



Clackmannanshire Council

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Kilncraigs, Alloa, Scotland, FK10 1EB (Tel.01259-450000)

LOCAL REVIEW BODY

Thursday 22 September 2016 at 10.30 am

(This follows a site visit to Fearn's Farm, Forestmill, FK10 3QG, which will be held at 9.30 am on Thursday 22 September 2016).

**Venue for the Local Review Body Meeting:
Council Chamber, Patons Building, Kilncraigs, Alloa,
FK10 1EB**

For further information contact Strategy and Customer Services, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB
Phone: 01259 452106/2004 Fax: 01259 452230 E-mail: customerservice@clacks.gov.uk www.clacksweb.org.uk

Date ✓	Time ✓
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14 September 2016

A MEETING of the LOCAL REVIEW BODY will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 22 SEPTEMBER 2016 at 10.30 am.

This follows a site visit to Fearn's Farm, Forestmill, FK10 3QG, which will be held at 9.30 am on Thursday 22 September 2016.



**STUART MCQUEEN
Solicitor, Legal Services**

B U S I N E S S

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- | | | |
|----|---|----|
| 1. | Apologies | -- |
| 2. | Declarations of Interest
Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer. | -- |
| 3. | Notice of Review – Planning Permission in Principle for the Erection of 1 No. House at Fearn's Farm, Forestmill, FK10 3QG (Planning Ref.16/00049/PPP) | |
| | Applicant: Mr Alan Ramsey, 5 Kestrel Avenue. Dunfermline, KY11 8JL | |
| | Agent: RT Hutton, Planning Consultant, The Malt Kiln, 2 Factors Brae, Limekilns, KY11 3HG | |
| | Site: Fearn's Farm, Forestmill, Clackmannanshire FK10 3QG | |
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Members of the Local Review Body on 22 September 2016

Councillor George Matchett (Vice Chair) (Chairperson)

Councillor Kenneth Earle

Councillor Derek Stewart

Plans and papers relating to the applications and reviews can be viewed online at www.clacksweb.org.uk/eplanning

**THIS PAPER RELATES TO
ITEM 03(a)
ON THE AGENDA**

Application for Notice of Review

Fearns Farm, Forestmill, FK10 3QG

Planning Reference: 16/00049/PPP

R T HUTTON

PLANNING CONSULTANT

The Malt Kiln
2 Factors Brae
Limekilns
Fife KY11 3HG

[REDACTED]
[REDACTED]
[REDACTED]
Our ref: 16/03/RTH

Clerk to the Local Review Body,
Clackmannanshire Council,
Kilncraigs,
Greenside Street,
Alloa.
18th July 2016.

Dear Sir,

**Application for review of the decision to refuse the permission in principle for a house at Fearn's Farm, Forestmill.
Council ref: 16/00049/PPP.**

Please find enclosed the completed Notice of Review Form, statement in support of the application and the document referred to in the statement. I trust you find this to be in order, and I look forward to receiving your confirmation that the application can proceed. Thereafter I look forward to learning when the application will be considered by the Council's Local Review Body.

Yours faithfully,

[REDACTED]

R T Hutton BSC(Hons) MRTPI

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Alan	Forename	
Surname	Ramsey	Surname	
Company Name		Company Name	RT Hutton Planning Consultant
Building No./Name	5	Building No./Name	The Malt Kiln
Address Line 1	Kestrel Avenue	Address Line 1	2 Factors Brae
Address Line 2		Address Line 2	Limekilns
Town/City	Dunfermline	Town/City	Fife
Postcode	KY11 8JL	Postcode	KY11 3HG
Telephone		Telephone	01292 970000
Mobile		Mobile	
Fax		Fax	N/A
Email		Email	
3. Application Details			
Planning authority	Clackmannanshire Council		
Planning authority's application reference number	16/00049/PPP		
Site address	<div style="border: 1px solid black; padding: 5px;"> Fearn's Farm Forestmill Clackmannanshire FK10 3QG </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;"> Permission in principle for the erection of a dwellinghouse </div>		

Date of application

15.03.2016

Date of decision (if any)

23.05.2016

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The site is part of a working farm and it would be preferred if the applicant was advised of a site visit in order to ensure safe access.

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate statement

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Document 1.
Plan showing th position of the application site in relation to the approved plan for the expansion of Forestmill

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**STATEMENT IN SUPPORT OF THE APPLICATION FOR REVIEW OF
THE DECISION TO REFUSE THE PLANNING APPLICATION FOR
PERMISSION IN PRINCIPLE FOR THE ERECTION OF A HOUSE AT
FEARNS FARM, FORESTMILL.**

COUNCIL REFERENCE 16/00049/PPP.

