesmahagow, Strathaven, South Lanarkshire

**P/21/1171** - Erection of detached dwelling for agricultural worker at Shaws Farm, A70 from Rigside to Hyndford Bridge, Rigside, Lanark ML11 9TD

**P/21/1228** - Erection of agricultural worker's dwellinghouse at Unused Field, Gated Entrance Off Millwell Road, Opposite Laigh Cleughearn Farm, East Kilbride

**P/21/1402** - Erection of a detached dwelling house in association with the equestrian business, formation of parking for the equestrian centre and new vehicular access at Boghill Farm, Hawksland Road, Lesmahagow, ML11 9PY

**P/21/1540** - Erection of two storey detached dwelling for agricultural worker at Carlindean Farm, A70 From Carnwath To Boundary By Tarbrax, Carnwath, Lanark, South Lanarkshire ML11 8LQ

**P/22/0608** - Erection of agricultural worker's dwelling house and associated works at South Brownhill Farm, High Brownside and Caldergreen Highway, Strathaven ML10 6QP

- (3) *The Planning Officer's report of handling claims that the 'financial information which has been submitted in support of the application is considered to be relatively minimal.' The report of handling also notes that we were 'asked to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College' but did not do so. We have now submitted a letter from the Scottish Agricultural College as part of this notice of review.*



*For the avoidance of doubt, the submitted correspondence relating to this Notice of Review includes a document, letter dated 13 June 2022 from SAC Consulting, which is new information submitted after the determination of planning application P/21/1210 and cannot be considered to form part of this review.*

**Response** – Whilst a letter from SAC Consulting has been submitted in support of the Review Request and in response to the Planning Officer’s Reasons for refusing the application, we do not consider this to constitute new evidence that cannot be considered as part of this review request. The letter provided by SAC Consulting simply confirms that they are in agreement with the information provided in support of the application; that there is a need for an additional dwelling house on the farm; and that the house required needs to be located in close proximity to the agricultural buildings previously permitted due to animal husbandry and biodiversity considerations.

It is not within the jurisdiction of the Planning Officer to prevent or try to prevent the presentation of any material to the Local Review Body in support of a review request. That is a function reserved to the Local Review Body. It is telling, in itself, in light of the unequivocal support provided by SAC Consulting for the proposal, that the Planning Officer is so opposed to the letter referred to, being placed in front of the Local Review Body.

We would also like to draw to the Review Body’s attention that we provided the Planning Department with a copy of the SAC Consulting Letter referred to on 06<sup>th</sup> July 2022 (Refer to **Document TO PA6**). Given their previous advices that *supporting information from a ‘suitable body such as SAC’ was required ‘to enable a full assessment of the need for additional workers accommodation based on impartial, professional advice regarding the practices of the agricultural unit’* we had assumed that they would respond to the prospects of re-submitting the application on an entirely favourable basis. To our considerable surprise and disappointment they eventually responded on 14<sup>th</sup> September 2022 stating, inter-alia, the following:

*‘As you will be aware, the above planning application is the subject of a Notice of Review and it is anticipated that it will be presented to October’s Planning Local Review Body (PLRB). I believe that it is more appropriate to let this process run its course than offering comment in relation to correspondence from the Scottish Agricultural College at this time.*

*However, I am aware of the frustrations that you have expressed in relation to this development proposal and as you note, an apology was previously issued. In light of this, I would suggest that if required following the PLRB, an in person meeting is arranged with the Area Manager and relevant Planning Officer in order to progress matters.’* (Refer to **Document TO PA6**).

- (4) The proposed dwelling house is on a brownfield site and has the potential to significantly improve rather than detract from the character and appearance of the area and gains support in this regard from the terms of Policy GBRA7.**

Policy GBRA7 ‘*Small Scale Settlement Extensions (Rural Area Only)*’ of the adopted Local Development Plan relates to the development of small scale sites on the edge of existing settlements. The site is considered to be isolated, there are no adjacent existing buildings and its development would not ‘*round off*’ the existing built form of an established settlement. Subsequently, this policy was not relevant in the assessment and determination of planning application P/21/1210.

**Response** – The reference made to Policy GBRA7 in our original submissions to the Review Body clearly related to the Council’s Supplementary Guidance on the Green Belt and Rural Area (See **Document TO - PA4** – Page 24) and not to the Local Development Plan (LDP 2) as erroneously claimed by the Planning Officer. Whilst the Policy Content from the Supplementary Guidance is now contained in LDP2, the Policy Guidance from which we had quoted continues to be used by the Council as guidance and according to the Council’s website ‘*will be so used until it is replaced by updated supplementary guidance.*’ It has not yet been so replaced. Policy GBRA7 in the Supplementary Guidance as referred to in our submissions relates to the ‘*Redevelopment of Previously Developed Land*’ and Policy GBRA5 in the Council’s Local Development Plan 2 (See **Document TO PA5** – Page 19) relates to the ‘*Redevelopment of Previously Developed Land Containing Buildings.*’ It is evidently clear from Policy GBRA7 in the Council’s Green Belt and Rural Area Supplementary Guidance and from Policy GBRA 5 in its Local Development Plan that the redevelopment of brownfield sites in rural areas for housing development particularly in circumstances where it links to or supports a business appropriate to a countryside should be supported.

- (5) *In relation to reason for refusal number 3, there is no merit or sense whatsoever in erecting another dwelling house next to the established group of farm buildings at Charleston Park Farm, which would be some 1 km to the west of those permitted buildings where the sheep farming enterprise would be based.*

A full assessment of the proposal for a new dwelling in the context of Policy GBRA10 of the adopted Local Development Plan is provided in paragraph 3.5 of the report of handling.

**Response** – The Planning Officer notes in Paragraph 3.5 of her Report of Handling that ‘a proposed new dwelling should be consolidated within the existing building group and the justification provided in the supporting statement for not siting the proposed dwelling in close proximity to the established building group is not considered adequate. In addition, it is considered that there is not sufficient justification that a new dwelling house is essential for the successful management of the business.’

The now departed Head of Planning, Ms. Pauline Elliott advised in her letter of 19<sup>th</sup> April 2022 (Refer to **Document TO PA3**) that ‘the reason why we request supporting information from a ‘suitable body such as SAC’ is to enable a full assessment of the need for additional workers accommodation based on impartial, professional advice regarding the practices of the agricultural unit. SAC are usually the consultant used by planning and architectural agents. Hence this is common and accepted practice in applications of this type, as is the request for a full set of business accounts to demonstrate the viability of the farm business, not just turnover and profit figures.’ She further advised that ‘it would be unusual for a local authority to employ an agricultural expert which is why we rely on reports from qualified bodies such as SAC.’

Whilst SAC Consulting have since advised that the activities undertaken on the farm justifies the erection of a new dwelling house and that the said dwelling house must, due to animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under Prior Approval Application Reference Number P/21/1320, the Planning Officer appears to be continuing to maintain her opposition to the proposal and in effect now disagrees with the advice provided by SAC Consulting.

