

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>14 December 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1228
Planning proposal:	Erection of agricultural worker's dwellinghouse

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Willie Allison
Location:	Unused Field Gated Entrance Off Millwell Road Opposite Laigh Cleughearn Farm East Kilbride

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ◆ Applicant's Agent: Brian McAteer
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**  
Policy 4 – Green Belt and Rural Area  
Policy 5 - Development Management and Placemaking  
Policy DM1 – New Development Design  
Policy GBRA1 – Rural Design and Development  
Policy GBRA10 – Accommodation Associated with an Existing or Proposed Rural Business

### ◆ Representation(s):

▶	6	Objection Letters
▶	2	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads and Transportation Services (Development Management Team)

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to a small area of agricultural land, measuring approximately 1,825 square metres, located to the south of Millwell Road, Auldhouse. The land in question forms part of Laigh Cleughearn Farm. The site, which slopes gently upwards from north-west to south-east, is bounded to the north by Millwell Road, to the south and east by farmland forming part of Laigh Cleughearn Farm and to the west by High Cleughearn Road. The main farm buildings at Laigh Cleughearn are located adjacent to the site on the opposite side of High Cleughearn Road. The site is currently accessed via a gated field access located at the corner of Millwell Road and High Cleughearn Road.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning permission to erect an agricultural worker's dwellinghouse within the site, with an associated access and car parking area. The proposed dwellinghouse would be for the use of the applicant's son, who is taking on much of farming operations at Laigh Cleughearn Farm. Supporting justification has been provided with regard to the existing and proposed operations of the farm.
- 2.2 The proposed dwellinghouse would be a single storey, three bedroom house. A new access to serve the dwellinghouse would be taken from High Cleughearn Road, 50 metres south of the junction with Millwell Road. Landscape planting would be put in place on the eastern and southern boundaries of the site to separate the residential house plot from the adjacent farmland. Existing mature trees on the western boundary of the site would be retained as part of the proposed development of the site.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The site is located within the Green Belt to the south of East Kilbride as designated by Policy 4 of the South Lanarkshire Local Development Plan 2 (adopted 2021). Policies 5 – Development Management and Placemaking, DM1 - New Development Design, GBRA1 – Rural Design and Development and GBRA10 – Accommodation Associated with an Existing or Proposed Rural Business are also of relevance to the application in this instance.

#### **3.2 Planning Background**

- 3.2.1 Planning permission was previously sought by the applicants for the erection of an agricultural worker's dwelling house on land to the north of Millwell Road, to the west of Cleughearn Poultry Farm, in January 2021 (Planning Reference: P/21/0042). However, although the principle of the erection of a dwellinghouse to serve the farm business was considered acceptable at that time, following discussions with the Planning Service it was agreed that it would be appropriate for this application to be withdrawn from further consideration and for a more appropriate site to be located for the proposed dwellinghouse. Following the undertaking of subsequent discussions between the applicant and the Planning Service, the current site was identified as the most suitable location for the proposed dwellinghouse.

### **4 Consultation(s)**

#### **4.1 Roads and Transportation Services (Development Management Team):-**

Following the submission of a speed survey to confirm that the available visibility splays at the proposed site access would be sufficient to allow the site to be safely accessed, Roads and Transportation Services confirmed their satisfaction with the proposed development, subject to conditions.

**Response:** Noted. The requested conditions, which relate to maintenance of the visibility splay and the formation of car parking spaces within the site, would be attached to any consent issued.

- 4.2 **Environmental Services:-** Offered no objections to the proposals subject to the imposition of a condition to any consent issued requiring full details of refuse management provisions associated with the proposed dwellinghouse to be submitted to the Council, and thereafter put in place to the Council's satisfaction.

