



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:	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? \*

☐ Individual ☒ 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 LANARK

Northing

642156

Easting

292855

## 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.

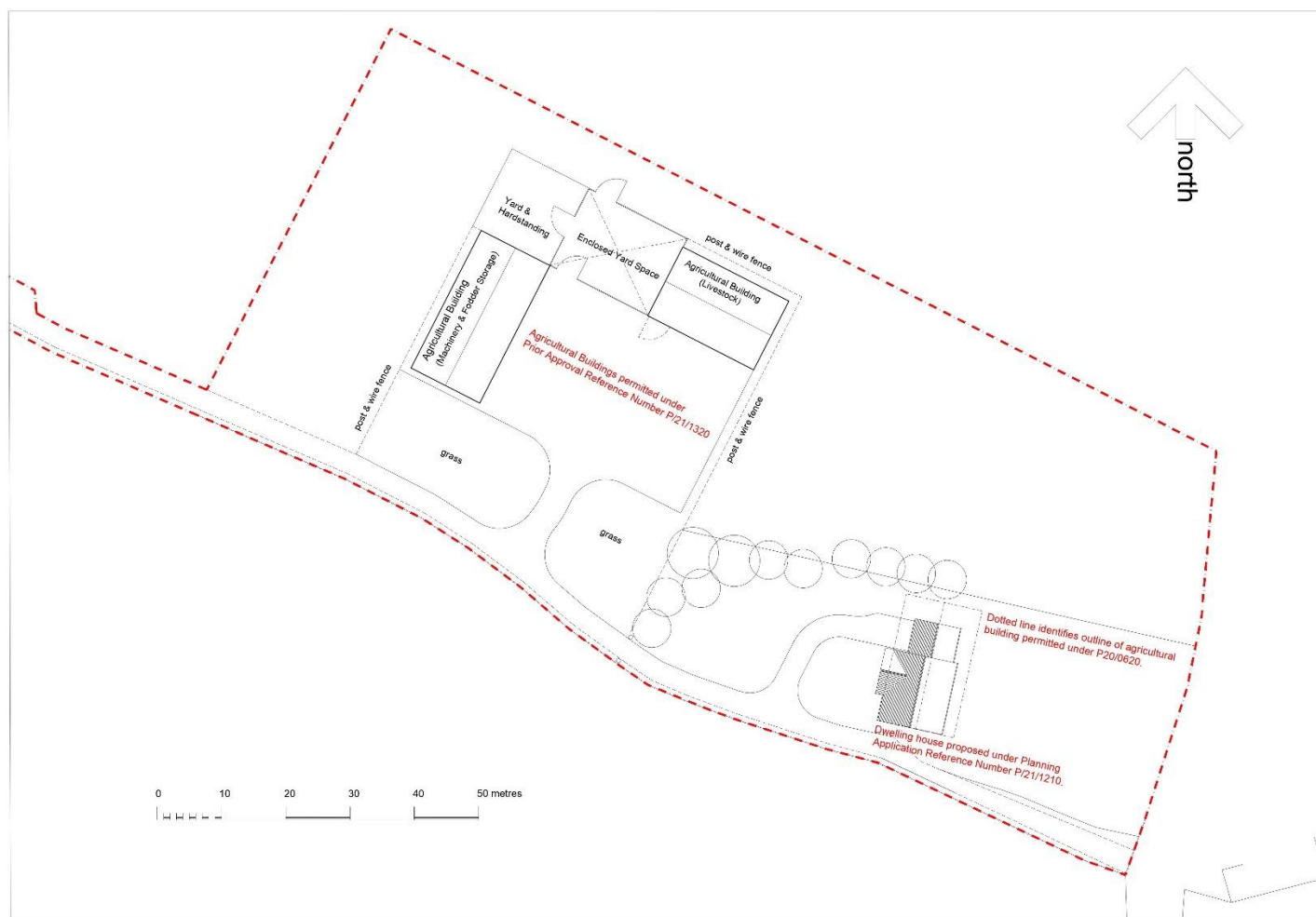
**Application Site**

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 steadings 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.

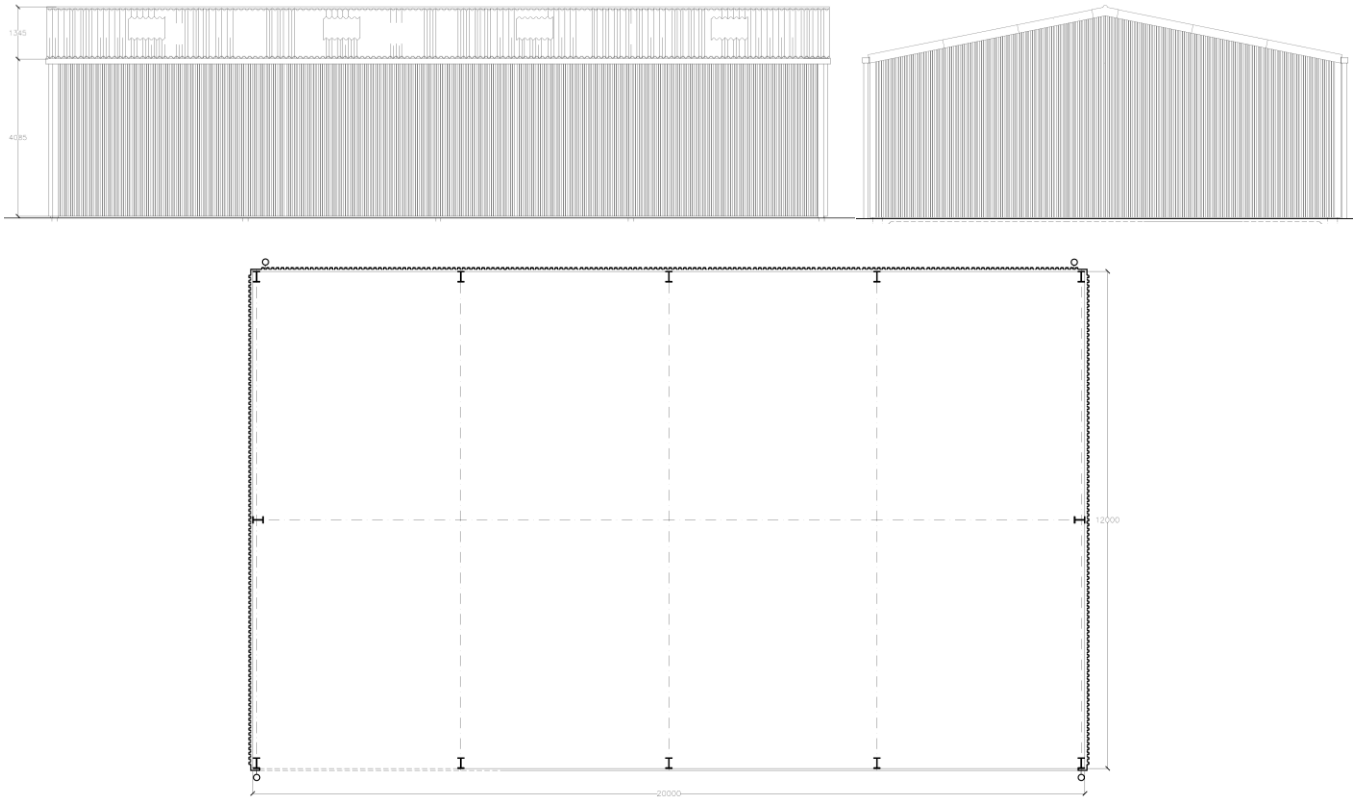
13. Access to the dwelling house and agricultural buildings proposed will be provided along the existing surfaced track at the end of Cobblehaugh Road. A number of passing places can be introduced on the track (if required) to facilitate what will be an infrequent movement of vehicles travelling in opposite 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*

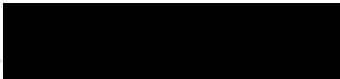
- *would involve the subdivision of an existing residential dwelling; or*
- *would represent the appropriate use of a cultural heritage asset or would be appropriate enabling development to secure the future of historic environment assets; or*
- *would reuse redundant or disused buildings or reinstate 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

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

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
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For planning permission to [Note 4]

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

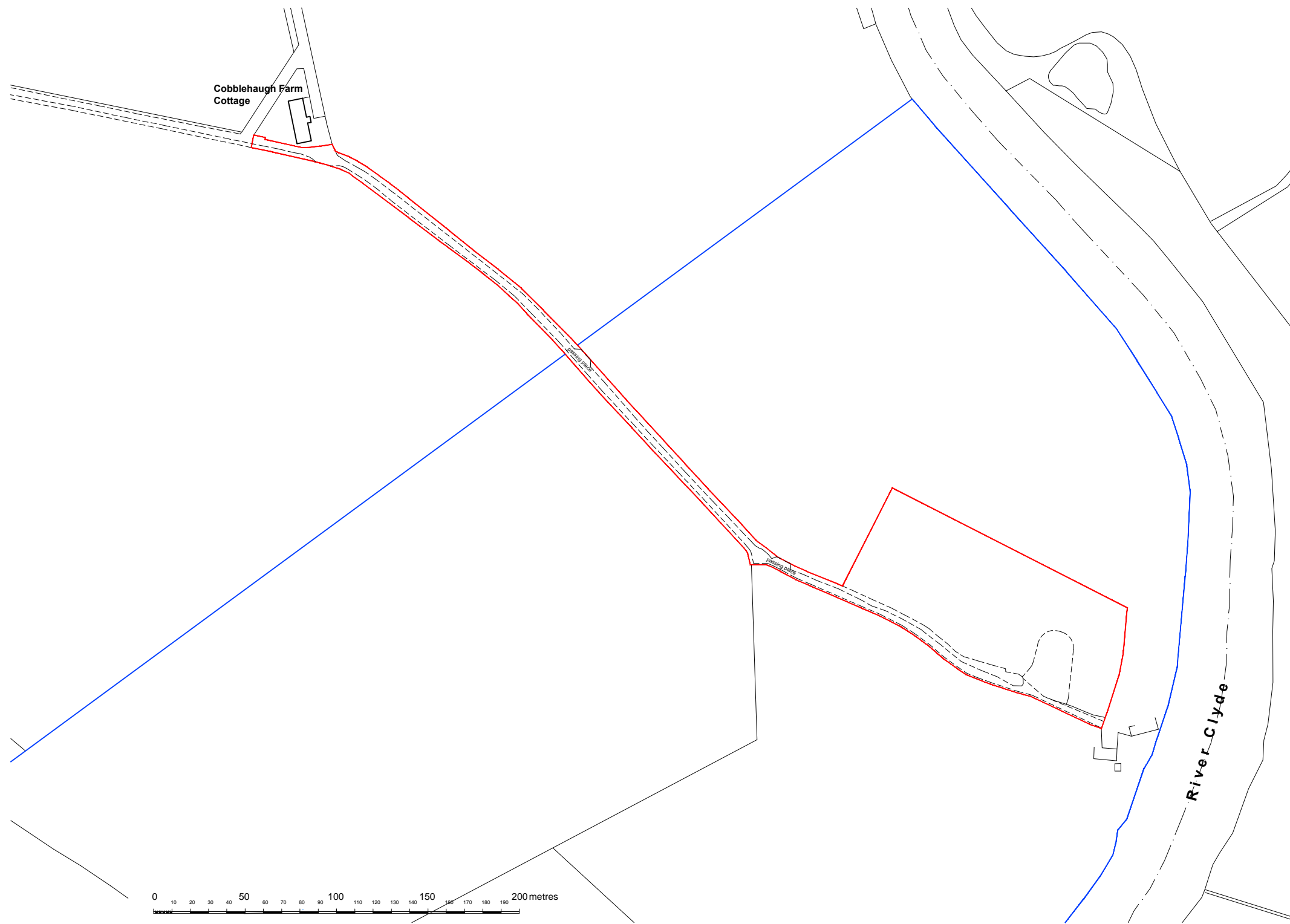
[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.


[Note 5] - Insert planning authority address.