Paragraph 3.5 of the Report of Handling also states the following:

*In this regard, the financial information which has been submitted in support of the application is considered to be relatively minimal and does not include the most recent trading years. Therefore, the proposed development is not considered to accord with the criteria identified in Policy GBRA10 of the adopted Local Development Plan.’*

As noted previously this statement contradicts entirely with the advice received from Mr David Booth, the Executive Director of Community & Enterprise Resources in the Council on 15<sup>th</sup> June 2022 (Refer to **Document TO PA2**) where he advised the following in connection with the Planning Officer’s request for Supporting Information from the Scottish Agricultural College:

*‘Whilst further information was requested, the application was ultimately considered based on the information that was submitted. No concerns were raised in terms of the content or otherwise of the information that you provided, and it did not constitute a reason for refusal.’* (Refer to **Document TO PA2** Paragraph f)

Both statements provided by officials in the same Department are completely at odds with each other.

- (6) *We do not agree with the reason for refusal number 4. If approving such a proposal sets an undesirable precedent for such applications one must question the actual purpose of the planning system operating within South Lanarkshire and in particular its relevance and applicability to economic development in rural areas.*

The planning application which is the subject of this review has been fully assessed as described in Section 2 above and it was concluded that the proposed agricultural worker's dwelling house does not represent an appropriate form of development.

**Response** – The application may have been assessed and adjudged unacceptable as claimed, but it is evidently clear that it was assessed on an entirely inconsistent basis when compared with other applications for similar proposals as referenced in our response to Point (2) above. Consistency in decision making is crucially important in maintaining public confidence in the planning system. The Planning Department’s assessment of this particular application has failed that test.

- (7) ***We do not accept that the proposed dwelling house will have an adverse visual impact on the special landscape area and there are clear social and economic benefits to be derived from the development proposed.***

*These issues have been addressed in the report of handling.*

**Response** – We disagree. The Planning Officer has, in our opinion, totally failed in either her Report of Handling or in the submissions made on this Review Request to explain why or how the Planning Department have come to the conclusion that the agricultural worker's dwelling house would have an adverse visual impact on the appearance of the area, yet the agricultural building approved under Prior Approval Application Reference Number P/20/0620 would not.

- (8) ***The Economic Development Officer's consultation response in relation to the application has been overlooked by the planning officer.***

*The consultation response from Economic Development was fully reviewed as part of the determination of the planning application. In general, consultation responses can be detailed and include numerous pages. However, the planning officers delegated and committee reports, including the subject report of handling, provide a concise summary of the consultations responses and the key issues raised by each consultee. Of particular note in this consultation response was that only sparse financial information had been provided and despite the request, as illustrated in Production 1, no further financial information was provided to the Planning Authority.*

**Response** – As noted previously the consultation response from the Economic Development Officer has not been referenced in the Report of Handling as claimed and therefore we have set it out in its entirety below. The Planning Officer has only shared the comments made by the Officer relating to the financial information submitted and makes no reference whatsoever to the benefits associated with the proposal as identified in the penultimate sentence highlighted below for ease of reference.

*'Sorry for the delay in replying – as you probably aware we're all involved in supporting SLC Businesses through the pandemic and are now trying to help them get back on their feet as things as things are settling down.*

*I've had a look at the information you've sent and, from a Business Support point of view, the company is doing what we would always recommend that our clients do and that is succession planning. Succession planning doesn't happen overnight and it's good that they are thinking a few years ahead and trying to use what assets they have in a sensible manner. If I have this right, the house they want to build will allow them to move the sheep farming element to allow the use of other grazing land which cannot be properly watched from the existing farmhouse. As with all businesses, care and control of stock is very important and given the sheep are assets of the business then it follows that there must be some way of looking after them and ensuring their safety. This will also free up the space previously used by the sheep to support other areas of the business. I'm assuming that the house is for the son who is intending to return to work the farm.*

*I don't know who the customers are for the agricultural contracting business but, from previous experience of working with smaller agricultural businesses, not all smaller farms can afford large industrial machines and often depend on these businesses which work on a contract basis throughout the farming year. In terms of the haulage business, I think we all know about the problems facing the country in getting goods moved so if this will help the farm support and develop this part of the business then this would be an advantage.*

*I can't offer much in terms of the financial health of the business given the sparse information provided by the accountant and that information notes a decrease in profit and turnover to May 2020 and there is no information from the most recent trading year to May 2021 - this is the year which would show any affects that the pandemic has had on the finances of the business. If you need further financial analysis for the company I would need a full set of accounts. I can't find any information on Companies House so I'm assuming that the business operates as a sole trader or partnership so there is no public financial information available.*

***In any case, any business which supports jobs, especially in the rural areas, should be encouraged to grow and perhaps create jobs where possible.***

*Sorry again for the delay in getting back to you and please let me know if you need me to do anything else in terms of the finances of the business.'*



Signed   
Derek Scott

Date 21<sup>st</sup> September 2022

## List of Accompanying Documents

<b>Document TO - PA1</b>	Copy of letter from South Lanarkshire Council to Derek Scott Planning dated 05 <sup>th</sup> August 2021.
<b>Document TO – PA2</b>	Copy of letter from South Lanarkshire Council to Derek Scott Planning dated 15 <sup>th</sup> June 2022.
<b>Document TO – PA3</b>	Copy of letter from South Lanarkshire Council to Derek Scott Planning dated 19 <sup>th</sup> April 2022.
<b>Document TO – PA4</b>	Supplementary Guidance on the Green Belt and Rural Area.
<b>Document TO – PA5</b>	South Lanarkshire Council Local Development Plan Volume 2.
<b>Document TO – PA6</b>	Partial exchanges of correspondence between Derek Scott Planning and South Lanarkshire Council between 06 <sup>th</sup> July and 14 <sup>th</sup> September 2022.



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Derek Scott  
Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
EH12 5EH

Our Ref: P/21/1320  
Your Ref:  
If calling ask for: Gail Neely  
Date: 5 August 2021

Dear Sir/Madam

**Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) – Prior notification**

**Proposal :** Erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area (Prior notification)  
**Site address :** Land 475M Southeast Of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark, South Lanarkshire, ,  
**Application no :** P/21/1320

I refer to your recent application for determination as to whether prior approval is required for Erection of agricultural buildings to accommodate livestock, fodder and machinery storage, enclosed yard and formation of external hardstanding area (Prior notification).

With regards to the above, I would advise you that I require the submission of further details of the proposal.