**R T HUTTON PLANNING CONSULTANT
JULY 2106**

1.0 Background to the application for review.

1.1 In March this year an application was submitted on behalf of Mr Alan Ramsey for permission in principle to erect a new house at the family farm near Forestmill. Whilst Mr Ramsey lives off the farm and has a full time job, he would like to move back onto the farm in order that he can give assistance to his father who is of an age where he can no longer carry out all of the task required on the farm without help. The farming operation involves mainly the rearing of beef cattle, with an average of 65 present during any year, with 25 breeding cattle, 20 calves and 20 young stock from the previous year being fattened up or sold as store cattle. In addition around 150 sheep are brought in for winter grazing. The fact that animals are always present on site requires a human presence at all times, and this is an area where the applicant will be particularly helpful to his father.

1.2 The application site lies immediately east of the farm steading, and the proposed house would be 45 metres from the nearest agricultural building. There are no technical difficulties identified which would limit development, with access and servicing being readily available. A substantial area of land around the farm has been allocated for development in the adopted Clackmannanshire Local Development Plan (site H50), and the application site is partly within this area, with only part of the garden (which is closest to the farm steading) in the countryside.

1.3 Despite proximity to the farm, and the fact that the area on which the house is proposed is land allocated for development, the planning application was refused on 23rd May 2016. Three reasons were given for that decision, as set out in the Report of Handling, but essentially all relate to the concern that the house would be seen as an isolated development in the countryside. Mr Ramsey would like to contest that view, and has therefore submitted this application to allow the Local Review Body to consider reversing the decision. His case as to why the decision to refuse his application should be overturned is set out below.

2.0 The case for approving the application.

2.1 Whilst 3 reasons were given for refusal of the planning application, all relate to policies or a proposal contained within the

Local Development Plan and concern development in the countryside.

- Reason 1 cites policy SC23 which is concerned with development in the countryside generally, and SC24 which concerns specifically housing in such areas. Refusal is based on the view that the proposed house does not need to be in the countryside.
- Reason 2 mentions SC23 again, and states that the proposed house would appear isolated and would detract from the local landscape character,
- Reason 3 cites Proposal H50 which relates to a major expansion of Forestmill, and asserts that the proposal would be piecemeal and not in accordance with the approved master plan.

2.2 In looking to comment on the specifics of these reasons given for refusing the application we should like firstly to note that there is a legal requirement when considering the merits of this proposal to look not only at the wording of development plan policies, but also the aims behind these policies. This is considered particularly significant in this case as the application site is immediately adjacent to an area with approval in principle from the Council for a major mixed use expansion of Forestmill.

2.3 Policy SC23 sets out the general principles that the Council will apply when considering any development in the countryside. The text which supports the policy states that it aims to protect and enhance the distinctive character of the landscape, and a similar aim is stated for Policy SC24. It is therefore necessary to consider what constitutes this distinctive character which is to be protected, and in doing so consideration needs to be given to the proposals that have been approved by the Council for the expansion of Forestmill and the impact this will have on the existing character.

2.4 The planning application approved by the Council under reference 06/00283/OUT gives permission in principle for 1250 houses, a school; business units; shops, a hotel, a golf course and community facilities. The applicant's Document 1 is a drawing taken from the master plan approved for the Forrestmill expansion which shows the full extent of the approved proposals and the position of the application site in relation to these. This shows very clearly not only how the approved development will completely change the character of this area from one of farmland and woodland to that of an urban area, but also the close proximity of the approved houses to

the application site. It is therefore difficult to understand how a single house as proposed can be seen as having any significant impact on the character of the area, or even how it can be considered as development in the countryside, given proximity to the approved new houses and that the house is proposed within part of the area identified as site H50.

2.5 The second reason for refusal refers to the proposed house as being physically and visually separate from the buildings at Fearn's Farm, and as a result would detract from the visual amenity and local landscape. From the document referred to above it is again difficult to comprehend how this one house can be seen as isolated or having an impact on the local landscape given the degree of change that will result from the Council's approval of the master plan for the immediate area.

2.6 The final reason given for rejecting the application relates to the master plan for the area, and states that because the application site is not included in the master plan (though it is within local plan site H50), it would represent piecemeal development. When considering this issue it is worth just stepping back and looking at the master plan area; the buildings which make up Fearn's Farm, and the application site relative to these. It is the applicant's view that his proposed house would not appear inappropriate in this location and would form a good visual link between the large urban development approved immediately to the east, and the farm buildings to the west.