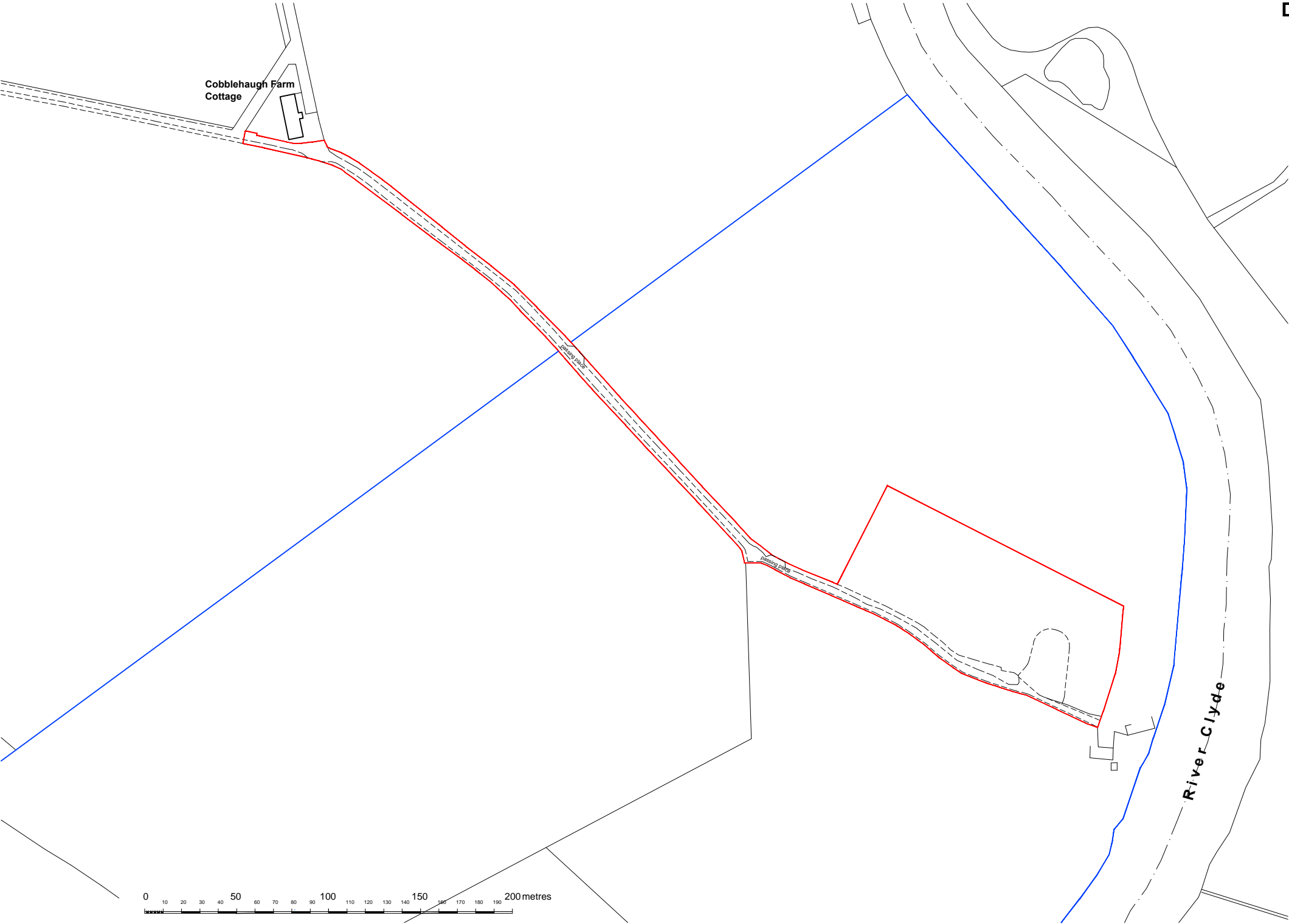


Location Plan 1:2500


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



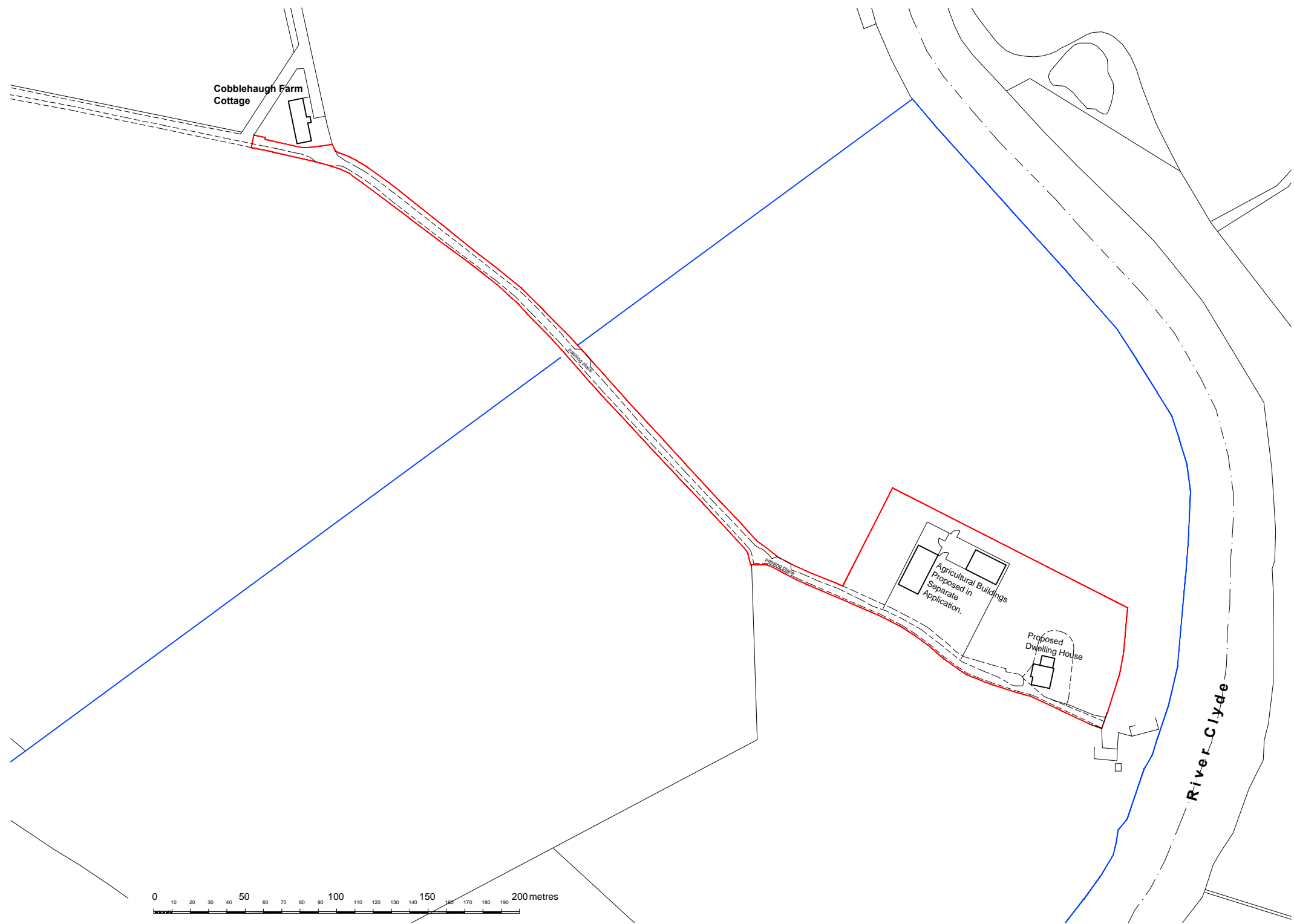
**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com




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



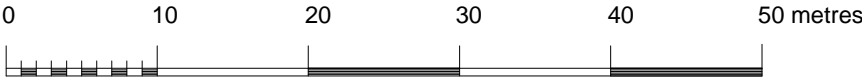
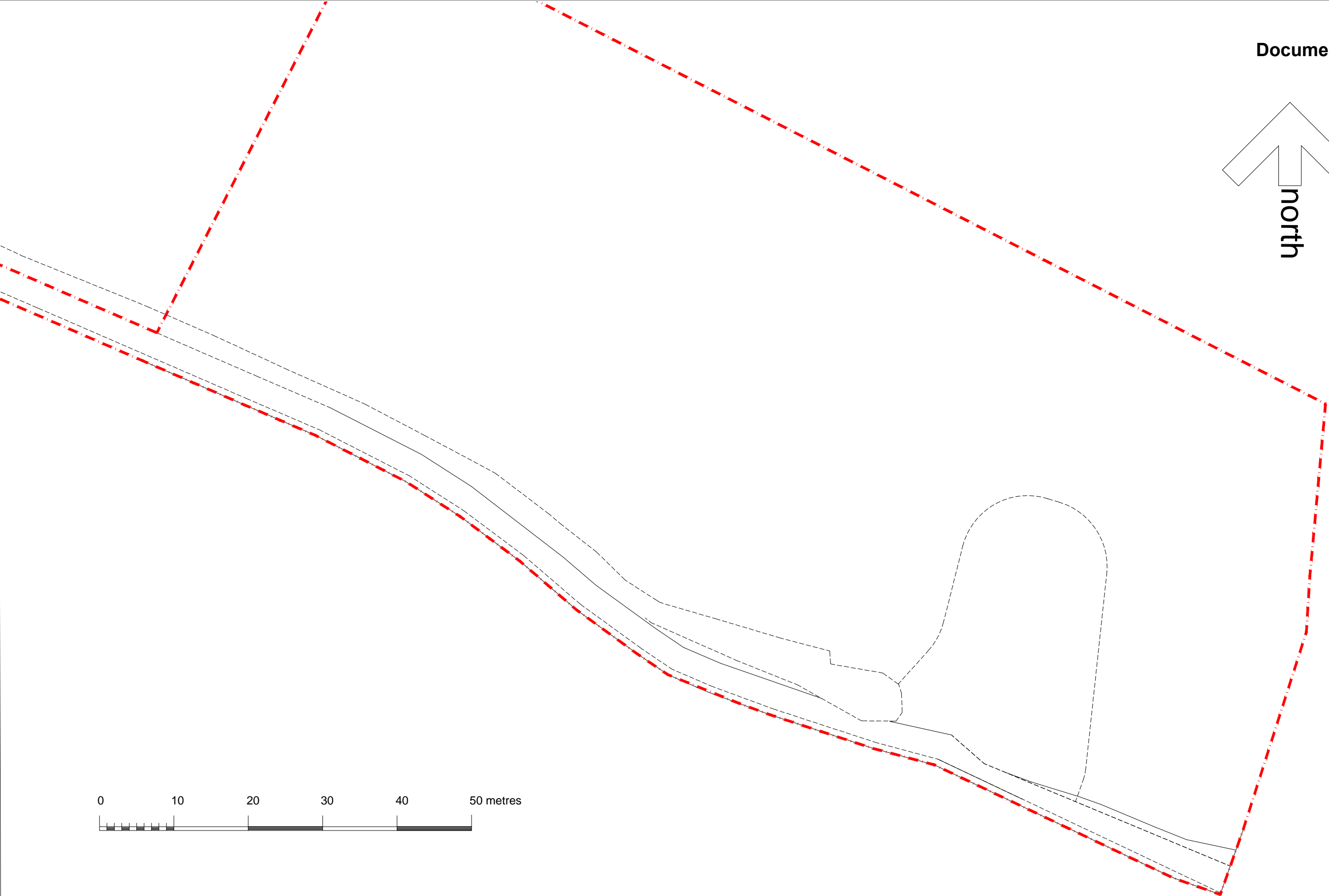
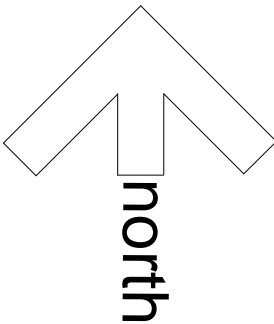
**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH  
Tel 0131 535 1103  
enquiries@derekscottplanning.com