In particular, I would request that you submit the following details:

- Please provide reasoned justification for the erection of the new agricultural buildings in the chosen location and detailed reasons why existing buildings or extensions to the existing buildings at the main farm steading can't be used for this development. Policy 4 states that in the rural area the council seeks to support small scale development in the right places, however that isolated and sporadic development will not be supported and that development proposals must also accord with other relevant policies and proposals in the development plan. Policy GBRA2 states that new development may be acceptable where it is shown to integrate within an established building group or it involves the redevelopment of previously developed land. Indeed this is only after it has been shown that exiting buildings or extension to existing buildings are not available or viable "the preference is to re-use or convert existing buildings. Sympathetic extensions and alterations to existing structures may also be acceptable. Where it is shown that appropriate buildings are not available to accommodate the needs of the business, new development may be acceptable where it is shown to integrate within an established building group or it involves the redevelopment of previously developed land."

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Email [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk) Phone: 01698 455932



In this case it is our view that any existing business extending its operation within the rural area should meet the criteria above where possible and therefore any new buildings should be located within or adjacent to the existing building group which is only 800m from the application site and if the justification for both the agricultural buildings and dwelling are the supervision of the livestock this can happen equally well if all the buildings if it can be demonstrated they are justified under policy were to be located at the existing steading especially on such a compact farm holding with no remote outlying areas. In addition we don't consider the site of the application is brownfield and development of this area would not meet the criteria for previously developed land under the adopted local plan.

Please note that the development cannot be commenced until written notice of the Council's approval has been given to these details submitted, or as subsequently modified during negotiations. If you commence development before the Council's written approval has been given, then the development will be unlawful and may be subject to enforcement action.

If, following submission of the requested details, you do not receive approval from the Council within 2 months of that date, or if the Council advise you that they will not give approval to the details submitted, then you may appeal to the Scottish Ministers at the address below. There is no right of appeal against the decision by the planning authority to require approval of details.

Appeals can be made to:

The Planning and Environmental Appeals Division  
Scottish Government  
Ground Floor  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk FK1 1XR  
Phone : 01324 696 400  
Fax : 01324 696 444  
E-mail : [DPEA@gov.scot](mailto:DPEA@gov.scot)

Yours faithfully

**Area Manager**



**Community and Enterprise Resources**  
Executive Director **David Booth**

Mr Derek Scott  
enquiries@derekscottplanning.com

**Our ref:** A4152439  
**Your ref:**  
**If calling, ask for:** David Booth  
**Phone:** 01698 453838  
**Date:** 15 June 2022

Dear Mr Scott,

**Applications P-21-1320 & P-21-1210 - Charleston Park Farm**

Further to previous exchanges of correspondence, I refer to your enquiry dated 23 May 2022 which has been received in relation to the above applications.

In your response, you have highlighted or made comment at specific points and also asked additional questions. In response, the same numbering as used previously will apply for ease of reference and comment as follows where necessary:

- b) **Passing places.**  
Response: I would reiterate that the reason for refusal of the planning application did not specifically refer to passing places. As you will be aware, when considering a planning application, the council aim to achieve the best development possible. It is not uncommon to make requests or seek betterment when processing a planning application. Ultimately, no reference was made to passing places in the reasons for refusal.
- c) **Freedom of Information (FOI).**  
Response: A separate response will be issued concerning matters raised under FOI legislation.
- d) **Previous response issued by the Council.**  
Response: It is noted that you do not intend to take this matter to the Ombudsman.
- e) **Details of delays, specifically what information was requested and when.**  
Response: I would reiterate that the reasons for refusal do not refer to passing places. Issues relating to the provision of passing places can be raised as part of any appeal to the Planning Local Review Body (PLRB).

Your comments concerning whether all relevant planning applications have  
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Email: David.booth@southlanarkshire.gov.uk

been accompanied by a business plan are noted and will be responded to separately as part of the FOI response. In addition, this may be something that you wish to raise as part of any appeal to the PLRB.

f) **Scottish Agricultural College (SAC) supporting information.**

Response: Whilst further information was requested, the application was ultimately considered based on the information that was submitted. No concerns were raised in terms of the content or otherwise of the information that you provided, and it did not constitute a reason for refusal.

g) **Why is a full set of business accounts required?**

Response: Your comments are noted. Each planning application is assessed on its own merits and the council aim to apply a consistent approach when determining planning applications. However, it is rare that two applications are identical in every aspect and a careful and balanced judgement must be applied. In terms of your question regarding business plans and the content of every relevant application over the past five years, this will be addressed as part of the FOI response mentioned previously.

h) **Provide a copy of the consultation response from Economic Development.**

Response: The case officer will review and provide you with any consultation responses that were received. Your comments are noted and can be raised as part of any appeal to the PLRB.

The application was determined in accordance with the scheme of delegation by the Development Management Team Leader on behalf of the Planning and Building Standards Area Manager.

i) **Site visit.**

Response: The case officer was satisfied that they had sufficient information following their site visit to process and determine the planning application.

j) **Buildings on site and their potential for conversion.**

Response: Comments noted.

k) **Use of occupancy conditions and related development.**

Response: I would repeat that the application was refused, and no occupancy condition was imposed. The PLRB will consider any appeal and there will be legal representation on hand should it be required in order to provide appropriate advice as necessary.

l) **Passing places.**

Response: Comments noted.

m) **When Councillor Lockhart sought an update from the case officer, why were roads related matters the only issue raised?**

Response: Comments noted.

In addition to the above points, further questions have been asked and I would respond as follows:

- i) As stated previously, reference to a Scottish Agricultural College (SAC) Report was made as an example of a report that an applicant/agent may wish to submit in support of a planning application. However, the application was assessed, and no concerns were raised in terms of the content or otherwise of the information that you provided.
- ii) Please note the response to point i) above.
- iii) I would refer you to the adopted local plan and in particular, the information and policies contained in Chapter 3 (Green Belt and Rural Area) contained within the South Lanarkshire Local Development Plan 2 (Volume 2).
- iv) I note your query which asks whether every relevant application considered over the past five years has been accompanied by business accounts. Please note that the information requested is not available and I do not consider that it would be an appropriate use of resources to undertake a review of all relevant applications in order to answer this question.
- v) Please note the response to point iv) above.
- vi) The planning application has been determined and refused. I note that you have reviewed both the Report of Handling and the decision notice. It would not be my intention to offer further comment regarding the assessment of the application and the route available for this matter to be given further consideration is via an appeal to the PLRB.

As noted in previous correspondence an apology was provided by the council due to the length of time taken to determine these applications. Although the refusal of your application is not the outcome that you sought, it would not be my intention to exchange further correspondence concerning this matter. The appropriate course of action available to you in this instance would be to submit an appeal to the PLRB and/or contact the ombudsman if you remain unsatisfied, as previously advised.

Please note that a separate response will be issued under FOI legislation.

Yours sincerely,

A black rectangular box used to redact the signature of David Booth.

