

# Derek Scott Planning

Chartered Town Planning and Development Consultants



Our Ref: ep694/2022/007/agrihouse/DS

17<sup>th</sup> August 2022

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

## To whom it may concern

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

Thank you for your e-mail of 04<sup>th</sup> August 2022 in connection with the above-mentioned Review Request and for your invitation to respond to the representations submitted by Pearson Planning on behalf of D&M Russell of Cobblehaugh Farm.

We have set out in red on the attached document our responses to the various points made within those representations.

Please note that we reserve the right to respond to any further submissions made by third parties and/or by the Council's Planning Department in advance of the determination of the Review Request by your Council's Review Body.

Kindly acknowledge receipt and registration of this letter and the attachment by return.

Yours faithfully

Derek Scott

cc. and enc. Firm of Thomas Orr

**Response by Derek Scott Planning on behalf of the Firm of Thomas Orr to the representations submitted by Pearson Planning on behalf of D&M Russell of Cobblehaugh Farm in connection with the Local Review Body Request relating to Planning Application Reference Number P/21/1210**

*New Evidence*

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

*Indeed, the author confirms that they had no access to accounts, nor did they visit the Farm.*

*In fact, the author does not appear to have been provided with any evidence about the farming operations: relying solely on:*

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

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

*A labour requirement report is not expensive to prepare. The Applicant should have provided this.*

*It would not be financially burdensome to do so, especially as SAC Consulting has made the assumption that "the business is comfortably making profits".*

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

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

**Response** – The Planning Officer's Report of Handling on our client's application stated that we were requested, prior to the determination of the application, to provide a labour requirement report from a suitably qualified agricultural body such as the Scottish Agricultural College (SAC) in support of the application. We were subsequently advised by the Planning Department that such a report had been requested as there was not a 'suitably qualified' member of staff within the Council to assess labour requirement reports and other supporting information submitted in support of such applications.

No such report was submitted as a detailed breakdown of the labour requirements associated with the farm were contained within the Planning Statement originally submitted (Refer to **Document TO1g**). The labour requirement calculations had been prepared by our company (Derek Scott Planning) who are highly experienced in this field of work having prepared such assessments in support of many similar applications across Scotland including South Lanarkshire during the course of the past 20+years.

Notwithstanding this and in light of the comments referred to in the Report of Handling, our client approached and had a meeting with a Senior Agricultural Consultant in the SAC (Jennifer Struthers) following the refusal of the application and who, contrary to the disingenuous claims made by Pearson Planning, reviewed all available evidence relating to the existing business and with which she was previously familiar having visited the farm on a number of occasions. Ms. Struthers also reviewed the labour requirement calculations within the Planning Statement referred to (including the accounts information submitted in support of the application) and subsequently confirmed that she generally agreed with the information provided within it; that there was a need for an additional dwelling house on the farm; that the dwelling house proposed, should, in the interests of good animal husbandry and biosecurity considerations, be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320 (Refer to **Document TO2**); and that the business was profitable and had every prospect of remaining so in the future.

The Planning Department in correspondence received subsequent to the determination of the application have now confirmed that they had no concerns about the content or otherwise of the information we provided in support of the application and that it did not constitute a reason for its refusal. As a result of this, their concerns about the proposal would appear to relate solely to the location of the proposed dwelling house rather than the need or requirement for it.

We have submitted, via e-mail, a copy of the SAC Letter to the Council's Planning Department on 06<sup>th</sup> July 2022 and asked if the contents of that letter had altered their views on the application and if resubmitted would it receive their support. We have sent numerous reminders to the Council's Planning Department since then (See **Document TO7**) but have not received a response.

Whilst Pearson Planning claim that the information submitted in support of the application fails to demonstrate either a viable agricultural business or a labour requirement for more than one person, those claims are not supported by any evidence whatsoever and clearly conflict with our conclusions, those of the Scottish Agricultural College and those of the Council's Planning Department. The claims made, which are mischievous, spurious and without any credible foundation whatsoever, should be given no weight in the determination of our client's review request.