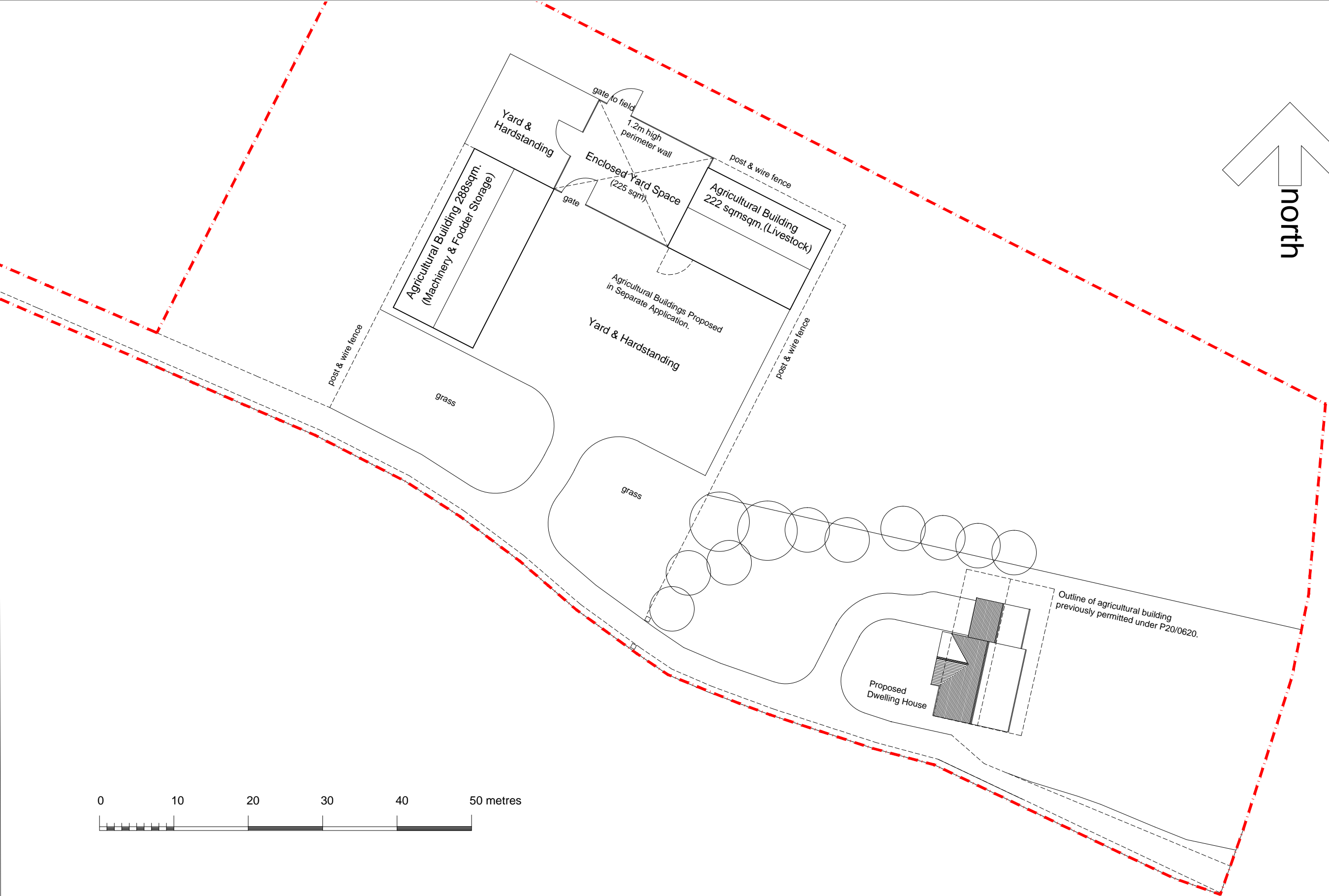
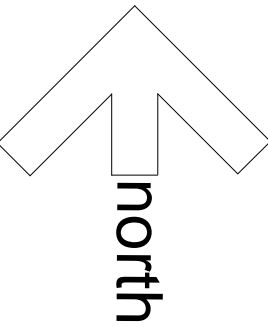
Location Plan 1:2500

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 No	L(--)001(F)	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH <small>Tel 0131 535 1103 enquiries@derekscottplanning.com</small>
Drawing	Location Plan Rev.F	Job No :	G 123	
Scales	1:2500 @ 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(--)018	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH <small>Tel 0131 535 1103 enquiries@derekscottplanning.com</small>
Drawing	Existing Site Plan	Job No :	G 123	
Scales	1:500 & @ A3	Date	July 2021	

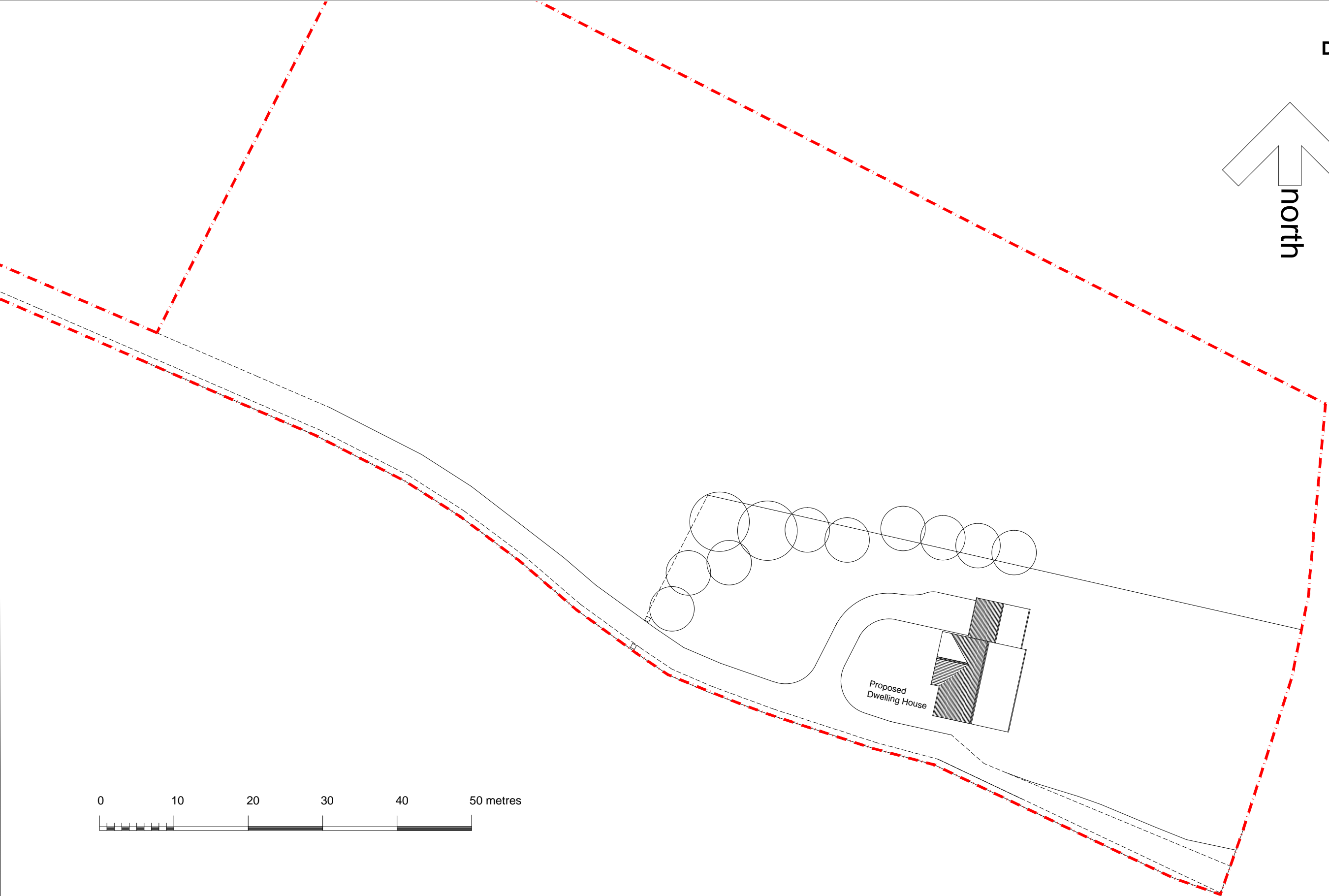
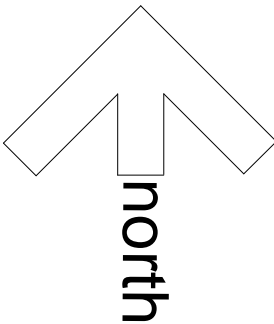


Project	Proposed Agricultural Worker`s Dwelling House at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr
Drawing	Indicative Site Plan Rev.E
Scales	1:500 & @ A3

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	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

**Derek Scott Planning  
Planning and Development Consultants**



**21 Lansdowne Crescent  
Edinburgh  
EH12 5EH**

**Tel No: 0131 535 1103**

**Fax No: 0131 535 1104**

**E-Mail: [enquiries@derekscottplanning.com](mailto:enquiries@derekscottplanning.com)**

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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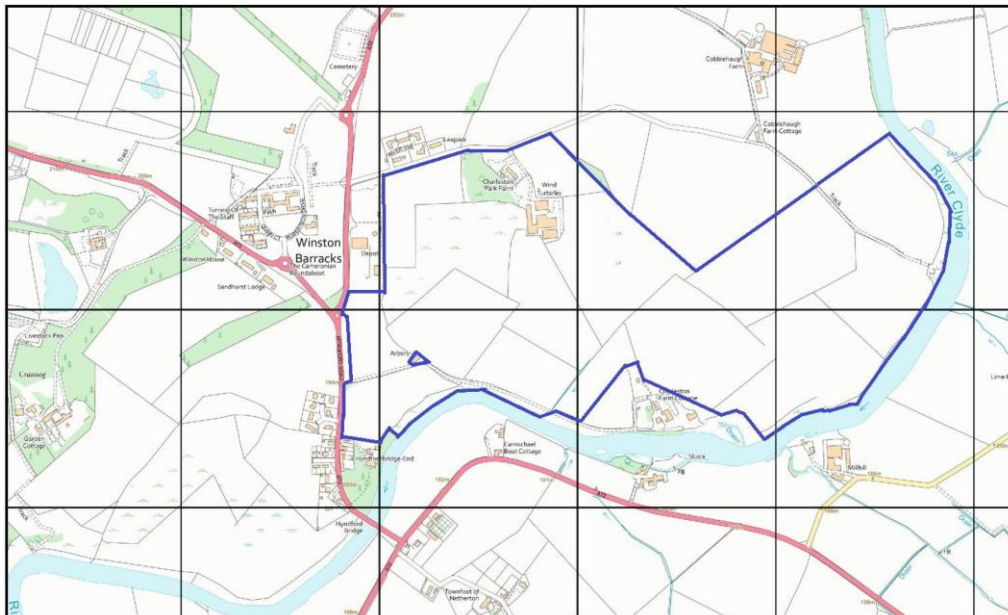
# PLANNING STATEMENT

## 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] 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.

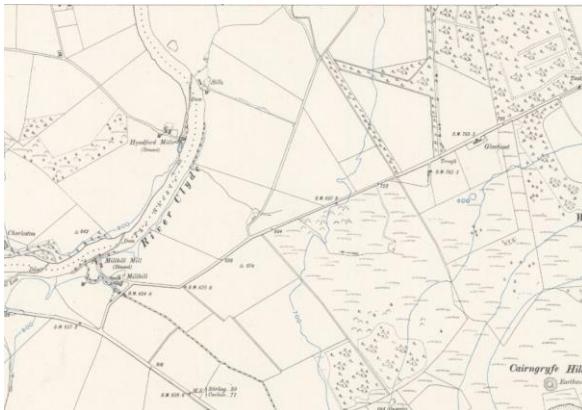
- 1.6 We have attached, as a separate **CONFIDENTIAL** document, a statement from our client's accountant which outlines the recent trading history associated with the business.
- 1.7 As noted previously, Mr Orr is now of an age where he is planning for succession and the process of handing over the 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**



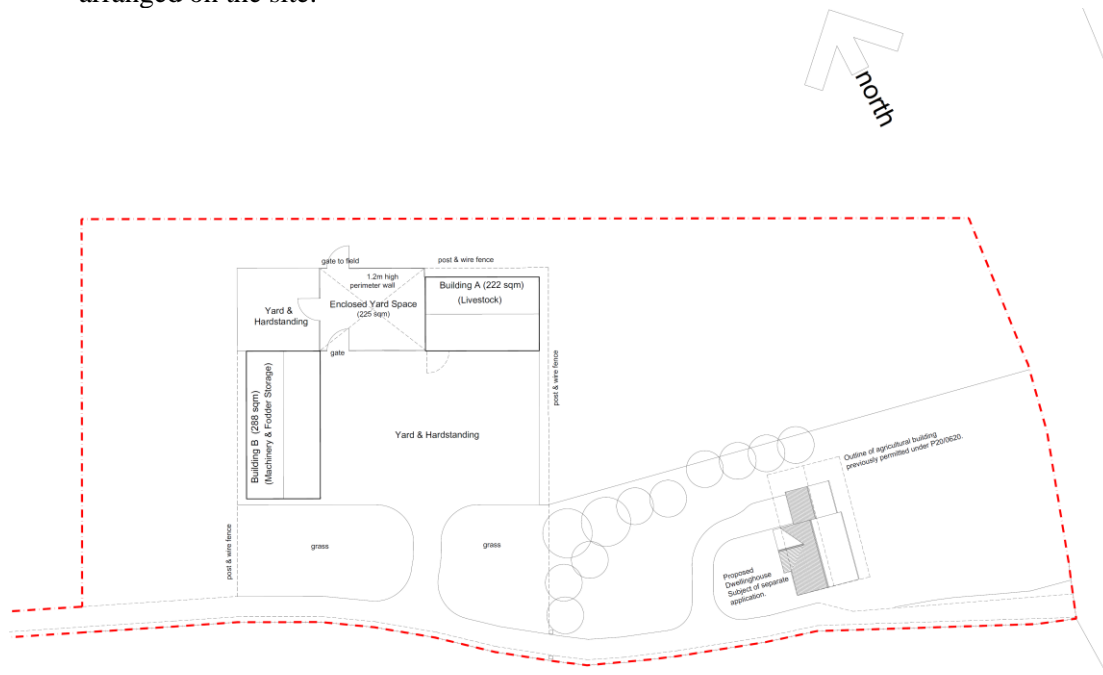
**Travelling north west along access track**