**Response:** Noted. The requested condition would be attached to any consent issued.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for neighbour notification purposes. Nine letters of representation were received in respect of the application, comprising six letters of objection, one letter of comment and two letters of support. The points raised have been considered as follows:-

**a) The proposed development does not comply with Council planning policy concerning development in the Green Belt.**

**Response:** Council planning policy relating to development within the Green Belt, as set out in Policy 4 as well as the Green Belt policies contained within Volume 2 of the South Lanarkshire Local Development Plan 2 (adopted 2021), states that the Green Belt should function primarily for purposes relating to agriculture, forestry, recreation and other appropriate countryside uses. As set out in Section 6 below, the view is taken that this proposed development is directly associated with an agricultural use and is necessary in order to allow the associated agricultural business to appropriately function. The scale, design and siting of the development is also considered to be appropriate in this case. As such, the view is taken that the proposed development is fully compliant with the provisions within adopted Council planning policy relating to development in the Green Belt.

**b) The site is currently open farmland within the countryside and should remain in its current use.**

**Response:** It is noted that the application site forms a corner area of a larger field utilised as farmland. However, as detailed in Section 6 below, the view is taken that the proposed development of an agricultural worker's house within this site would be fully compliant with adopted Council planning policy as set out in the South Lanarkshire Local Development Plan 2. In addition, the development would not impact on the continued use of the land adjoining the site for agricultural purposes. As such, it is not considered necessary for the site to be retained as farmland in this case, given that the proposed development fully accords with adopted Council planning policy.

**c) No evidence of the need for the provision of an agricultural worker's dwellinghouse has been provided.**

**Response:** The applicants have provided supporting justification detailing the need for an agricultural worker's dwelling to be provided in respect of the applicant's son, who works on the farm. In this regard, a report prepared by the Scottish Agricultural College has been provided in respect of the farm and the Planning Service is satisfied that the details provided represent sufficient justification for the provision of an agricultural worker's dwellinghouse associated with the farm. As such, it is considered that the need for the dwellinghouse to be provided has been appropriately evidenced in this case.

**d) The access to the site is poor and could pose a road safety issue.**

**Response:** A new access to the site to serve the proposed dwellinghouse is proposed to be formed as part of the development. The access would be provided onto High Cleughearn Road at a location approximately 50 metres south of the junction of High Cleughearn Road and Millwell Road. As part of the consideration of road safety matters relating to the application, a speed survey was undertaken and submitted to the Roads Service to demonstrate that adequate vehicular visibility splays could be provided at the proposed access point. The Roads Service has confirmed that the available visibility splays at this location would be satisfactory and that the proposals meet their requirements in terms of road safety considerations, subject to conditions that would be attached to any consent issued. On this basis, it is considered that the proposed access to the site would be acceptable and that there would be no adverse impact on road safety as a result of the proposed development.

**e) The dwellinghouse does not appear to be of a traditional design or one that incorporates traditional materials.**

**Response:** The proposed dwellinghouse is noted to be relatively small in terms of scale and proportionate to its use as an agricultural worker's dwellinghouse and also to the rural location in which it is proposed to be situated. There are no concerns with regard to the design of the dwellinghouse as proposed. A condition would be attached to any consent issued requiring full details of all materials proposed to be used as external finishes to be submitted to and approved by the Council, to ensure that all materials used would be appropriate to the site in question. Subject to adherence to this condition, it is not considered that there are any concerns with regard to the design or finishes of the proposed dwellinghouse.

**f) Any planning condition restricting the use of the dwellinghouse to a farm worker could be removed in future as has happened elsewhere.**

**Response:** The proposed dwellinghouse has been justified in respect of the accommodation of an agricultural worker associated with the farm business at Laigh Cleughearn Farm. As such, a condition would be attached to any consent issued restricting the habitation of the dwelling to an agricultural worker associated with the farm, or their dependents. In planning terms, a planning application could be submitted at a future date seeking to amend or remove this condition and would be considered on its merits at that time, independently of any decisions taken in respect of other similar applications relating to different properties elsewhere. However, any such matters would be considered as part of any future application in this regard and should not impact on the current consideration of the proposed erection of a dwellinghouse to serve an agricultural worker as is proposed in this case.