### ***Prior Approval for Agricultural Buildings***

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

**Response** – The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) grants planning permission for some forms and types of development subject to compliance with various criteria (known as 'permitted development'). As far as agricultural buildings less than 1,000 sq. metres are concerned, and in advance of those permitted development rights being exercised, an application must be made to the relevant Planning Authority to establish if its prior approval is required in terms of siting, design and external appearance of any building or buildings proposed.

The Planning Officer in approving the application made under Application Reference Number P/21/1320 concluded that the buildings proposed were acceptable in terms of their siting, design and external appearance – in other words, they would not have an adverse effect on the character or appearance of the area's landscape. If agricultural buildings of this nature are not considered to have an adverse effect on the character and appearance of the landscape it is difficult to comprehend how a dwelling house located immediately adjacent to them on a site occupied by the ruins of a former house (i.e. a brownfield site) would have an adverse effect.

Pearson Planning claim that '*the Council did NOT grant planning permission for these buildings*' and that the '*erection of these buildings does not justify building a dwelling house.*' Pearson Planning are wrong on both counts.

The Council's decision not to require '*prior approval*' for the buildings in terms of their location, siting and design allows the grant of planning permission permitted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) to be exercised. That decision then lends support for the erection of the dwelling house insofar as considerations relating to location, siting and design are concerned. As noted previously and as confirmed by the Scottish Agricultural College (SAC Consulting), the dwelling house should, in the interests of good animal husbandry and biosecurity considerations, be located next to the agricultural buildings which have been approved under Application Reference Number P/21/1320 and not at the existing farm buildings some 1km to the west.



*Application site formerly occupied by dwelling house now in ruinous condition*

#### **Policy 4**

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

**Response** – The suggestion by Pearson Planning that the retiring farmer (Mr. James T Orr) should move to a house in Lanark and that his son (or he) should live in a caravan until the succession process has been completed (five years) conflicts with the acceptance by both the Planning Department and the Scottish Agricultural College that the erection of an additional house at Charleston Park Farm is justified in terms of labour requirements and viability considerations. The suggestion also conflicts with the Draft National Planning Framework 4 published by the Scottish Government in November 2021 which supports the erection of a ‘single home for the retirement succession of a viable farm holding.’ Contrary to the claims inferred by Pearson Planning, our client benefits from access rights to the site of the proposed dwelling house. There are no passing places proposed on the stretch of the access road not owned by our client, nor are they required to be provided.

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

**Response** – The Council's Local Development Plan does not provide a definition of the term ‘isolated.’ However, within the context of the policy referred to and its use in conjunction with the term ‘sporadic,’ it has clearly been incorporated in order to discourage the development of new houses which are far away or remote from other places or buildings. The dwelling house proposed in the application sits on the site of a former dwelling house (now in ruins) and immediately adjacent to the agricultural buildings approved under the terms of Application Reference Number P/21/1320. As such it will be neither isolated nor sporadic in nature. It is quite wrong to suggest otherwise.

The earlier granting of prior approval for the erection of an agricultural building under Application Reference Number P/20/0620 highlights that the Council were previously satisfied that a building, of a similar scale to a dwelling house,

could be erected on the site without adverse effect on the character or appearance of the landscape in terms of considerations relating to location, siting and design.

Pearson Planning again fail to recognise that it is The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) which grants planning permission for agricultural buildings albeit subject to various criteria being met, part of which, as noted previously relates to the 'prior approval' process.

#### **Policy 14**

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

**Response** – The Council's Local Development Plan does not require applications for development proposals within a designated Special Landscape Area to be submitted in a detailed form. Pearson Planning are clearly inventing their own rules and not those administered by the Council's Planning Department. Matters relating to scale, design and siting can be considered within the context of an Application for the Approval of Matters Specified in Conditions (AMSIC) in the event of Planning Permission in Principle being granted.

