

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

Dear Gail,

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

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

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

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

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

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

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

Assessment & Determination of Application

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

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

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

Strategic Development Plan

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

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

Local Development Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion & Recommendation

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

Please acknowledge receipt.

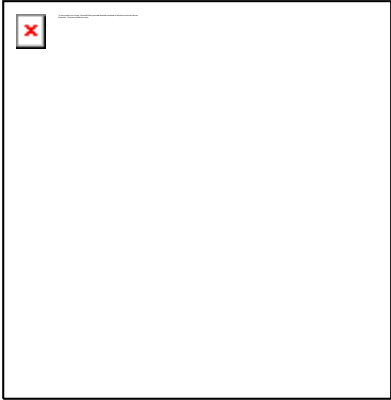
Yours sincerely
Euan

Euan FS Pearson MRTPI MRICS

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



RICS Regulated Firm No. 716764

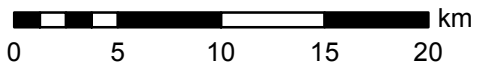


National Grid High Pressure Gas Pipe Location

N S

Gas Pipeline

1:365,000



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

If you are planning to undertake any work please see the following website:
<http://www2.nationalgrid.com/UK/Safety/Dial-before-you-dig>
or contact the Plant Protection team at least 14 days in advance on 0800 688 588 or plantprotection@nationalgrid.com

The National Grid corporate GIS shapefiles are available to download from the website using the following link:
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For further advice on GIS and mapping, please contact the GTO Data Delivery Team at:
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