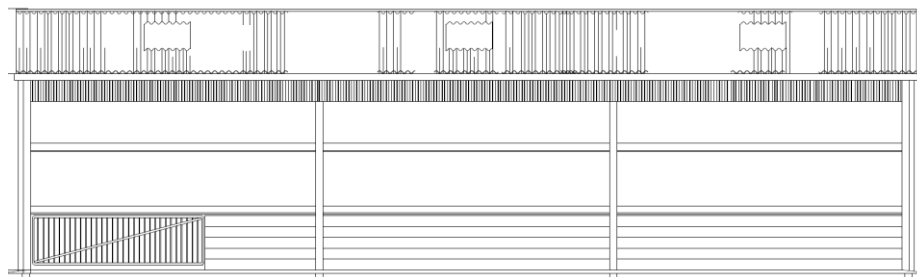
**View of site from south east (Millhead Road)**

### 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.



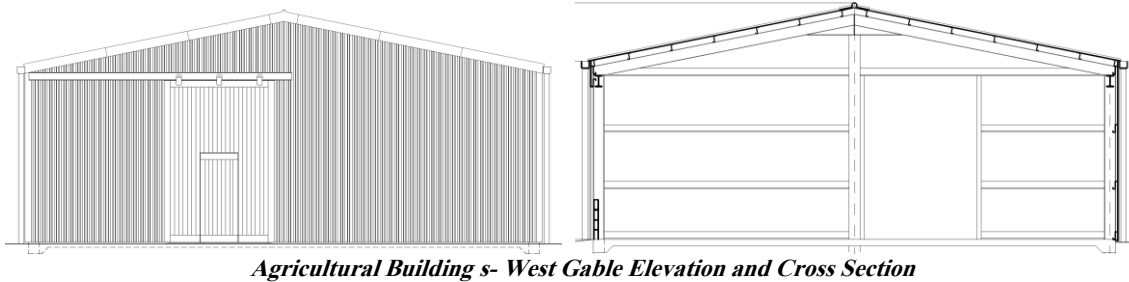
- 3.2 It is envisaged that the dwelling house would provide 3-4 bedrooms and be 1-1.5 storey in height. The agricultural buildings proposed will accommodate the sheep farming part of the enterprise. The existing farm buildings at Charleston Park have not been specifically designed for such purposes and 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.



***Livestock Building – Front Elevation***



- 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

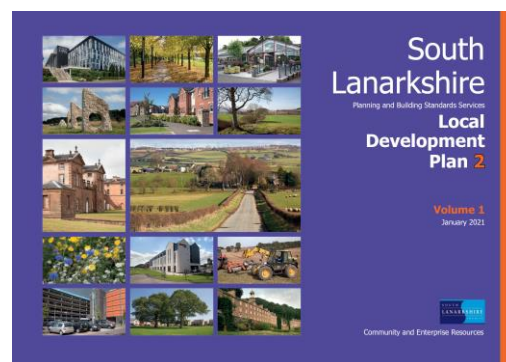
- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

*‘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.*

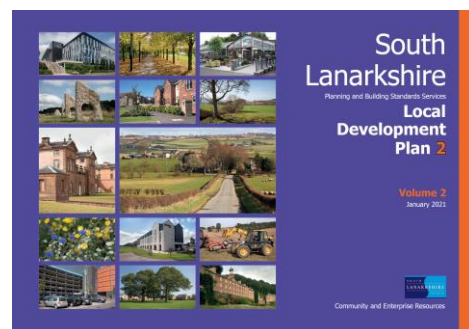
*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.'*

- 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**

**South Lanarkshire Council**

**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)

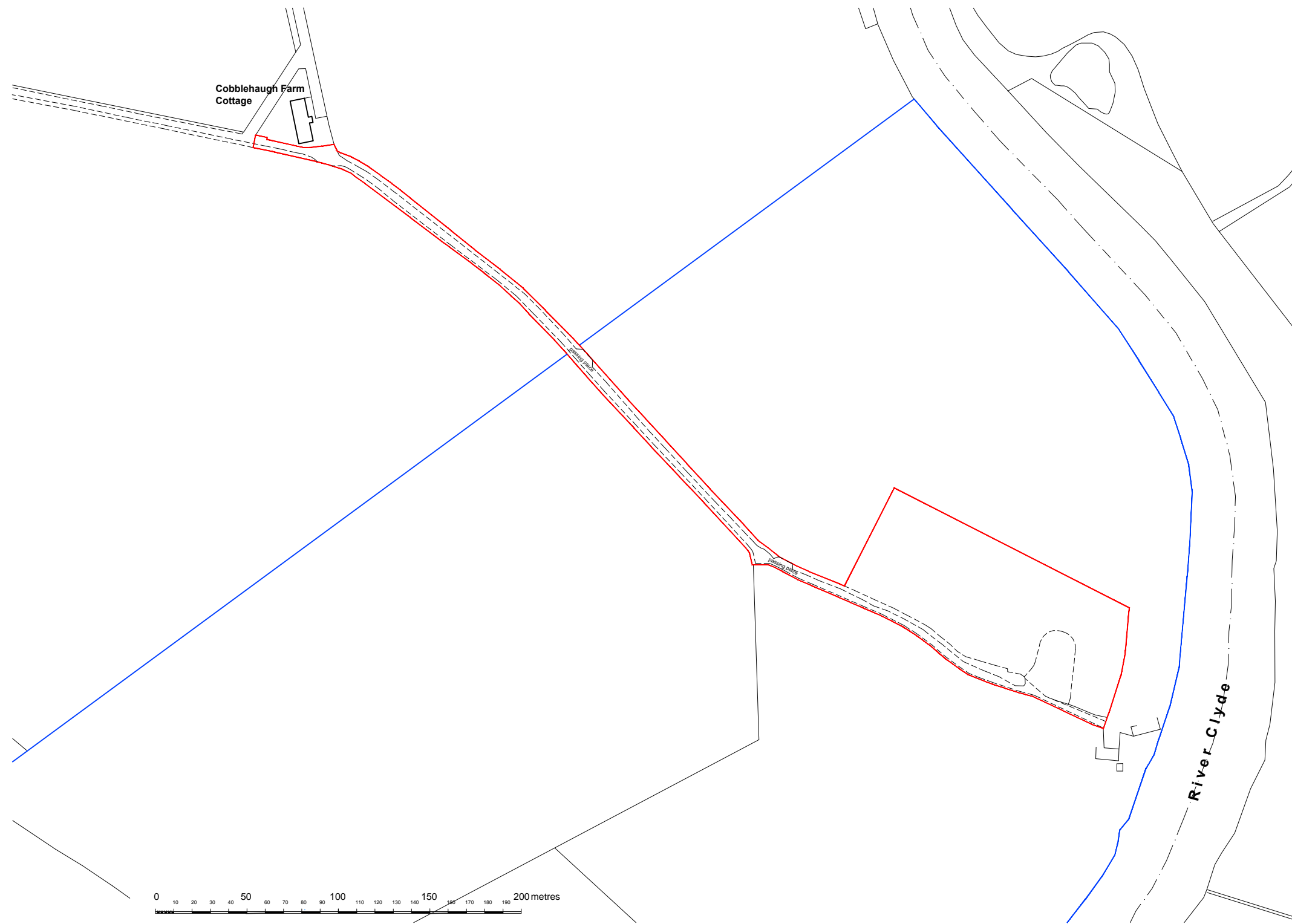
**Planning Application****Application number:** P/21/1320**Reason(s) for decision**

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:

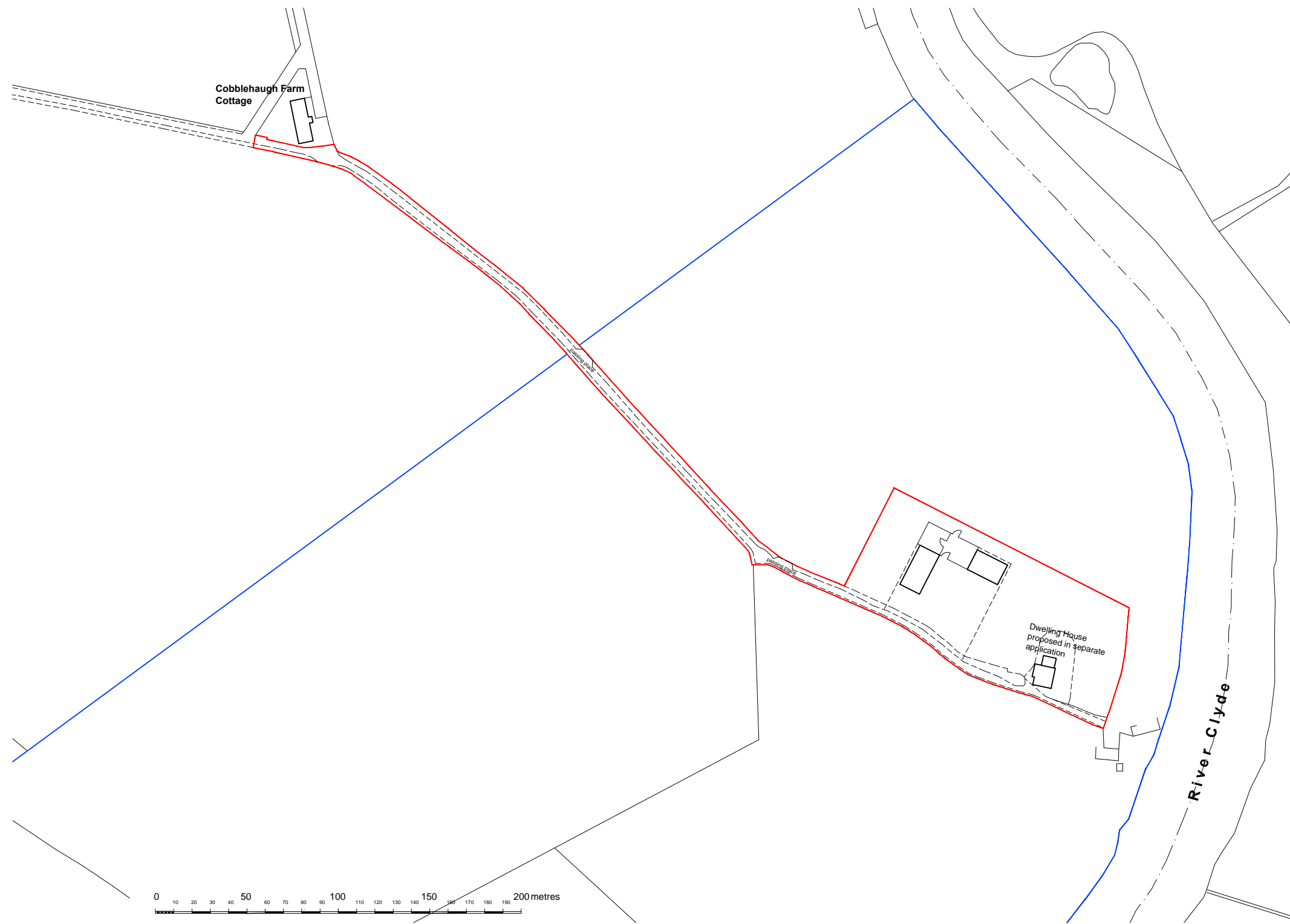
<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
L(-- )001 (C)		Approved
L(-- )012		Approved
L(-- )013		Approved
L(-- )014		Approved
L(-- )016		Approved
L(-- )017		Approved
L(-- )011		Approved