As noted previously, the dwelling house proposed will not have a significant adverse impact on the designating qualities of the Special Landscape Area within which it is located. The site was previously occupied by a dwelling house (now in ruins) and has the benefit of planning permission for the erection of an agricultural building (Application Reference Number P/20/0620). Permission for a further two agricultural buildings exist immediately adjacent to the northwest (Application Reference Number P/21/1320). As there will be no significant adverse impacts on the landscape as a result of the dwelling house proposed, there is no requirement to demonstrate a social/economic benefit. Notwithstanding this, the application of even the slightest degree of common sense would conclude that the dwelling proposed, in view of its intrinsic relationship to the adjacent agricultural buildings and their subsequent relationship to the business as a whole, will bring both social and economic benefits to the area in terms of employment and related economic benefits.

#### **Policy GBRA1**

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

**Response** – The application submitted seeks 'planning permission in principle' for the erection of a dwelling house. The points raised above are detailed matters which would be considered at either the AMSIC stage or as part of separate legislative procedures (e.g. Building Warrant). As far as we are concerned, the application site can be satisfactorily serviced with water, sewage and electricity provisions and there are no constraints preventing the delivery of these. It is simply mischievous of Pearson Planning to suggest otherwise.

#### **Policy GBRA10**

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

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

**Response** - The dwelling house requires, in the interests of good animal husbandry and biosecurity considerations, to be located in close proximity to the agricultural buildings which are being constructed under the terms of Application Reference Number P/21/1320.

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

**Response** – The letter provided by SAC (Refer to **Document TO6**) has, as noted previously, confirmed the need for the erection of an additional dwelling house on the farm. That need, insofar as we can establish, has been accepted by the Planning Department.

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

**Response** – Information prepared by our client's accountant and submitted in support of the application demonstrates that the business is profitable and has every prospect of remaining so in the future. Whilst an element of the revenue generated by the business is derived from haulage activities, these are related entirely to agriculture and inextricably linked to the facilities existing on the farm. Pearson Planning have clearly not grasped or understood how our client's business operates.

*A.5 A Business Plan has not been submitted.*

**Response** – Sufficient information based on past accounting records has been submitted with the application to demonstrate the viability of the business moving forward. Planning Applications for rural based dwelling houses supported by agricultural or equestrian enterprises are frequently approved by the Council's Planning Department in the absence of business plans.

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

**Response** – The application seeks planning permission in principle for the erection of an agricultural worker's dwelling house. Matters relating to design will be considered as part of an application for Approval of Matters Specified in Conditions in the event of Planning Permission in Principle being granted.

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

**Response** – It has been conclusively demonstrated that there is a need for an additional dwelling house to serve the labour requirements generated by activities undertaken on the farm.

We would suggest, as part of the assessment process associated with the determination of our client's Review Request that Local Members familiarise themselves with all of the applications listed below. The applications referred to have all permitted the erection of dwelling houses on the back of agricultural or equestrian enterprises within South Lanarkshire. All are cited as precedents in support of our client's Review Request with many being approved with considerably less information and justification than that submitted or requested to be provided in support of our client's application. Some of the decisions arrived at are also entirely inconsistent with the reasons issued for the refusal of our client's application. Interestingly, Pearson Planning have not made reference to any of them in their objections from which I conclude that none of them support their client's opposition to the planning application under consideration.