**David Booth**  
**Executive Director**



**Community and Enterprise Resources**  
Executive Director **David Booth**

Mr Derek Scott  
enquiries@derekscottplanning.com

**Our ref:** A4116553  
**Your ref:**  
**If calling ask for:** David Booth  
**Phone:** 01698 453838  
**Date:** 09 September 2022

Dear Mr Derek Scott,

**Applications P-21-1320 & P-21-1210 - Charleston Park Farm**

I refer to correspondence dated 20 April, 2 May and 6 May which has been received in relation to the above applications. Due to the volume of your correspondence, I have decided to review the matter as Executive Director.

There are a number of specific issues referred to in your correspondence and I will go through the points in turn and respond.

**a) Update regarding the council's response to your letter dated 20 April.**

Response: Please note that this letter contains responses to the matters raised in your correspondence dated 20 April as set out below, along with any other queries that you have raised in separate correspondence.

**b) Why was there a three-month delay between the submission of details relating to passing places and this information being available to view online?**

Response: It is common that information submitted in relation to a planning application is not made available to view online immediately on receipt. In this instance, the planning officer did not upload this information whilst discussions were ongoing with colleagues in the Roads Service. Once discussions were progressed, the relevant information was uploaded. In addition, ownership queries were raised in relation to the proposed passing places and the location for the passing places was not within the red line boundary associated with the planning application.

**c) Can you provide an update concerning the Freedom of Information (FOI) request concerning information associated with other planning applications?**

Response: The relevant information that is held by the council is currently being redacted and a response prepared which will be issued to you under separate cover. Apologies for taking longer than the specified timeframe to provide this response. The intention was to answer all of your enquiries and determine the planning application as timeously as possible and ideally at the same time.

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Email: David.booth@southlanarkshire.gov.uk





**d) Previous response issued by the council.**

Response: I note your statement that it is not your intention to take this matter to the Ombudsman and I would repeat the apology already made to you by the Head of Service due to these applications not being determined within the timescales that we aim to meet. We are dealing with a large increase in application numbers and are in the process of recruiting additional staff to improve service and timescales

**e) Details of delays, specifically what information was requested and when.**

Response: It is understood that correspondence was issued to you from the Council's Roads Service in December last year which sought clarification that the applicant had control of the land required in order to form passing places. I am advised that no confirmation of land ownership was provided.

More recently there was a request for the most recent accounts to be provided although I note your reasoning for not providing this due to concerns about information being disclosed under FOI legislation.

Whilst an apology has been issued for the length of time taken by the council to determine the planning application, you would have been within your rights to have submitted an appeal to the Scottish Ministers on the grounds of non-determination. I note that you did not pursue this.

**f) Scottish Agricultural College (SAC) supporting information.**

Response: The supporting information that you have submitted in support of application P/21/1210 is noted. Reference to a SAC report was made as an example of a report that an applicant/agent may wish to submit in support of a planning application. However, the proposal has been considered and no concerns have been raised in terms of the content or otherwise of the information that you provided. Nonetheless, following assessment of the proposal, the planning application was refused for the planning reasons set out in the officer's report. (copy of report containing reasons for refusal attached).

**g) Why is a full set of business accounts required?**

Response: It is standard practice to request this type of information in order to assist with the assessment of relevant planning applications. Planning is the process of managing change and ensuring that the right type of development is directed to the right location. Every development proposal will be assessed on its own merits and relevant information to assist with consideration of an application will be requested as necessary.

Whilst the Council holds the relevant details of planning applications determined over the course of the last five years, it is not possible to confirm the content of every relevant planning application without undertaking a review of each application.

As referenced in point e) above, I note your reasoning for not providing business accounts due to concerns about information being disclosed under FOI legislation. The purpose of requesting relevant information is to assist with the consideration and assessment of a planning application. Any confidential or sensitive information submitted would be treated in the strictest confidence.

**h) Provide a copy of the consultation response from Economic Development.**

Response: Economic Development provided a consultation response in February 2022 (copy attached) and did not request any additional information. They offered no objection to the proposal. The sentence that you refer to within the report of handling is noted however it did not form a reason for refusal of the application.

**i) When was the site visit and why was no access available?**

Response: Sufficient information, including photographs was submitted as part of the application to allow the planning officer to proceed and assess the proposal. Due to matters raised as part of the processing of the application, the planning officer visited the application site in April 2022, primarily to view the surrounding area and access route which

was the subject of discussions concerning the creation of passing places. At the time of the site visit, the vehicular access to the actual location of the proposed dwelling house was blocked.

**j) Buildings on site and their potential for conversion.**

Response: This matter was considered as part of the processing of the planning application, and it is noted that the planning supporting statement addresses this matter.

**k) Use of occupancy conditions for agricultural related development.**

Response: The relevant government advice on the use of restrictive occupancy conditions is noted. However, since the planning application has been refused, the use of an occupancy condition in this instance is irrelevant.

**l) Passing places.**

Response: The matters raised by the Council's Roads Service concerning the provision of passing places as necessary were noted and considered during the assessment of the planning application. However, no roads related matters were raised in the reasons for the refusal of the application and this matter is specifically referred to in the report of handling.

**m) When Councillor Lockhart sought an update from the case officer, why were roads related matters the only issues raised?**

Response: Following receipt of an e-mail from Councillor Lockhart in February 2022, the planning officer phoned Councillor Lockhart to discuss the issues relating to the application. This discussion included details of the number of objections to the proposal and the specific issues which had been raised by objectors. At the time of this discussion, the application was still under consideration and the planning officer was still liaising with the council's Roads Service concerning their comments concerning the provision of passing places.

**n) Reasons for refusal.**

Response: The reasons for refusal of the application are noted within the report of handling and also contained on the decision notice. The report of handling also contains an assessment of the proposal. I do not intend to offer a further response to this matter as the decision to refuse the application has been made and you can now exercise your right of appeal to the elected members of the independent Planning Local Review Body (PLRB).

As you are aware, application (P/21/1210) for the erection of an agricultural workers dwelling house has been refused under delegated powers as set out in the Council's Scheme of Delegation. and whilst I appreciate that this is not the outcome that you had hoped for, following my investigation of the points raised and discussions with my planning officers, I am satisfied that the planning process was followed correctly.

Meanwhile the Council has no further comments to make pending your client's decision whether to appeal or escalate matters to the SPSO for their attention

Yours sincerely,



**David Booth**  
**Executive Director**



**Community and Enterprise Resources**  
**Executive Director David Booth**  
**Planning and Economic Development**

Mr Derek Scott  
[REDACTED]

**Our ref:** P/21/1210  
**Your ref:**  
**If calling, ask for:** Pauline Elliott  
**Phone:** 01698 455126  
**Date:** 19 April 2022

Dear Mr Scott,

**Applications P/21/1320 & P/21/1210 - Charleston Park Farm**

I refer to your email dated 4 April which was in response to Bernard Darroch's email of 1 April and which is being treated as a Stage 2 complaint under the Council's complaints procedures. This means it is being dealt with by myself as Head of Service

The main issues which you highlight are the failure to progress the applications timeously, apply a consistent approach to the determination of these applications and the failure to fully consider all information submitted. As a result, the applications have been under consideration for a period, with minimal feedback provided and additional information requested. Consequently, you are not satisfied with the service that has been provided or the way these applications have been dealt with.