**g) It should be ensured that no protected species or other wildlife features of note are harmed as a result of the proposed development.**

**Response:** It is noted that the site relates to an area of greenfield land in the countryside and that no buildings or significant natural features would require to be removed to facilitate the proposed development. In addition, a condition would be attached to any consent issued restricting the removal of any trees from the site without the further written permission of the Planning Service. As such, it is considered extremely unlikely that there would be any adverse impact on any protected species or wildlife features of note as a result of this proposed development.

- h) The approval of farm workers dwellinghouses such as this one is important to ensure that 24 hour care can be provided to animals year round and to safeguard and support the next generation of farmers in our community.**

**Response:** The writer's support for the application is noted. In this instance, following a detailed assessment of the proposed development against adopted Council planning policy, it is considered appropriate to recommend the approval of planning permission, subject to the attached conditions.

5.2 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicants propose to erect an agricultural worker's dwellinghouse on land forming part of Laigh Cleughearn Farm, Auldhouse. The proposed dwellinghouse would be for the use of the applicant's son, who is taking on much of farming operations at Laigh Cleughearn Farm and who currently resides with his parents in the main farmhouse. The proposed dwellinghouse would be a single storey, three bedroom house. A new access to serve the dwellinghouse would be taken from High Cleughearn Road, 50 metres south of the junction with Millwell Road. Landscape planting would be put in place on the eastern and southern boundaries of the site to separate the residential house plot from the adjacent farmland. Existing mature trees on the western boundary of the site would be retained as part of the proposed development of the site.
- 6.2 The site is located within the Green Belt to the south of East Kilbride as designated by Policy 4 – Green Belt and Rural Areas of the South Lanarkshire Local Development Plan 2 (adopted 2021). Policy 4 states that, within Green Belt areas, there will be a general presumption in favour of agricultural, equestrian and other appropriate countryside uses and developments that relate to such uses. Additional planning policy relating to specific circumstances where residential uses can be considered acceptable is detailed within the associated Green Belt and rural area policies contained in Volume 2 of the adopted plan.
- 6.3 Policy GBRA10 of Volume 2 of the plan provides specific policy and guidance with regard to the provision of permanent, new build residential accommodation associated with a rural business. The policy advises that, where it can be demonstrated that the accommodation is necessary, the business is financially viable over an extended time period and where no suitable buildings exist for conversion to residential accommodation, the provision of new build residential accommodation can be supported.
- 6.4 In this instance the applicant has provided supporting justification, specifically the submission of a report prepared by the Scottish Agricultural College, in respect of the proposed development. It is noted that the report confirms that the business is long established, financially sound and that there is a genuine need for the proposed dwelling to be provided in order to facilitate the applicant's son who is taking on a greater role in the farming operations on site. In addition, discussions were held between the applicants and the Planning Service in respect of the proposed development. As part of these discussions, it was agreed that there were no existing buildings considered suitable for conversion to residential accommodation and following the consideration of a number of options, the application site was agreed to be the most suitable location for the proposed dwellinghouse. As such, the view is taken that the proposal represents an appropriate development connected to an established agricultural use and the principle of the provision of residential accommodation at this location is considered to comply with the requirements of Policies 4 and GBRA10. In addition, in accordance with the provisions of Policy GBRA10 and given the justification for the provision of a dwellinghouse in terms of the

provision of residential accommodation to an agricultural worker, a condition would be attached to any consent issued restricting the habitation of the dwelling to an agricultural worker associated with the farm, or their dependents.