**CL/17/0150** - Formation of horse trotting track, equestrian centre, restaurant/bar, participants stables, 8 residential units for participants, owners/managers house, parking area, access road, associated earth works and land filling (Amendment to CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark ML11 0RL

**CL/18/0001** - Erection of agricultural worker's house and detached triple garage at Brae View, Brownlee Road, Law, Carluke South Lanarkshire

**P/19/0249** - Erection of dwellinghouse for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark ML11 9UA

**P/19/0947** - Erection of agricultural worker's dwellinghouse on Land 100M ENE of East Windyedge, Lethame Highway, Strathaven South Lanarkshire

**P/20/0036** - Erection of dwelling for agricultural worker at Townhead Farm, Ponfeigh Road, Sandilands, Lanark, South Lanarkshire ML11 9UA

**P/20/1047** - Redevelopment of existing farm buildings to provide farm workers dwellings, new agricultural buildings, estate office and main farmhouse with access, landscaping and associated infrastructure. (Planning Permission in Principle) at Auchentibber Farm, Auchentibber Road, Blantyre G72 0TW

**P/20/1257** - Relocation of existing farm business and erection of replacement farmhouse at Mosside Farm, Climpy Road, Forth, Lanark, South Lanarkshire

**P/20/1304** - Erection of house for a farm worker (Planning permission in principle) on Land 45M southeast Of 112 Stonehill Road, Stonehill Road, Carmichael, Biggar South Lanarkshire

**P/20/1859** - Erection of dwellinghouse in association with equestrian business at Shawrigg, Ayr Road, Shawsburn, Larkhall ML9 2TZ

**P/21/0132** - Erection of a detached single storey dwellinghouse in association with existing agricultural, equestrian and kennels businesses on Land 30M Southwest Of Bracken Farm, B7086 from Strathaven to Lesmahagow, Strathaven, South Lanarkshire

**P/21/1171** - Erection of detached dwelling for agricultural worker at Shaws Farm, A70 from Rigside to Hyndford Bridge, Rigside, Lanark ML11 9TD

**P/21/1228** - Erection of agricultural worker's dwellinghouse at Unused Field, Gated Entrance Off Millwell Road, Opposite Laigh Cleughearn Farm, East Kilbride

**P/21/1402** - Erection of a detached dwellinghouse in association with the equestrian business, formation of parking for the equestrian centre and new vehicular access at Boghill Farm, Hawksland Road, Lesmahagow, ML11 9PY

**P/21/1540** - Erection of two storey detached dwelling for agricultural worker at Carlindean Farm, A70 From Carnwath To Boundary By Tarbrax, Carnwath, Lanark, South Lanarkshire ML11 8LQ

**P/22/0608** - Erection of agricultural worker's dwelling house and associated works at South Brownhill Farm, High Brownside And Caldergreen Highway, Strathaven ML10 6QP

In conclusion we would reiterate a number of key points in support of our client's planning application/review request which in our opinion warrants the granting of planning permission for the proposal:

- 1. There is an undisputed requirement for the erection of an additional house at Charleston Park Farm based on labour requirements and financial viability considerations.**
- 2. There is a requirement and justification for the erection of a dwelling house adjacent to the agricultural (sheep) buildings approved under Application Reference Number P/21/1320 on the grounds of animal husbandry considerations. The functional requirements of that dwelling house cannot be met at or adjacent to the existing farm buildings.**
- 3. The application site is brownfield in nature having previously been occupied by a dwelling house (Hyndford Mill Cottage – now in ruins). The Council has previously acknowledged that the erection of an agricultural building on the site under Application Reference Number P/20/0620 was acceptable in terms of siting, design and external appearance. That being the case, it is incomprehensible to now suggest that a dwelling house of a similar size would be unacceptable.**

Signed

A solid black rectangular box used to redact the signature of Derek Scott.