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



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



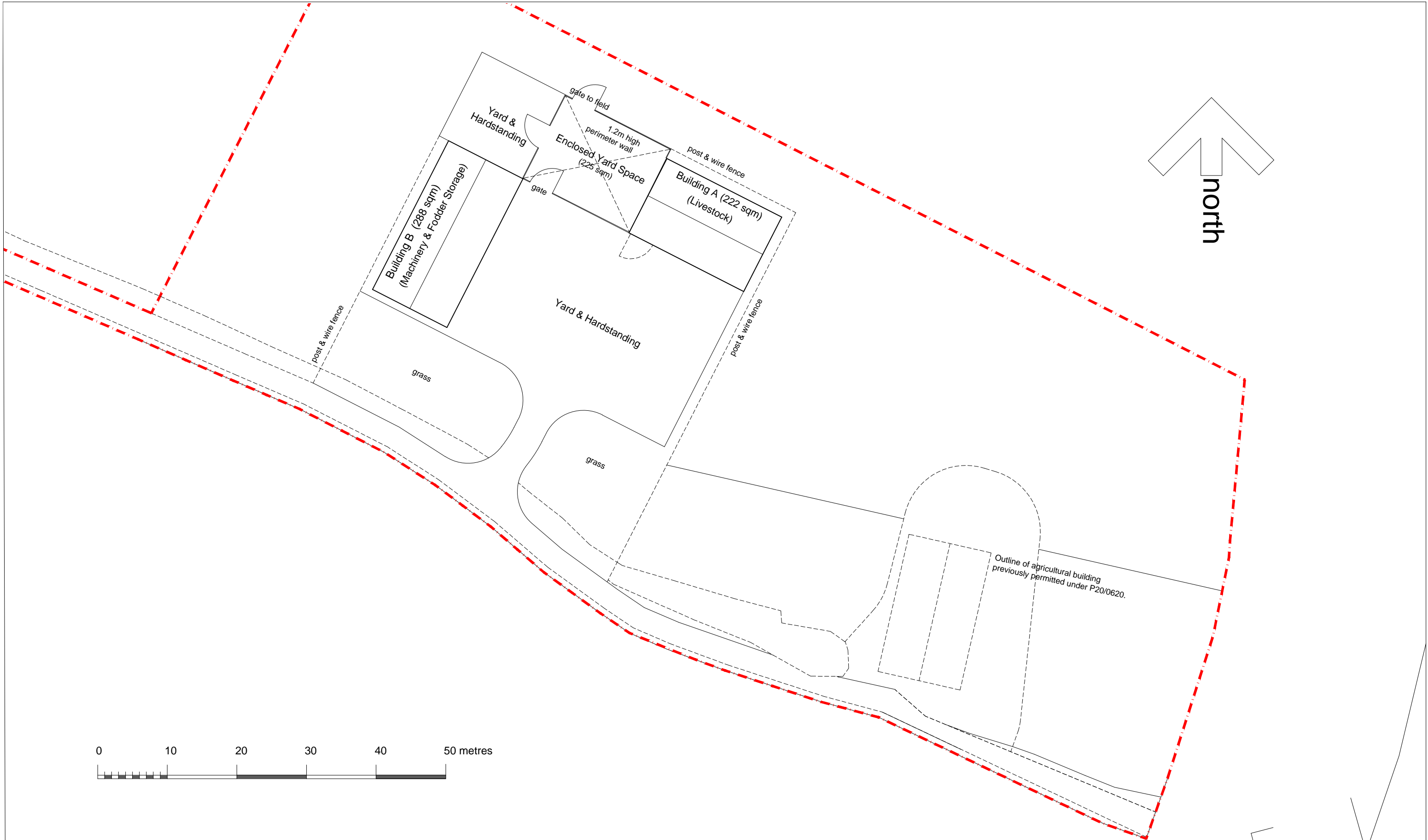
Location Plan 1:2500


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

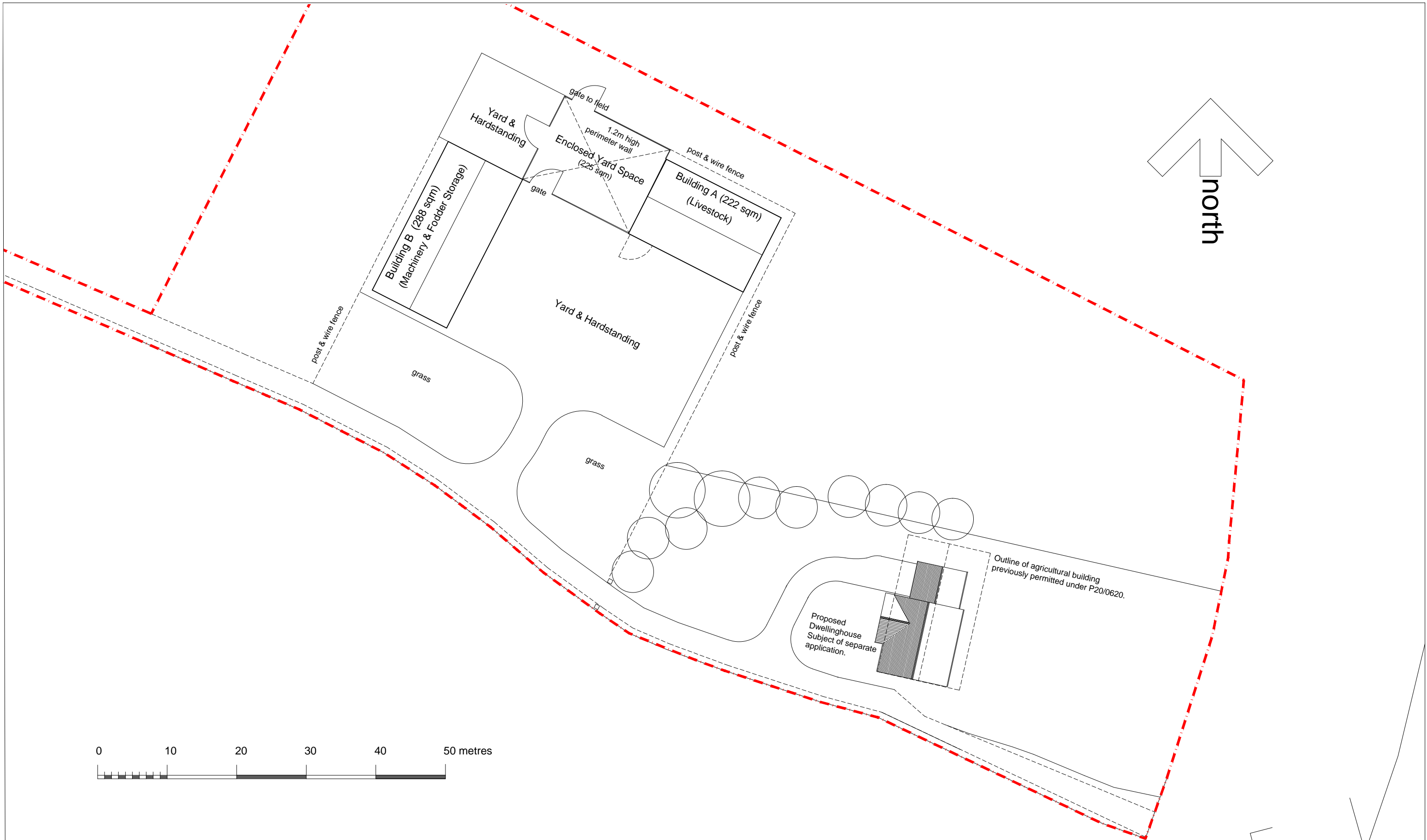



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

Tel 0131 535 1103  
enquiries@derekscottplanning.com

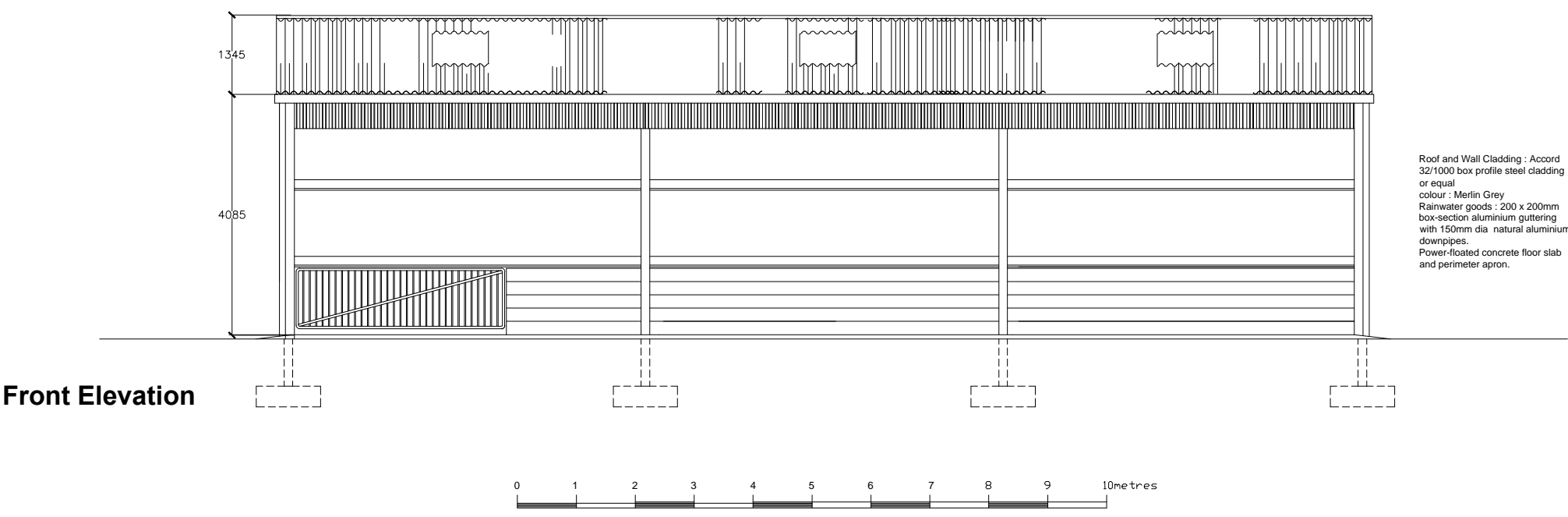
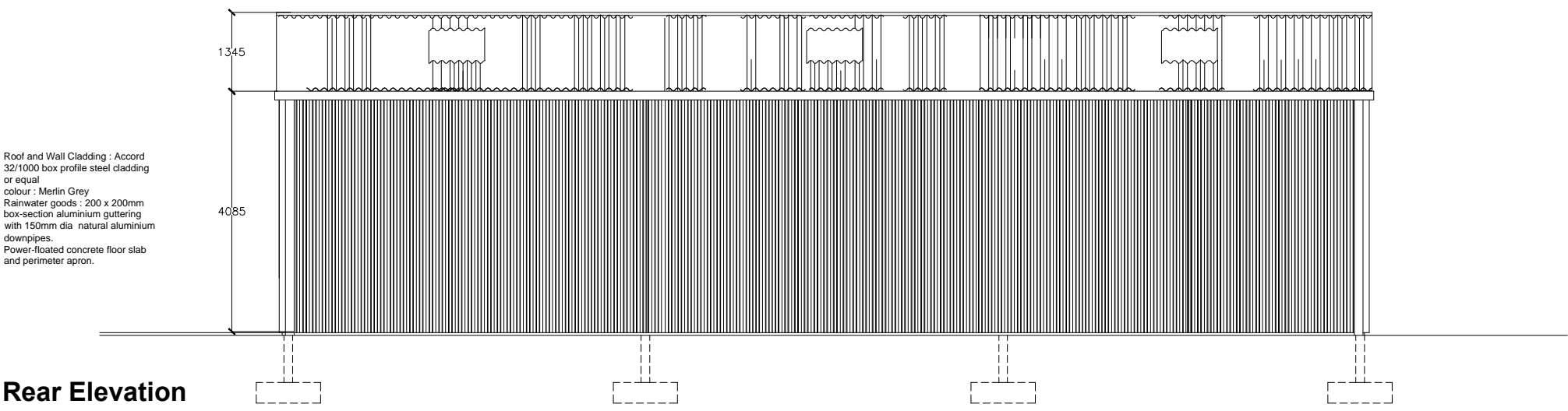



Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)017	<div><p><b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH <small>Tel 0131 535 1103 enquiries@derekscottplanning.com</small></p></div>
Drawing	Site Plan	Job No :	G 123	
Scales	1:500 & @ A3	Date	July 2021	