You will by now have received the determination on the Prior Notification (P/21/1320) for the farm buildings and so I shall proceed to respond to your comments on the planning application for the dwelling. However, before doing so I would like to reiterate our apologies for the length of time it has taken to process these applications and in making requests for the requisite information. Whilst we are experiencing a high volume of applications which has resulted in longer than usual processing times, more progress should have been made before now. In addition, there has been a need to wait for more information from yourself as applicant to enable a proper assessment to be made.

You have expressed surprise and concern that we are 'advertising and promoting' the engagement of the Scottish Agricultural College (SAC) as the provider of information on the operation of the farm and associated labour requirements. The reason why we request supporting information from a 'suitable body *such as* SAC' is to enable a full assessment of the need for additional workers accommodation based on impartial, professional advice regarding the practices of the agricultural unit. SAC are usually the consultant used by planning and architectural agents. Hence this is common and accepted practice in applications of this type, as is the request for a full set of business accounts to demonstrate the viability of the farm business, not just turnover and profit figures.

Your request under Freedom of Information will be reviewed and a separate response issued. However, whilst each application is assessed on its own merits, I can confirm that the requirement for certain information to support an application is standard practice and should certainly have

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Email: [Pauline.elliott@southlanarkshire.gov.uk](mailto:Pauline.elliott@southlanarkshire.gov.uk)

formed part of the assessment of those applications relating to the provision of agricultural workers accommodation.

You also ask for details of the relevant officers in the council who are 'suitably qualified' to assess labour requirement reports and other supporting information. It would be unusual for a local authority to employ an agricultural expert which is why we rely on reports from qualified bodies such as SAC. However, we have colleagues in our economic development department who are qualified to assess business plans and accounts.

In terms of the potential for conversion, the case officer advised that she was unable to gain access to the steading at the time of her site visit, hence the query. If you are unable to confirm the position, I shall arrange for a further site visit to take place.

With regard to your comments concerning retiring farmers and the Government's proposal to introduce a policy to provide dwellings for retiring farmers, should such a policy be introduced we would incorporate this into our local plan/policy guidance. In the meantime, we are guided by the local plan which states that such proposals must be justified in terms of both locational need and viability. Your comments concerning the use of occupancy conditions are noted and all applications are assessed against both the local development plan and associated guidance and relevant government advice.

Finally, you mention that the passing places have been agreed with the Roads service and are within the adopted road. I note that a plan has been submitted relating to the provision of passing places and I will instruct the case officer to review now she has returned from annual leave. Unfortunately, the link in your e-mail containing the 'wetransfer' information did not work when I tried to access the information. If you could please collate the supporting information mentioned above which is required to justify a dwelling in this location and which you advise has previously been submitted, I will ensure that the case officer prioritises assessing and determining this application on their return.

I hope these comments are of assistance and that we can be in a position to determine this application in the very near future.

However, if you remain dissatisfied with the above response you can contact the Ombudsman on the contact details below. The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish councils. If you remain dissatisfied, you can ask the SPSO to look at your complaint.

The SPSO cannot normally look at complaints:

where you have not gone all the way through the council's complaints handling procedure more than 12 months after you became aware of the matter you want to complaint about, or that have been or are being considered in court.

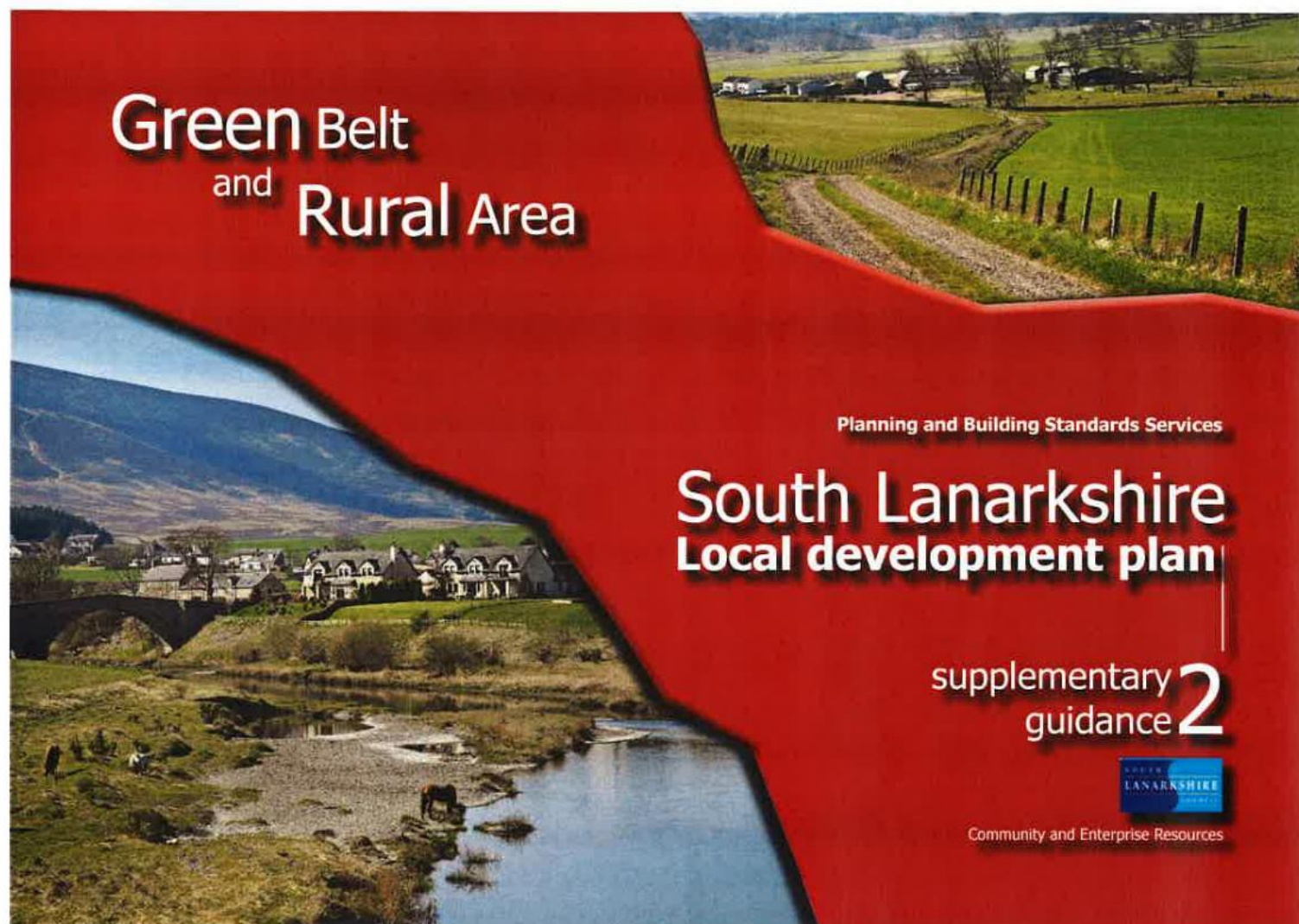
The SPSO's details are:

SPSO	SPSO	Freephone: 0800 377 7330
4 Melville Street	Freepost EH641	Online contact <a href="http://www.spsso.org.uk/contact-us">www.spsso.org.uk/contact-us</a>
Edinburgh	Edinburgh	Website: <a href="http://www.spsso.org.uk">www.spsso.org.uk</a>
EH3	EH3 0BR	Mobile site: <a href="http://m.spsso.org.uk">http://m.spsso.org.uk</a>
		Email: <a href="mailto:@spsso.gov.scot">@spsso.gov.scot</a>

Yours sincerely



**Pauline Elliott**  
**Head of Planning and Economic Development**





## Chapter 5

### Rural housing development

of the area. The sensitive redevelopment or re-use of these sites can significantly enhance landscape quality through the removal of dilapidated or intrusive buildings and their replacement by new development of an appropriate scale, mass and design. It is also likely that some existing infrastructure and services will be present on these sites. The redevelopment of these sites should not result in a suburban form of development being created and should ensure that an appropriate landscape fit is achieved, taking into account the impact of the new development on rural amenity. This is likely to limit the overall scale and size of new build achievable on previously developed sites within rural areas.

**5.14** The preference will always be for the conversion and reuse of the existing buildings on rural sites. An element of new build may also be acceptable, in association with the proposed conversion. Detailed guidance on this form of development can be found Policy GBRA6. Only when these options have been discounted will the demolition of existing structures of a traditional design and the redevelopment of sites be considered.

#### Policy GBRA7 Redevelopment of previously developed land

Proposals involving the redevelopment of previously developed land will be acceptable in principle in the following cases:

- The site contains traditional buildings and justification for their demolition is provided. This will require the submission of a structural survey showing that the building(s) is not capable of conversion or financial evidence demonstrating that they are beyond economic repair and their retention is not viable.

- It is not desirable to retain existing buildings because of their form and layout, for example, modern agricultural buildings. This will require an assessment of the proposals on the overall enhancement of the site.
- Where there are clearly demonstrable and significant environmental benefits resulting from the existing buildings being demolished and the site being redeveloped. This includes sites which are visually or environmentally intrusive or detract from the rural and visual amenity of the area and there is no realistic prospect of the site being returned to agricultural land or woodland, for example, due to contamination.
- Where the redevelopment proposals are of an appropriate scale that respect the landscape character of the area.

In all cases the proposal should comply with the following criteria:

- New buildings should normally occupy the same position on the site as those that are to be replaced. Exceptionally, new development may extend to the existing physical limit of the site, including any hardstanding areas. However, justification through the submission of a design statement will be required to show why this is necessary. In such cases, there should not be an adverse impact on the wider area in terms of landscape character and setting.
- The physical footprint of the new buildings shall normally not exceed that of the existing buildings in terms of floor area unless it can be shown there will not be a detrimental landscape impact or the costs of rehabilitating the site require additional units.
- The proposed houses should be of a number, scale and design appropriate to the landscape setting and to the services and infrastructure available at the location.

## Rural housing development

- The new development will be in keeping with the main features of the landscape and will integrate with its surroundings. A landscape framework should be provided to demonstrate how the development would fit into the landscape.
- New development must be of a high standard in terms of design and appearance and must make a positive and significant contribution to the landscape character of the area and the setting of the site.
- There will be no significant detrimental impact on the amenity of existing neighbours as a consequence of the proposed new development.
- Proposals should be able to be readily served by all necessary infrastructure, including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact in terms of road safety.
- There will be no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.
- The new development will have to comply with all other relevant policies of the Local Development Plan and supplementary guidance approved by the Council.
- Where appropriate, the council will require the demolition of the original buildings and the satisfactory remediation of contaminated land prior to work starting on the construction of any replacement buildings. A planning condition may be required to control the phasing of the development.

Further detailed guidance is contained in Appendix 1.

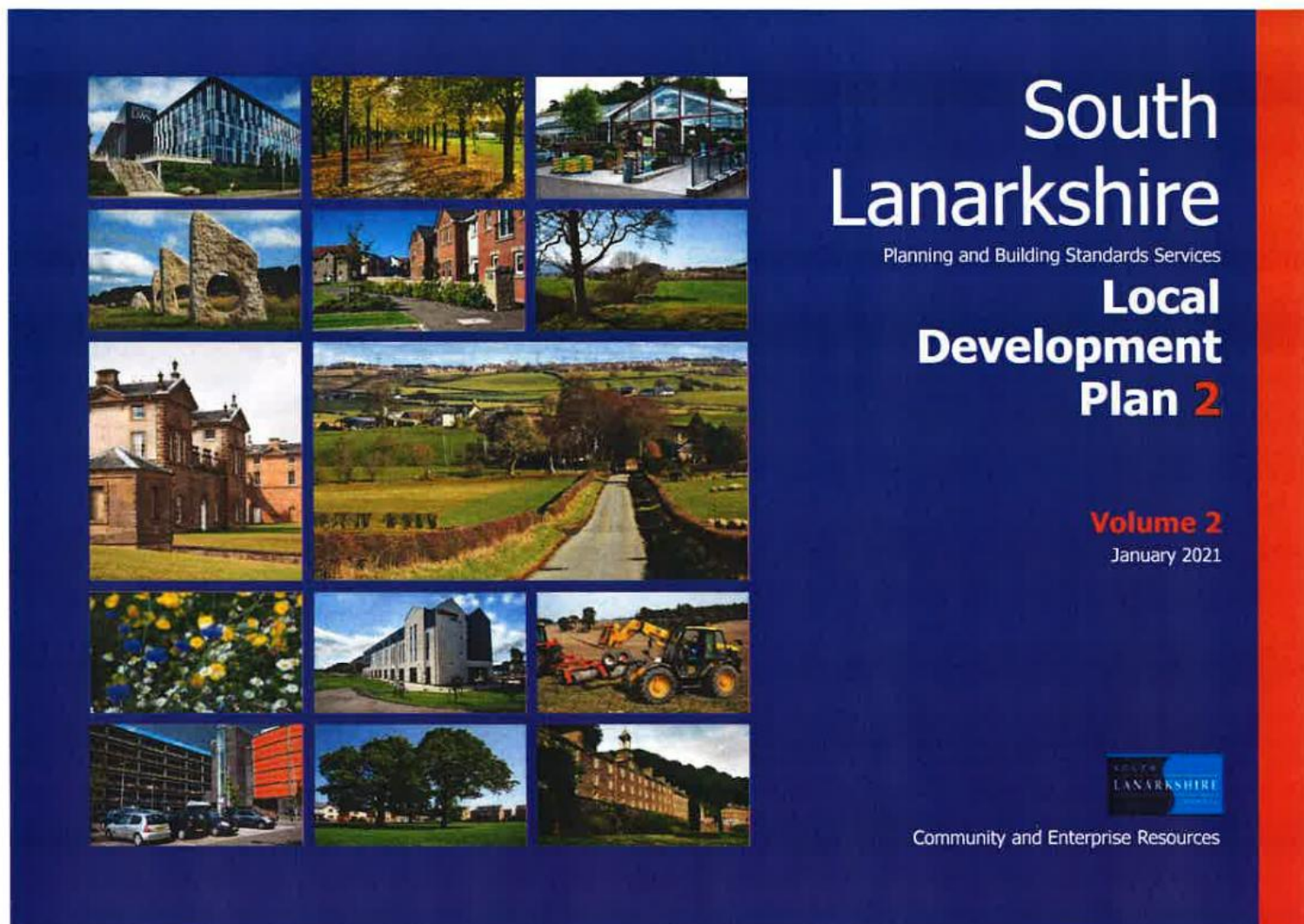
### New clusters of houses/isolated dwellinghouses