Derek Scott

Date

17<sup>th</sup> August 2022

**Document TO7**

**Copy of e-mail exchanges with South Lanarkshire Council in relation to Supporting  
Letter from SAC Consulting**

**From:** Derek Scott  
**Sent:** 17 August 2022 09:43  
**To:** 'Darroch, Bernard' <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** 'Booth, David' <David.Booth@southlanarkshire.gov.uk>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails below. Could you please revert with an indication of when you intend to respond to my e-mail of 06<sup>th</sup> July 2022? If you are not intending on doing so can you also please advise.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
T - 01383 620 300 M - 07802 431970*

*enquiries@derekscottplanning.com - E  
www.derekscottplanning.com - W*

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**From:** Derek Scott  
**Sent:** 15 August 2022 11:19  
**To:** 'Darroch, Bernard' <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** 'Booth, David' <David.Booth@southlanarkshire.gov.uk>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails below and would appreciate a response.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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**From:** Derek Scott

**Sent:** 12 August 2022 10:26

**To:** Darroch, Bernard <Bernard.Darroch@southlanarkshire.gov.uk>; Booth, David  
<David.Booth@southlanarkshire.gov.uk>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Darroch,

I refer to my e-mails of 06<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> July and 04<sup>th</sup>, 05<sup>th</sup> 08<sup>th</sup>, 09<sup>th</sup> and 10<sup>th</sup> August 2022 (see below) in connection with the above-mentioned planning application. I would be grateful if you could respond.

Regards

Derek Scott



*Derek Scott Planning  
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*also at*

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**From:** Derek Scott  
**Sent:** 10 August 2022 14:05  
**To:** Darroch, Bernard <Bernard.Darroch@southlanarkshire.gov.uk>  
**Cc:** Booth, David <David.Booth@southlanarkshire.gov.uk>  
**Subject:** RE: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

Dear Mr. Darroch,

I refer to the e-mail exchanges below and would appreciate it if you could provide me with an indication of the timescales within which you intend to respond.

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
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**From:** Derek Scott  
**Sent:** 09 August 2022 12:24  
**To:** Darroch, Bernard <[Bernard.Darroch@southlanarkshire.gov.uk](mailto:Bernard.Darroch@southlanarkshire.gov.uk)>  
**Cc:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Darroch,

I understand from your colleague, Mr. Booth that you are now dealing with the above matter. I would appreciate a response to my query which was initially issued to your Department on 06<sup>th</sup> July 2022 (see below and attached)

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ  
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**From:** Maxwell, Karen [mailto:Karen.Maxwell@southlanarkshire.gov.uk] **On Behalf Of** Booth, David  
**Sent:** 08 August 2022 14:39  
**To:** Derek Scott <enquiries@derekscottplanning.com>  
**Cc:** Booth, David <David.Booth@southlanarkshire.gov.uk>  
**Subject:** RE: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

Dear Mr Scott,

Your emails have been passed to Bernard Darroch, Area Manager who will be the link now the Pauline has left. Bernard will be in touch with you.

Kind regards.

Karen Maxwell  
Secretary to Executive Director  
Community & Enterprise Resources  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton ML3 6LB  
Tel: 01698 454798  
Email: [Karen.Maxwell@southlanarkshire.gov.uk](mailto:Karen.Maxwell@southlanarkshire.gov.uk)  
Website: [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)



[www.NHSinform.scot/Covid-19](http://www.NHSinform.scot/Covid-19)



Contact us through an online  
sign language interpreter  
contactSCOTLAND-BSL

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**From:** Derek Scott

**Sent:** 08 August 2022 09:24

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth,

I refer to the e-mail trail below. I would be grateful if you could provide me with a response.

Regards

Derek Scott



*Derek Scott Planning*

*21 Lansdowne Crescent, Edinburgh, EH12 5EH*

*T - 0131 535 1103 M - 07802 431970*

*also at*

*Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ*

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*enquiries@derekscottplanning.com - E*

*www.derekscottplanning.com - W*

---

**From:** Derek Scott

**Sent:** 05 August 2022 12:09

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth,

I understand that Ms. Elliott has left. Can you please advise who will be dealing with this matter in her absence?

Regards

Derek Scott



*Derek Scott Planning  
21 Lansdowne Crescent, Edinburgh, EH12 5EH  
T - 0131 535 1103 M - 07802 431970*

*also at*

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**From:** Derek Scott  
**Sent:** 04 August 2022 12:58  
**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>  
**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mails of 06<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> July 2002 (see below) in connection with the above application.