- 6.5 Policies 5 and DM1 of the adopted plan provide general development management and design policy in respect of proposed developments, while Policy GBRA1 provides similar development design policy in the context of developments within Green Belt and rural area locations. In this regard, the chosen site for the dwellinghouse is considered to be suitable, given its close proximity to the main farm steading, which is located on the opposite side of High Cleughearn Road, directly to the west of the application site. In addition, it is noted that the proposed house is relatively small scale and is proportionate to the proposed use as an agricultural worker's dwellinghouse. Subject to a condition that would be attached to any consent issued in respect of the use of appropriate materials, there are no concerns with regard to the design and finishes of the proposed dwelling.
- 6.6 Additionally, it is noted that following the submission of additional information relating to road safety considerations, specifically a speed survey undertaken at the proposed vehicular access to the site, the Council's Roads and Transportation Services have confirmed their satisfaction with the proposed development in terms of access, parking and road safety considerations, subject to conditions that would be attached to any consent issued. Similarly, subject to a condition relating to refuse management that would be attached to any consent issued, the Council's Environmental Services have confirmed their satisfaction with the proposed development. On this basis, the view is taken that the proposed development would not raise any significant concerns in terms of amenity issues or have any significant adverse impact on the character or appearance of the local rural environment. On this basis, the view is taken that the proposal is fully compliant with the provisions of Policies 5, DM1 and GBRA1 of the adopted Local Development Plan.
- 6.7 Following neighbour notification and advertisement of the application in the local press, nine letters of representation, including six letters of objection, one letter of comment and two letters of support, were received in respect of the proposed development. The points raised are detailed in Section 5 above. The letters of support and comment have been noted and it is not considered that the points of objection raised merit the refusal of planning permission in this instance.
- 6.8 In summary, following a detailed assessment of the proposals, it is considered that the development would allow the provision of an appropriately sited agricultural worker's dwellinghouse to serve the needs of the farm business at Laigh Cleughearn. Subject to conditions that would be attached to any consent issued, it is not considered that there would be any significant adverse impact on the character or amenity of the local area as a result of the development. It is, therefore, recommended that planning permission is granted for the proposed development, subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal would not have a significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (Policies 4, 5, DM1, GBRA1 and GBRA10). There are no additional material considerations which would justify refusing to grant consent.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 24 November 2021

**Previous references**

◆ P/21/0042

**List of background papers**

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated 25 August 2021	
▶	Consultations	
	Roads Development Management Team	22.11.2021
	Environmental Services	02.09.2021
▶	Representations	Dated:
	J. E Allan, 94 Franklin Avenue, Westwood, East Kilbride, G75 8LS	10.09.2021
	Debbie Rainer, Received Via Email	13.09.2021
	Jenny Arnott, Received Via Email	13.09.2021
	Brian Gray, Received Via Email	13.09.2021
	Mark Perkins, Received Via Email	06.09.2021
	Mrs Emma Parker, Merkland Farm, Maybole, KA19 7PS	15.09.2021
	Mrs Debbie Anderson, Broadlees Farm, Chapelton, ML10 6RR	16.09.2021
	Charlotte Bannister, Via Email	04.10.2021
	Cath Morrison, Received Via Email	24.09.2021

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455049  
Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)



### **Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site other than post and wire fences up to 1 metre in height or those expressly authorised by this permission without the prior written permission of the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

04. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

05. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

06. That, before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

07. That the existing visibility splays of 2m x 100m to the south of the proposed access onto High Cleughearn Road and 2m x 50m to the north of the proposed access onto High Cleughearn Road shall be maintained at all times and nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

08. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

09. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of amenity.

10. That the approved landscaping scheme associated with the dwellinghouse shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwellinghouse or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

11. That, prior to commencement of development works on site, details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. The dwelling shall not be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: In the interests of amenity.

12. That the occupation of the dwellinghouse authorised by this permission shall be limited to a person solely or mainly employed or last employed in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, on Laigh Cleughearn Farm; or a dependant of such a person residing with him or her or the widow or widower of such a person.

Reason: To safeguard the amenity of the area.

P/21/1228

Unused Field Gated Entrance Off Millwell Road Opposite Laigh Cleughearn Farm