**5.15** The focus of this supplementary guidance is the re-use of previously developed land and buildings and the consolidation of existing building groups. Exceptionally, limited opportunities may exist for the creation of new clusters and isolated dwellinghouses within the rural area. It is recognised that the construction of new dwellings can permanently alter the character and appearance of rural areas, sometimes to their detriment. Proposals must, therefore, demonstrate a strong justification without adversely impacting on rural and landscape amenity.

Milton Lockhart, built on the former site of a large country house









**Redevelopment of Previously Developed Land Containing Buildings****Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings**

Within the Green Belt and Rural Area the Council will aim to retain traditional buildings wherever possible. Where it is not technically possible to retain the building in its entirety, priority should be given to retaining the façade of the building or other important architectural features.

Where preservation is not an option, proposals involving the redevelopment of previously developed land containing buildings will be acceptable in principle in the following cases:

**Modern Buildings**

Where it is not desirable to retain an existing building because of its form and layout, for example, non-traditional agricultural or commercial buildings which have fallen into disuse or disrepair over an extended period.

This includes sites which are visually or environmentally intrusive or detract from the rural and visual amenity of the area and where there is no realistic prospect of the site being returned to agricultural land or woodland, or the buildings are being converted to form an alternative use appropriate to the countryside. This should be demonstrated through a design statement and/or viability appraisal.

The removal of recently constructed agricultural buildings (less than 10 years old) to facilitate new residential development will not be considered acceptable.

**Traditional Buildings**

Where the site contains traditional buildings and justification for their demolition is provided. This will require the submission of a structural survey showing that the buildings are not capable of conversion or financial evidence demonstrating that they are beyond economic repair and their retention is not viable.

**General Requirements**

For both types of buildings, significant and demonstrable visual and environmental benefits should result from the existing buildings being demolished or the site being redeveloped.

In all cases proposals shall comply with the following criteria:

1. New buildings shall generally occupy the same position on the site as those that are to be replaced.
2. The physical footprint of the new buildings shall not normally exceed that of the existing buildings in terms of floor area, unless it can be shown that there will not be a detrimental landscape impact or that the cost of rehabilitating the site requires the provision of additional units.
3. In exceptional circumstances and within the Rural Area only, new development may extend to the existing physical limit of built development within the site, including any hardstanding areas. However, justification through the submission of a design statement will be required to show why this is necessary.
4. The proposed houses shall be of a number, scale and design appropriate to the landscape setting, and to the services and infrastructure available at the location. The new development shall be in keeping with the main features of the landscape and integrate positively with its surroundings.
5. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, appearance and

## Chapter 3

### Green Belt and Rural Area

materials of the proposed house(s) shall be complementary to the rural setting of the site and shall respect the character and amenity of the local area.

Where appropriate, the Council will require the demolition of the original buildings and the satisfactory remediation of contaminated land prior to work starting on construction of any replacement buildings. A planning condition may be imposed in this respect to control the phasing of the development.

#### Reasoned Justification

**3.10** Opportunities for the development of previously developed land may arise from the declining horticultural industry, changes to agricultural practices or the closure or downsizing of commercial uses. When such sites fall into disuse or are abandoned they can detract from the environmental quality and landscape character of the area. The sensitive redevelopment or re-use of these sites can significantly enhance landscape quality through the removal of dilapidated or intrusive buildings and their replacement by new development of an appropriate scale, mass and design. It is also likely that some existing infrastructure and services will be present on these sites. The redevelopment of these sites should not result in a suburban form of development being created and should ensure that an appropriate landscape fit is achieved, taking into account the impact of the new development on rural amenity. This is likely to limit the overall scale and size of new build achievable on previously developed sites within rural areas.

**3.11** The preference will always be for the conversion and re-use of the existing buildings on rural sites. Detailed guidance on this form of development can be found in Policy GBRA4. Only when this option has been discounted will the demolition of existing structures of a traditional design and the redevelopment of sites be considered.

#### Replacement Houses

##### Policy GBRA6 Replacement Houses

Within the Green Belt and Rural Area proposals for the erection of replacement houses will require to meet the following criteria:

1. Replacement dwellinghouses shall be permitted on a one-for-one basis only. Additional houses will not be permitted.
2. The policy shall not apply to substantially derelict or demolished properties.
3. The Council will seek to retain houses that make a valuable visual contribution to the local area. As such, the applicant will require to demonstrate that the proposed loss of any property does not have a detrimental impact on local landscape character/visual amenity or will result in the loss of a building of historic/architectural merit.
4. The redevelopment of such sites shall not result in any extension to the residential curtilage unless it can be satisfactorily demonstrated that this will achieve significant environmental improvements.
5. The size of a new house shall sympathetically reflect the original house and must not result in a building that is disproportionately larger than the one it is replacing. The footprint of the replacement house shall not be more than 50% larger than the existing house and should be of a comparable height (or less) unless it can be shown that an increase in height can be achieved without adversely affecting the amenity or character of the site.
6. The replacement house shall be on or close to the footprint of the original house, unless it can be satisfactorily demonstrated that relocation elsewhere within the curtilage of the site will achieve significant environmental improvements or road safety benefits. In such cases it will be necessary to demonstrate that there is no



**Community and Enterprise Resources**  
Executive Director **David Booth**  
**Planning and Regulatory Services – East Area**

Mr Scott  
enquiries@derekscottplanning.com

**Our ref:** A4299505  
**Your ref:**  
**If calling ask for:** Bernard Darroch  
**Phone:** 07557541360  
**Date:** 14/09/2022

Dear Mr Scott

**P/21/1210 - DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK**

I refer to your correspondence dated 30 August and write to update you.