I would appreciate a response.

Regards

Derek Scott



*Derek Scott Planning  
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**From:** Derek Scott  
**Sent:** 22 July 2022 10:24

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mails of 06<sup>th</sup> and 15<sup>th</sup> July 2002 (see below) in connection with the above application and would be grateful if either of you could find the time to respond.

Regards

Derek Scott



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**From:** Derek Scott

**Sent:** 15 July 2022 12:00

**To:** Booth, David <[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>; Elliott, Pauline  
<[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>

**Subject:** FW: P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK

**Importance:** High

Dear Mr. Booth/Ms. Elliott,

I refer to my e-mail of 06<sup>th</sup> July 2022 (see below) in connection with the above-mentioned planning application. I would be grateful to receive the courtesy of a response.

Regards

Derek Scott



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**From:** Derek Scott  
**Sent:** 06 July 2022 07:39  
**To:** Elliott, Pauline <[Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)>; Booth, David  
<[David.Booth@southlanarkshire.gov.uk](mailto:David.Booth@southlanarkshire.gov.uk)>  
**Subject:** P/21/1210 - ERECTION OF AN AGRICULTURAL WORKER'S DWELLING HOUSE AT  
HYNDFORD MILL COTTAGE, CHARLESTON PARK FARM, COBBLEHAUGH ROAD, LANARK  
**Importance:** High

Dear Mr. Booth/Ms. Elliott

I refer to previous correspondence in connection with the above-mentioned planning application and attach for your attention a copy of a letter from SAC Consulting (the firm who your department have previously advised offers independent and impartial advice). You will note from the letter referred to that they have confirmed that they generally agree with the labour requirement calculations provided in our supporting statement; that there is a need for an additional dwelling house on the farm; that the dwelling house proposed should, in the interests of good animal husbandry be located next to the agricultural buildings approved under the terms of Prior Approval Application Reference Number P/21/1320); and that the business is profitable and has every prospect of remaining so in the future.

Can you please advise if the contents of the SAC letter alter your views on the application and if re-submitted would it receive the support of your Planning Department?

I look forward to hearing from you in response.

Regards

Derek Scott



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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 profitably going forward as subsidies are likely to be reduced.

5. Farming is currently going through a turbulent time however Mr Orr's diversified income streams will be beneficial in helping deal with fluctuations.
6. Whilst cashflow forecasts may help to show a picture of the business going forward this would again be at considerable cost to Mr Orr. The current volatility in agricultural markets also makes it extremely difficult to forecast prices much further than a few weeks in advance.

It would not be usual for us to comment on the location of any dwelling as standard in any of our reports however given that permission has been granted for agricultural sheds at the location of the proposed dwelling and information provided by Mr Orr regarding the sheep enterprise it is considered appropriate to provide some comment on this also

1. It is my understanding that planning for agricultural buildings have been granted at the site of the proposed dwelling which is to be situated separately from the main holding. It is the intention a that these buildings will be used for lambing sheep. Given the round the clock nature of care required over this period it is therefore sensible from an animal welfare perspective that there is also a house located in the vicinity. The current dwelling is some 1km west of these buildings which would reduce the ability to check and respond to animals quickly and therefore increase the risk of animal welfare problems arising.
2. Mr Orr also mentioned that as part of his semi retirement and succession plans that he may look to re-establish a flock of pedigree Suffolks. Given that the main holding can act as a as a layerage for animals in transit there is a biosecurity advantage to locating the sheep enterprise separately. This would be particularly relevant in the instance of a pedigree flock which would likely be required to be part of a health scheme for diseases such as Maedi- Visna.

In conclusion if we had been to prepare a full labour report we would also be concluding that the labour requirement and enterprises on farm are such to justify a second dwelling.

Yours sincerely,



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