



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

**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**

**\_\_\_\_\_** aithfully

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 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.'*

*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 Mossie 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 advice 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 advices 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."

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

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.

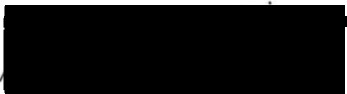
The SPSO cannot normally look at complaints:

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**

# Green Belt and Rural Area

Planning and Building Standards Services

## South Lanarkshire Local development plan

supplementary  
guidance **2**



Community and Enterprise Resources



## 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.

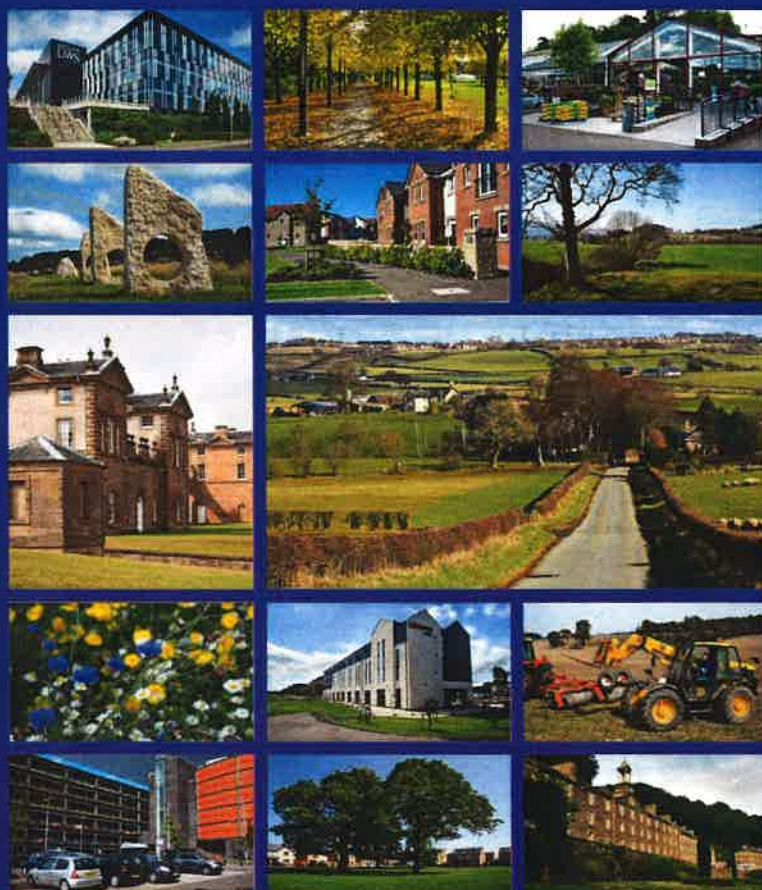
### New clusters of houses/isolated dwellinghouses

**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







# South Lanarkshire

Planning and Building Standards Services

## Local Development Plan 2

**Volume 2**

January 2021



Community and Enterprise Resources

**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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Edinburgh  
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0044 (0) 7802 431970 – M***

***also at***

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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 box used to redact the signature of Jennifer Struthers.

**Jennifer Struthers**  
**Senior Consultant**