As you will be aware, the above planning application is the subject of a Notice of Review and it is anticipated that it will be presented to October's Planning Local Review Body (PLRB). I believe that it is more appropriate to let this process run its course than offering comment in relation to correspondence from the Scottish Agricultural College at this time.

However, I am aware of the frustrations that you have expressed in relation to this development proposal and as you note, an apology was previously issued. In light of this, I would suggest that if required following the PLRB, an in person meeting is arranged with the Area Manager and relevant Planning Officer in order to progress matters.

The relevant contact is:

Bernard Darroch  
[Bernard.darroch@southlanarkshire.gov.uk](mailto:Bernard.darroch@southlanarkshire.gov.uk)  
075575 41360

I trust this information is of assistance.

Yours sincerely

**Bernard Darroch**  
**Area Manager**

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB Phone: 07557541360  
Email: [bernard.darroch@southlanarkshire.gov.uk](mailto:bernard.darroch@southlanarkshire.gov.uk)

**From:** Derek Scott

**Sent:** 06 July 2022 07:39

**To:** Elliott, Pauline <[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>; Booth, David  
<[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>

**Subject:** P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD  
MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth/Ms. Elliott

I refer to previous correspondence in connection with the above-mentioned planning application and attach for your attention a copy of a letter from SAC Consulting (the firm who your department have previously advised offers independent and impartial advice). You will note from the letter referred to that they have confirmed that they generally agree with the labour requirement calculations provided in our supporting statement; that there is a need for an additional dwelling house on the farm; that the dwelling house proposed should, in the interests of good animal husbandry be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320); and that the business is profitable and has every prospect of remaining so in the future.

Can you please advise if the contents of the SAC letter alter your views on the application and if re-submitted would it receive the support of your Planning Department?

I look forward to hearing from you in response.

Regards

Derek Scott



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Derek Scott  
Derek Scott Planning  
21 Lansdowne crescent  
Edinburgh  
EH12 5EH

13<sup>th</sup> June 2022

Dear Derek ,

Mr J Orr of "The Firm of Thomas Orr" asked me to review the information in several planning documents that you submitted to the council on his behalf in support of Planning Application Ref P/21/1210.

Mr Orr met with me a few weeks ago to discuss the application, in particular the request for a report prepared by a suitable qualified agricultural body such as SAC consulting. Whilst I recognise the requirement for such a report in these types of circumstances it is my opinion that preparing a full labour justification would be an unnecessary cost to Mr Orr when any information that we would provide already exists in the initial planning statement prepared by your company.

As previously discussed with yourself and Mr Orr I have therefore reviewed the information within the planning statement that has been submitted and have provided comment below.

1. Mr Orr has confirmed that the agricultural activities within the report are correct though it was mentioned that the figure of 210 store cattle was on the conservative side as there could often be up to 300 on farm. This additional 90 cattle would increase the labour requirement by up to 1080hours if present all year.

2. The figures used to calculate the Labour requirement (hours/enterprise) are in line with the most recent figures from the UK Farm Classification document (2014) taken from the SAC Farm Management Handbook.
3. The sheep have been classified as "lowland" at a labour requirement of 5.2hours/annum. Given the area I would suggest it more relevant to class the sheep as LFA. This would give an amended sheep figure of 555 hours for ewes and rams. Lambs have been counted as on the holding for 7 months. I personally would only count them towards the labour need from weaning onwards, this would give an amended lamb figure of 258 hours. This would reduce the sheep labour requirement to 813hours. A reduction overall of only 160 hours.
4. The UK Farm Classification Document states that 1 Labour Unit is the equivalent of 1900hours. Excluding haulage and spraying enterprises the labour requirement of the farm is 6211 hours or 3.26 Labour units. If the additional 90 cattle were there all year round this could be increased to 7291 hours or 3.84 Labour Unit. I would conclude that there is therefore a justification for an additional dwelling on farm.
5. Adding in the haulage and contracting figures is useful to give an overall picture of the business however I would not count these towards the labour justification as it is not as important for someone to be resident on the site for these enterprises to continue. I would however note that the value in the equipment owned by the business requires someone resident on site for security purposes. Given that Mr Orr is heavily engaged on these off farm activities this shows increased need for an additional person to be resident on the holding in order to be responsible for the livestock should Mr Orr be held up away from home.

I have also been asked to provide comment on the financial position of the business. Mr Orr provided me with a letter from I A Stewart, a reputable local accountant which summarized the turnover and profit levels of the business. I have reviewed this and provide the following comments.

1. I have had no access to the most recent business accounts as I believe they are yet to be completed. I have no reason to doubt that the information provided by I A Stewart would be incorrect.
2. In the five years of information provided Firm of Thomas Orr averaged a turnover of £516,189 and a profit of £115,465. Whilst profits fluctuate over the 5 years the business remains profitable in all years provided suggesting a stable business.
3. The family has traded from this location for 50 years which suggests a long standing, stable business.
4. Given the farm size and average basic payment rate figures it is possible to calculate an assumed value of subsidy for the business. The business is comfortably making profits in excess of the subsidy received. This gives confidence that the business can operate profitability going forward as subsidies are likely to be reduced.

5. Farming is currently going through a turbulent time however Mr Orr's diversified income streams will be beneficial in helping deal with fluctuations.
6. Whilst cashflow forecasts may help to show a picture of the business going forward this would again be at considerable cost to Mr Orr. The current volatility in agricultural markets also makes it extremely difficult to forecast prices much further than a few weeks in advance.

It would not be usual for us to comment on the location of any dwelling as standard in any of our reports however given that permission has been granted for agricultural sheds at the location of the proposed dwelling and information provided by Mr Orr regarding the sheep enterprise it is considered appropriate to provide some comment on this also

1. It is my understanding that planning for agricultural buildings have been granted at the site of the proposed dwelling which is to be situated separately from the main holding. It is the intention a that these buildings will be used for lambing sheep. Given the round the clock nature of care required over this period it is therefore sensible from an animal welfare perspective that there is also a house located in the vicinity. The current dwelling is some 1km west of these buildings which would reduce the ability to check and respond to animals quickly and therefore increase the risk of animal welfare problems arising.
2. Mr Orr also mentioned that as part of his semi retirement and succession plans that he may look to re-establish a flock of pedigree Suffolks. Given that the main holding can act as a as a layerage for animals in transit there is a biosecurity advantage to locating the sheep enterprise separately. This would be particularly relevant in the instance of a pedigree flock which would likely be required to be part of a health scheme for diseases such as Maedi- Visna.

In conclusion if we had been to prepare a full labour report we would also be concluding that the labour requirement and enterprises on farm are such to justify a second dwelling.

Yours sincerely,



**Jennifer Struthers**  
**Senior Consultant**