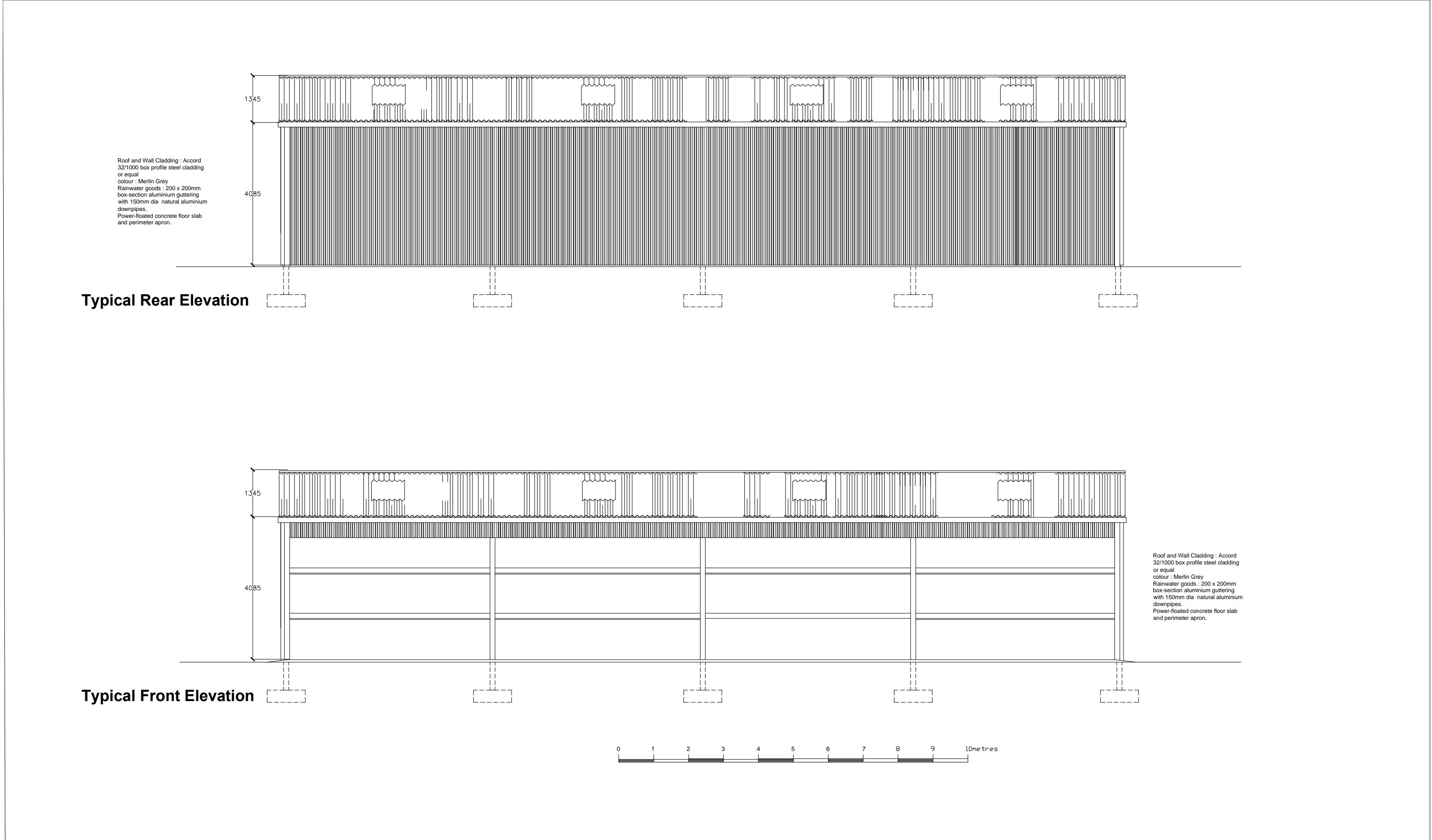



Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No	L(--)-015	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH <small>Tel 0131 535 1103 enquiries@derekscottplanning.com</small>
Drawing	Site Plan	Job No :	G 123	
Scales	1:500 & @ A3	Date	July 2021	

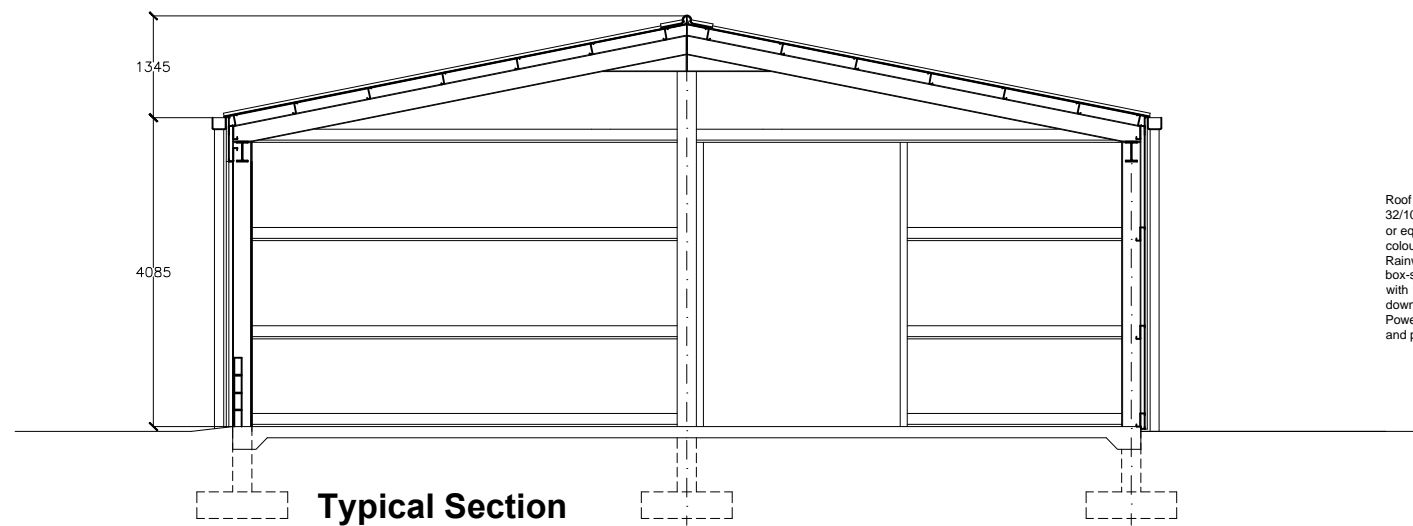




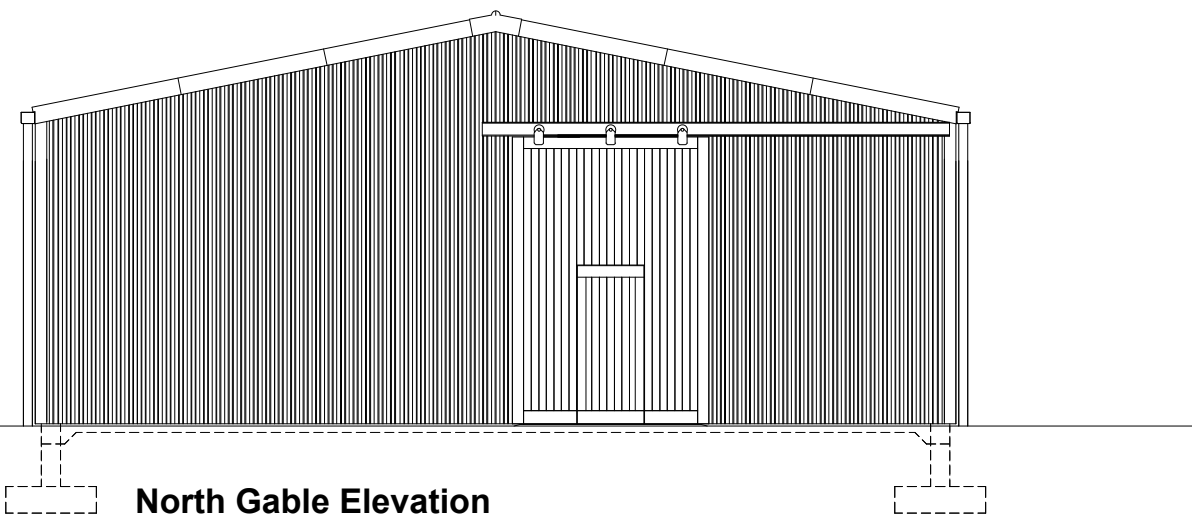
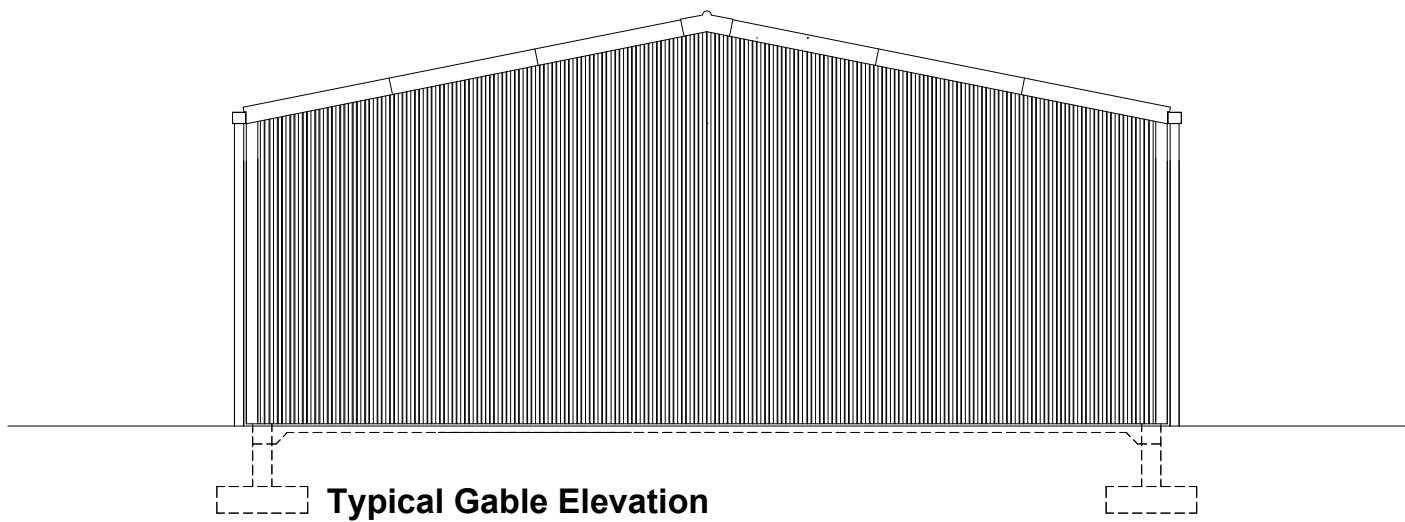
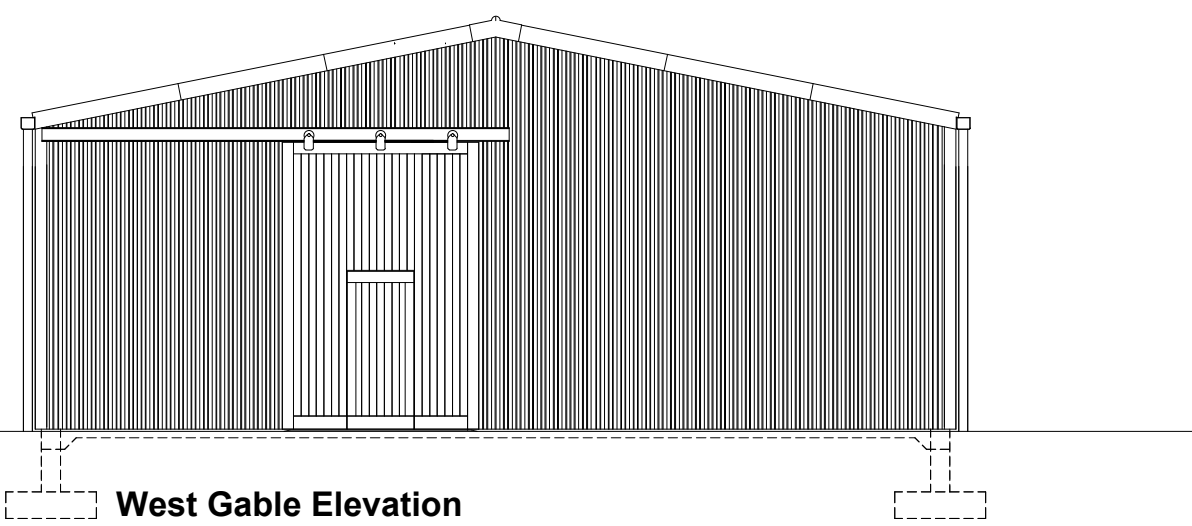
Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No L(--)012	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Front &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



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	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH  Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Front & Rear Elevations Storage 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.



