

Jessup, Shona

From: Euan FS Pearson [REDACTED]
Sent: 03 August 2022 17:05
To: Jessup, Shona; McLeod, Stuart
Subject: Notice of Review: P/21/1210 | The Firm of Thomas Orr | Erection of an Agricultural Worker's Dwelling House (Permission in Principle) | Cobblehaugh, Lanark

Dear Member of the Local Review Body,

This is a Representation, under Regulation 10(4), submitted on behalf of D&M Russell of Cobblehaugh Farm, an interested party.

D&M Russell objected to application for planning permission in principle Ref: P/21/1210, for a dwellinghouse, refused by scheme of delegation.

The objection is by definition a "review document" and must be in front of the LRB when determining this Review.

The Officer's letter of 6 May 2022, advised that the decision was taken for the following reason:

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

This is commensurate with the Decision letter issued to the Applicant [Document TO5].

D&M Russell agrees with the Officer's decision to refuse and asks that the LRB make (i) a decision without further procedure; and (ii) uphold the decision of the Officer under Section 43A(14) of the Acts.

New Evidence

Before taking each policy in turn, there is the matter of the letter [T06] submitted as new evidence. It is a letter from SAC Consulting a trading name of Scottish Rural College. The letter is not a Labour Requirement Report nor a full assessment of the Applicant's operations.

Indeed, the author confirms that they had no access to accounts, nor did they visit the Farm. In fact, the author does not appear to have been provided with any evidence about the farming operations: relying solely on:

- * one page letter from the Applicant's accountant, IA Stewart & Co, with turnover/profit figures for The Firm, NOT broken down by activity; and

- * statements made about the Applicant's operations, by Applicant, regurgitated by the planning consultant (unsubstantiated).

A labour requirement report is not expensive to prepare. The Applicant should have provide this. It would not be financially burdensome to do so, especially as SAC Consulting has made the assumption that "the business is comfortably making profits".

Pearson Planning, Chartered Surveyors is an advisory firm registered with Rural Payments & Services.

It is not considered that, individually, or taken together, the documentation submitted demonstrates either a viable agri-business nor a labour requirement for more than one person.

Prior Approval for Agricultural Buildings

Reference is made to P/21/1320, a submission by the Applicant seeking "determination as to whether or not prior approval of the authority will be required to the siting, design and external appearance of the building". These are not planning applications and assessment of such matters is limited only to siting, design and external appearance. In giving prior approval (or concluding it is not required) the Council is not adjudicating on the viability or longevity of any agricultural business. Agricultural buildings can be used for a variety of uses (e.g. plant & machinery) and not exclusively for animal welfare. Therefore, contrary to what the Applicant's planning consultant claims the Council did NOT grant permission for these buildings: they are Permitted Development in terms of Part 6 the Order. Erection of these buildings certainly does not justify building a dwellinghouse.

Policy 4

The Application Site is agricultural land within a Rural Area. Policy 4 recognises that the Rural Area is primarily for agriculture, and development that does not require to be located there should be accommodated in towns. In addition, "isolated" development "will not be supported". There remains no agricultural justification for the new dwellinghouse and the Applicant has not explained why He cannot move to the nearest town and free up the existing farmhouse for occupation by His Son, Tom. Evidence has not been submitted to demonstrate that there are no available properties in Lanark. The proposed dwellinghouse for Tom is in an isolated location, on the River bank, down a single track road, 1,800m from a bus stop. The Applicant does not own the access and they have no rights to alter it (including passing places). No thought has been given to siting a caravan, temporarily, on the Farm to provide accommodation during what the Applicant describes as a succession period.

The Applicant appears to be arguing that because the Council decided that Prior Approval was not required (P/20/0620) for a large agricultural shed, that somehow means that the Application Site is not "isolated". To use the Applicant's consultant's own words this "is quite extraordinary". Prior Approval is not planning permission/planning permission in principle, and that determination doesn't take into account the question of 'isolation' nor any Local Development Plan provisions.

Policy 14

The Application Site is within a Special Landscape Area. These are Category 3 areas, in terms of the policy, and the Council only permits development, in these areas, that do not have an significant adverse impact, unless outweighed by significant social or economic benefits. It is for the Applicant to demonstrate that the proposed dwellinghouse will not result in significant impact. The Applicant wishes to reserve the scale, design and siting of the dwellinghouse to a further application(s): "kick the can down the road". This is not appropriate in a Special Landscape Area. Specific details of the dwellinghouse and a design statement are necessary in order for an assessment of impact to be robust and measurable. Equally, the Applicant has not submitted any documentation demonstrating social/economic benefit. The Applicant is the only person to benefit.

Policy GBRA1

All new development within a Rural Area is required to satisfy ALL of the 12 criteria in policy GBRA1. The proposal does not, primarily because it is an application for planning permission in principle. Id Est, as the matters such as design, scale, materials etc have not been submitted, an assessment against criteria 1 to 4; 6 & 7; and 9 cannot be made. In relation to criterion 8, there is no information on water, sewage and electricity connectivity. Technical Approval, from Scottish Water, is what is required demonstrating capacity, agreement and the actual points of connection. Scottish Power can provide something similar. The Applicant cannot assume that connections will be made across third party land.

Policy GBRA10

Similarly, policy GBRA10 requires proposals for a new dwellinghouse to satisfy criteria in both GBRA10.A and GBRA10.B. It does not.

A.1 The Farm has an existing building group and it has not been demonstrated that the proposal cannot be sited there. Farming sheep does not require a dwellinghouse to be within a certain distance of the flocks.

A.3 It has not been demonstrated that there is a genuine labour requirement, justifying an additional dwellinghouse.

A.4 Insufficient evidence of financial viability has been submitted. A significant element of the Applicant's business relates to haulage and not agriculture.

A.5 A Business Plan has not been submitted.

A.6 There is no design information about the proposed dwellinghouse, and policy GBRA has not been satisfied.

B.3 There is no design information and very basic business information, therefore, it is not possible to assess/establish whether (or not) the dwellinghouse would be commensurate with any labour requirements.

Conclusions

In conclusion, the proposed development does not accord with the Development Plan and the LRB is requested to uphold the Officer's decision to refuse planning permission in principle.

Yours Faithfully

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