0 1 2 3 4 5 6 7 8 9 10metres

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

Drawing Section & Gable Elevations

Scales 1:100 @ A3

Drawing No  
L(-- )014

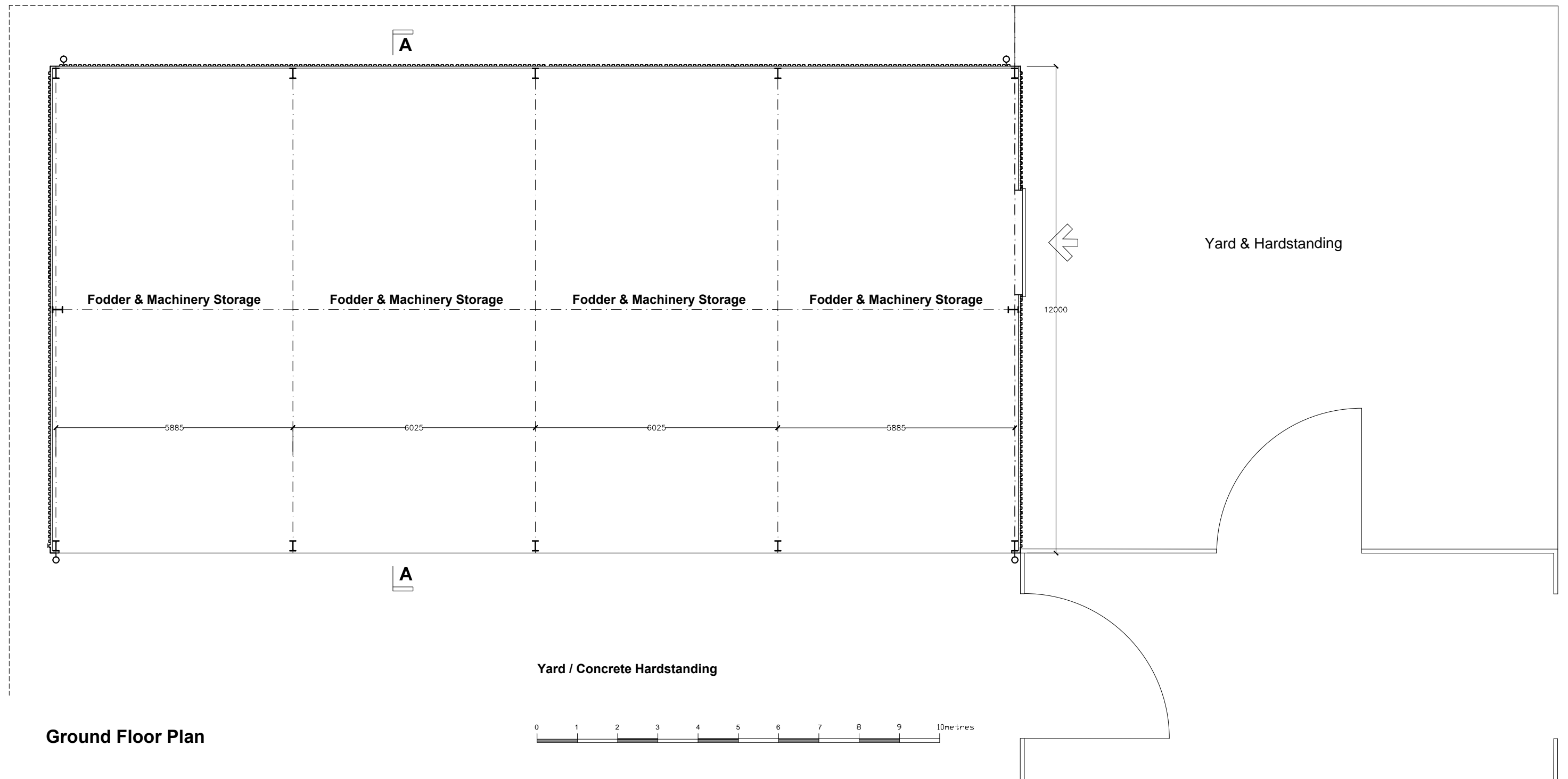
Job No :  
G 123


Date  
July 2021

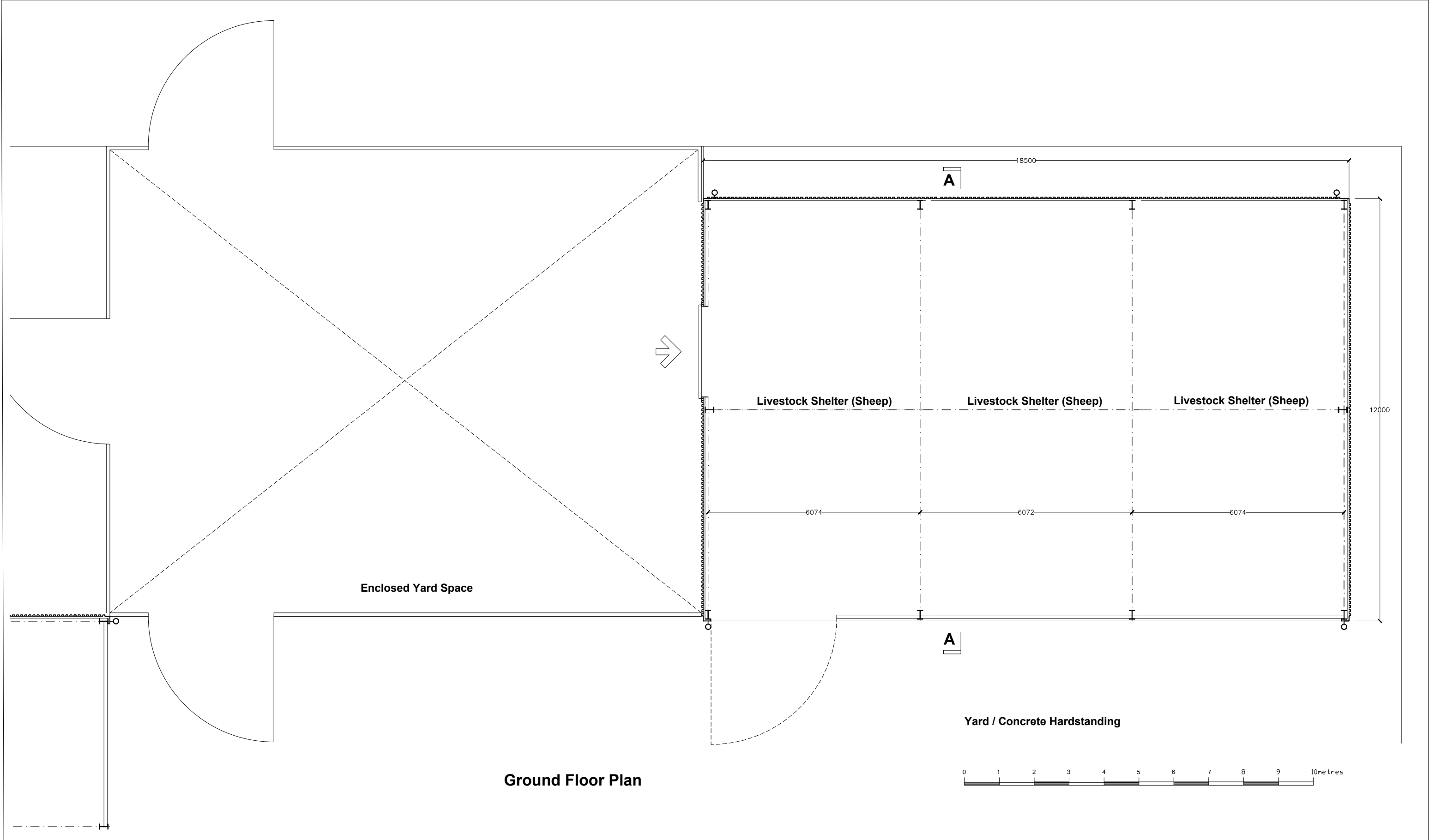



**Derek Scott Planning**  
21 Lansdowne Crescent  
Edinburgh EH12 5EH

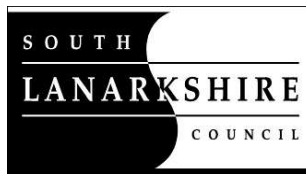
Tel 0131 535 1103  
enquiries@derekscottplanning.com



Project	Proposed Agricultural Buildings at Hyndford Mill Cottage Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG For the Firm of Thomas Orr	Drawing No L(--)016	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Fodder & Equipment Store Plan	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(--)011	<div><p><b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH <small>Tel 0131 535 1103 enquiries@derekscottplanning.com</small></p></div>
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

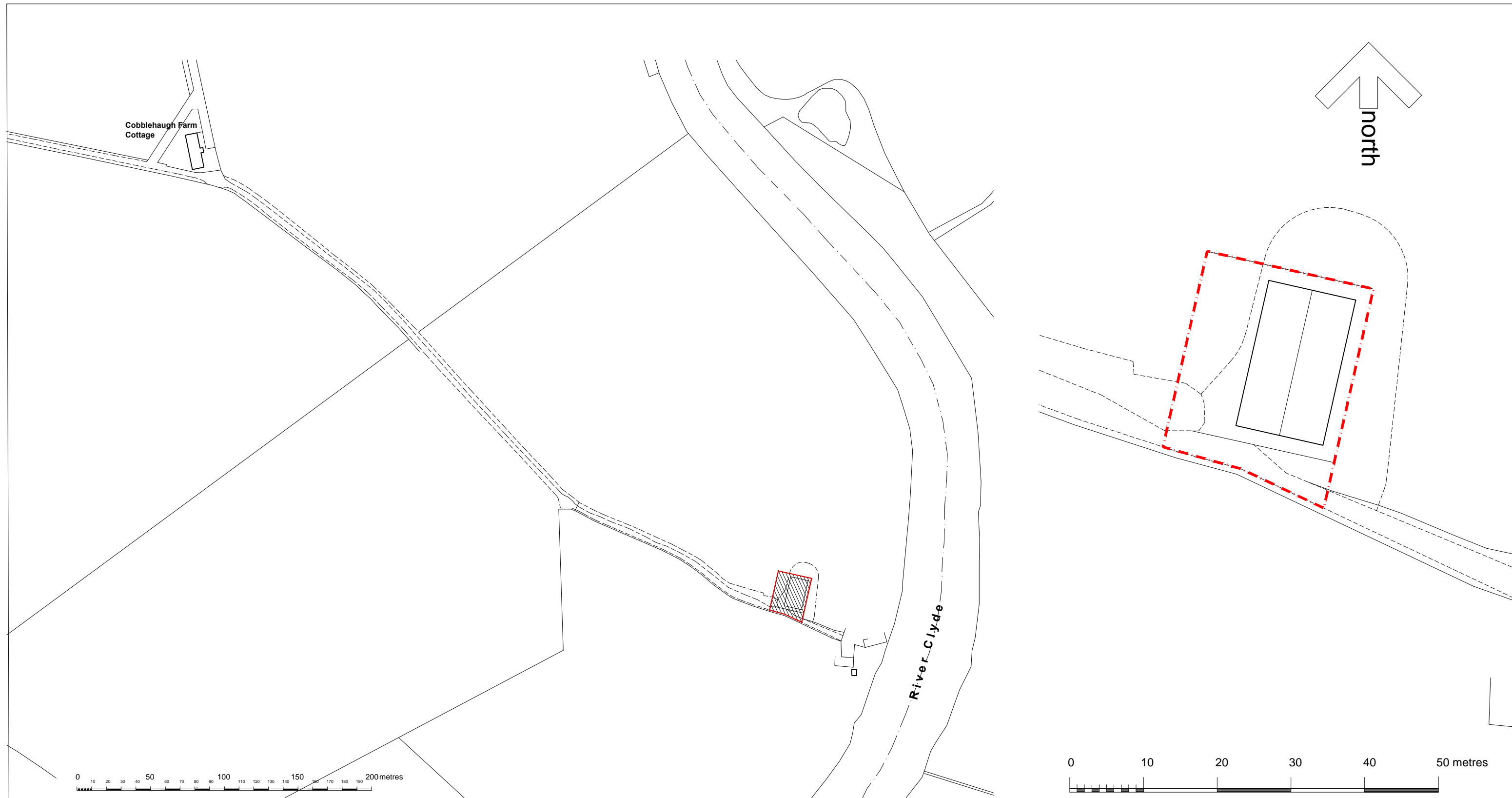
**Reason(s) for decision**

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:

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

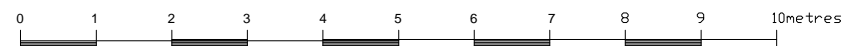
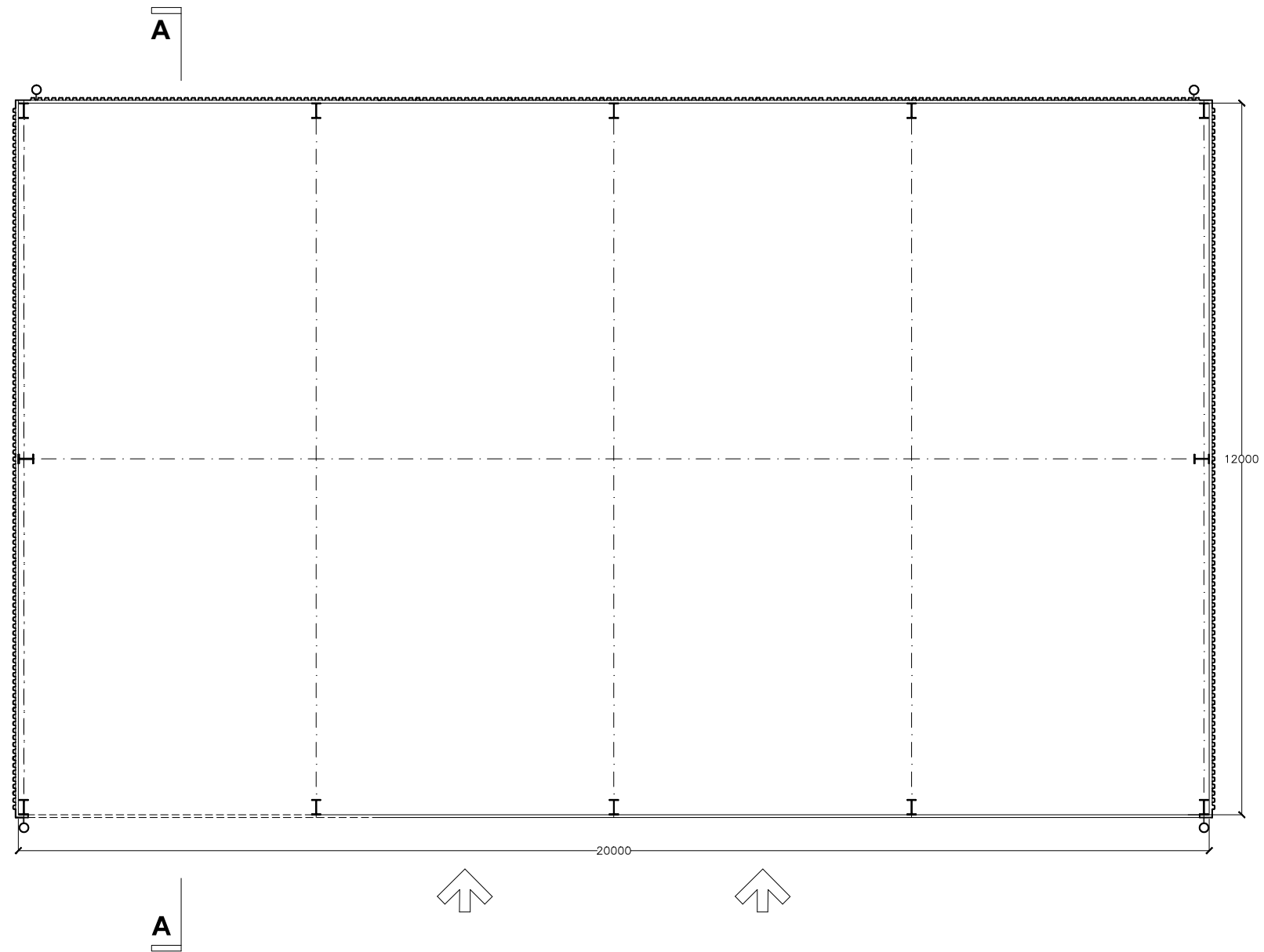



Location Plan 1:2500

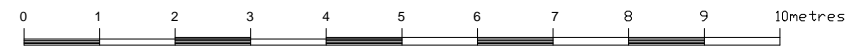
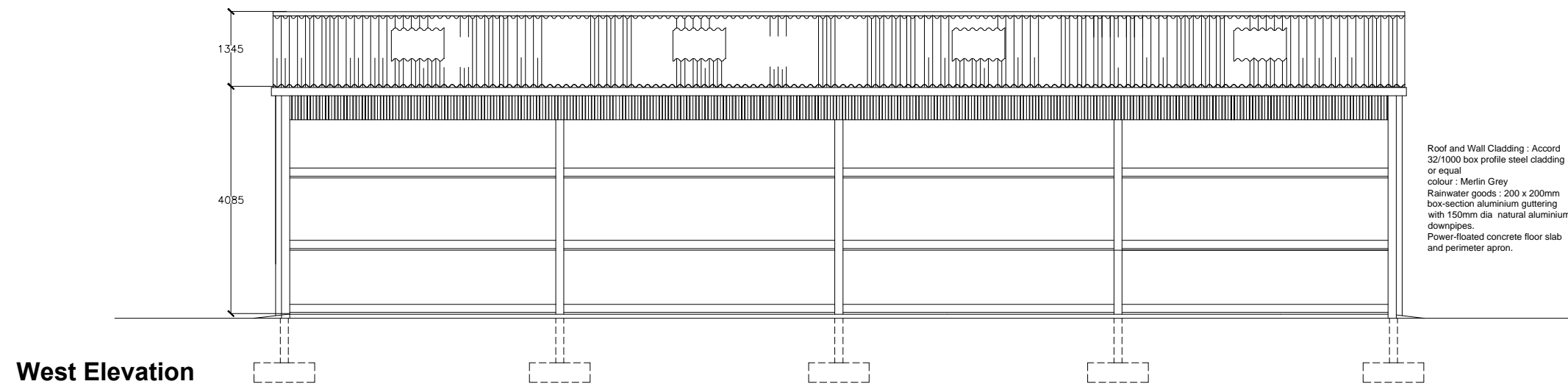
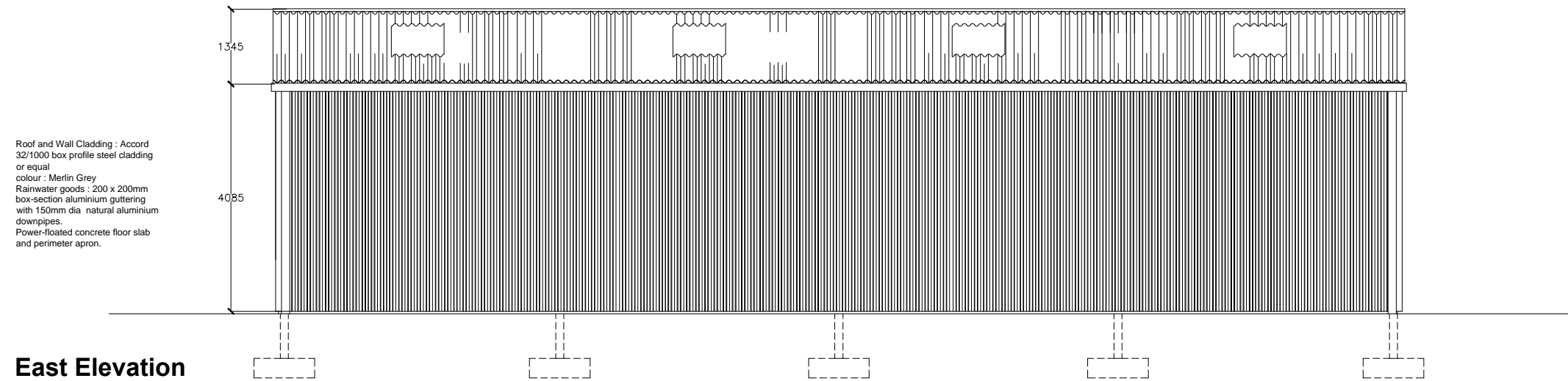
Site Plan 1:500


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	



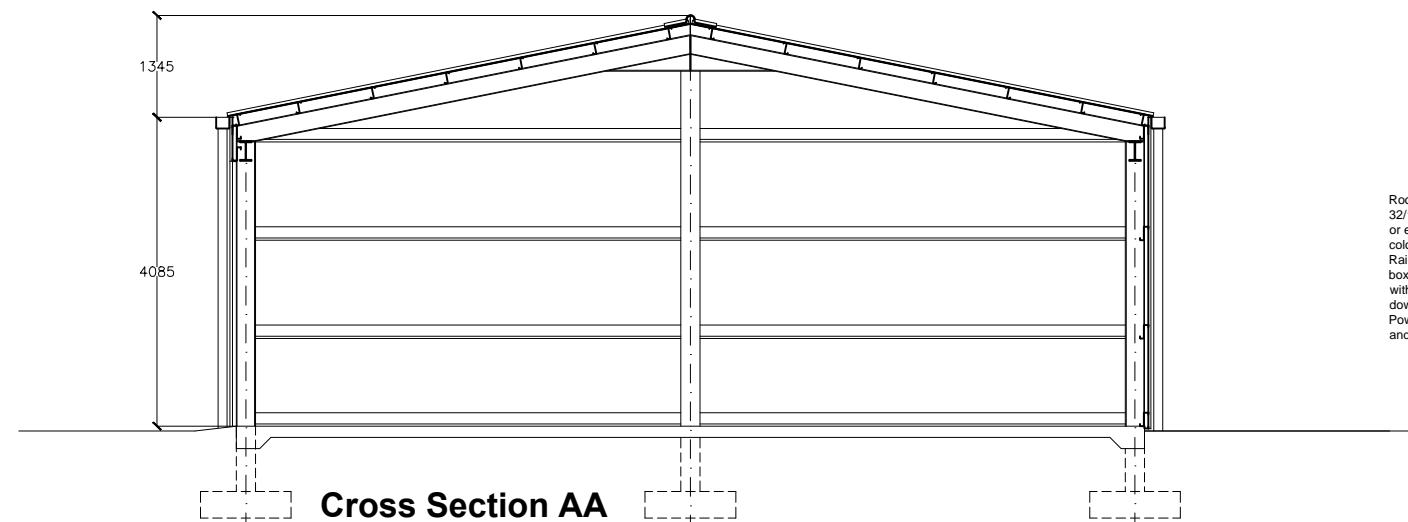


Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No	L(--)002	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Floor Plan	Job No :	G 123	
Scales	1:100 @ A3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

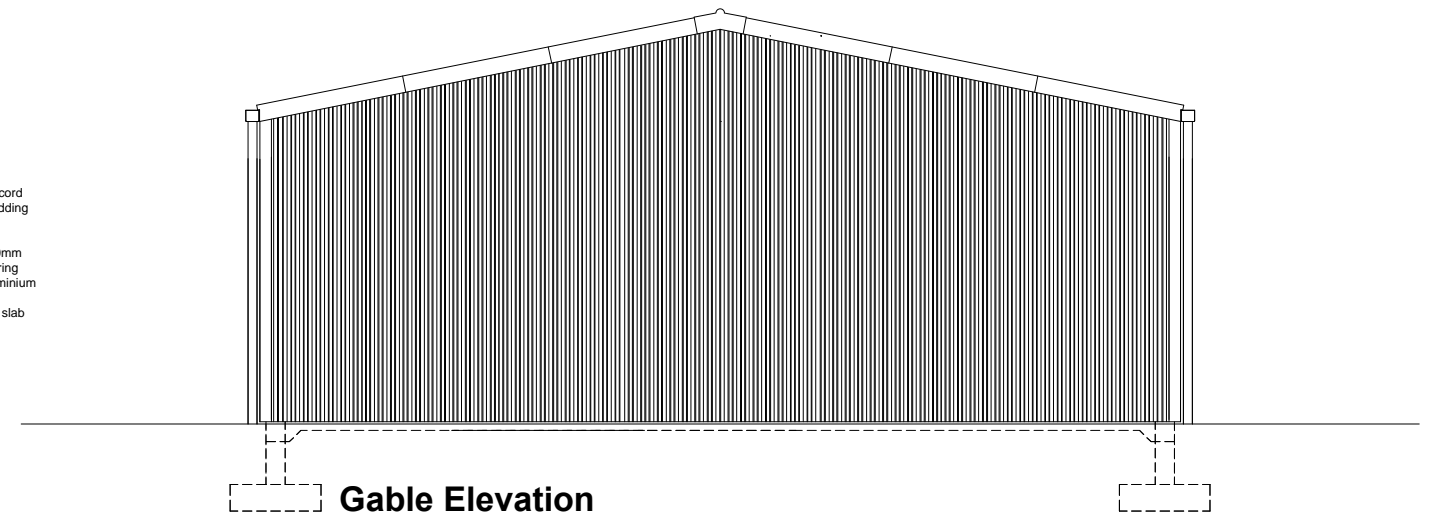



Project	Mr. J.T. Orr Proposed Agricultural Building at Charleston Park Farm Hyndfordbridge, Lanark ML11 8SG	Drawing No L(-- )003	 <b>Derek Scott Planning</b> 21 Lansdowne Crescent Edinburgh EH12 5EH  Tel 0131 535 1103 enquiries@derekscottplanning.com
Drawing	Front & Rear Elevations	Job No : G 123	
Scales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

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

---

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**

## **South Lanarkshire Council**

### **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.



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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**