2.7 Scottish Planning Policy, in the section concerned with rural planning advises that most development should be guided to locations within or adjacent to settlements. The position of the proposed house would comply with this policy guidance as it would be immediately adjacent to the expanded settlement of Forestmill. This should therefore be seen as an appropriate location.

3.0 Conclusions.

3.1 The application site is located between and close to an existing farm steading and an area approved for major expansion. The Council have concerns that development of the proposed house would constitute development in the countryside which would have an adverse impact on the character of the area and be at odds with the

master plan they have approved for the expansion of Forrestmill.

3.2 Approved plans will completely change the character of the area, with the application site becoming part of an urban edge. A new house in the location proposed would certainly not appear to be in any way isolated, and would form a good intervening use between the new houses and the farm land, as envisaged as good practice in Scottish Planning Policy. Development of the house would allow the applicant to assist his aging father at those times of the year when the farm work requires additional labour.

3.3 In light of the above we ask that the Review Body reverse the decision, approve this application for review and grant planning permission in principle for a new house.



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REVISION



CLIENT

MR & MF

PROJECT

PROPOS
FEARNS
FK10 3Q

TITLE

MASTER

SCALE @ A2

NTS

DATE

Jul

No. 154 - 04

**THIS PAPER RELATES TO
ITEM 03(b)
ON THE AGENDA**

Planning Application

Fearns Farm, Forestmill, FK10 3QG

Planning Reference: 16/00049/PPP

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Alan	Forename	
Surname	Ramsay	Surname	
Company Name		Company Name	RT Hutton Planning Consultant
Building No./Name		Building No./Name	The Malt Kiln
Address Line 1	6	Address Line 1	2 Factors Brae
Address Line 2	Kestrel Avenue	Address Line 2	Limekilns
Town/City	Dunfermline	Town/City	Fife
Postcode	KY11 8JL	Postcode	KY11 3HG
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	N/A
Email		Email	

3. Postal Address or Location of Proposed Development (please include postcode)

Land at Fearn's Farm, Forestmill. KK10 3QG

14 MAR 2016

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

- Planning Permission
 Planning Permission in Principle
 Further Application*
 Application for Approval of Matters Specified in Conditions*
 Application for Mineral Works**

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Permission in principle is sought for the erection of a dwellinghouse

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

The relevant policies were identified against which the application would be assessed

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Farmland

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes No

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?
If yes, please provide details below:

Yes No

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Planning (Listed Buildings and Conservation Areas)
(Scotland) Act 1997

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)
(Scotland) Regulations 1987

CERTIFICATE A, B, OR CERTIFICATE C MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have _____ served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice
RM Ramsay and Son	per Mr Alan Ramsay Feams Farm Forestmill FK10 3QC	14th March 2016

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have _____ served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed: _____

On behalf of: Mr A Ramsay

Date: 14th March 2016

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have _____ been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have _____ been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have _____ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

**THIS PAPER RELATES TO
ITEM 03(c)
ON THE AGENDA**

**Refusal of Planning Permission
Fearn's Farm, Forestmill, FK10 3QG
Planning Reference: 16/00049/PPP**

FILE COPY

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Applicant

Mr Alan Ramsay
6 Kestrel Avenue
Dunfermline
KY11 8JL

Agent

RT Hutton Planning Consultant
The Malt Kiln
2 Factors Brae
Limekilns
Fife
KY11 3HG

The Council hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the:-

Erection Of 1 No. House

Fearn's Farm, Forestmill, Clackmannanshire, FK10 3QG,

in accordance with your application and plans Ref. No:- 16/00049/PPP dated 17th March 2016

For the following reasons:-

1. The proposal is contrary to Policies SC23 (Development in the Countryside - General Principles) and SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan, as it involves development in the countryside where it has not been demonstrated that there is a requirement for a countryside location.
2. The proposal is contrary to Policy SC23 (Development in the Countryside - General Principles) of the Clackmannanshire Local Development Plan as the proposed site for the house would be physically and visually separate from the existing group of buildings at Fearn's Farm and appear as an isolated development that would detract from visual amenity and local landscape character.
3. The proposal is not in accordance with Proposal H50 (Forestmill) of the Clackmannanshire Local Development Plan, as it would involve a single house development in part of this large scale development site, to be developed in accordance with a masterplan. The proposals would represent a piecemeal development that would be at odds with the approach to development of the Forestmill masterplan as set out in the LDP.

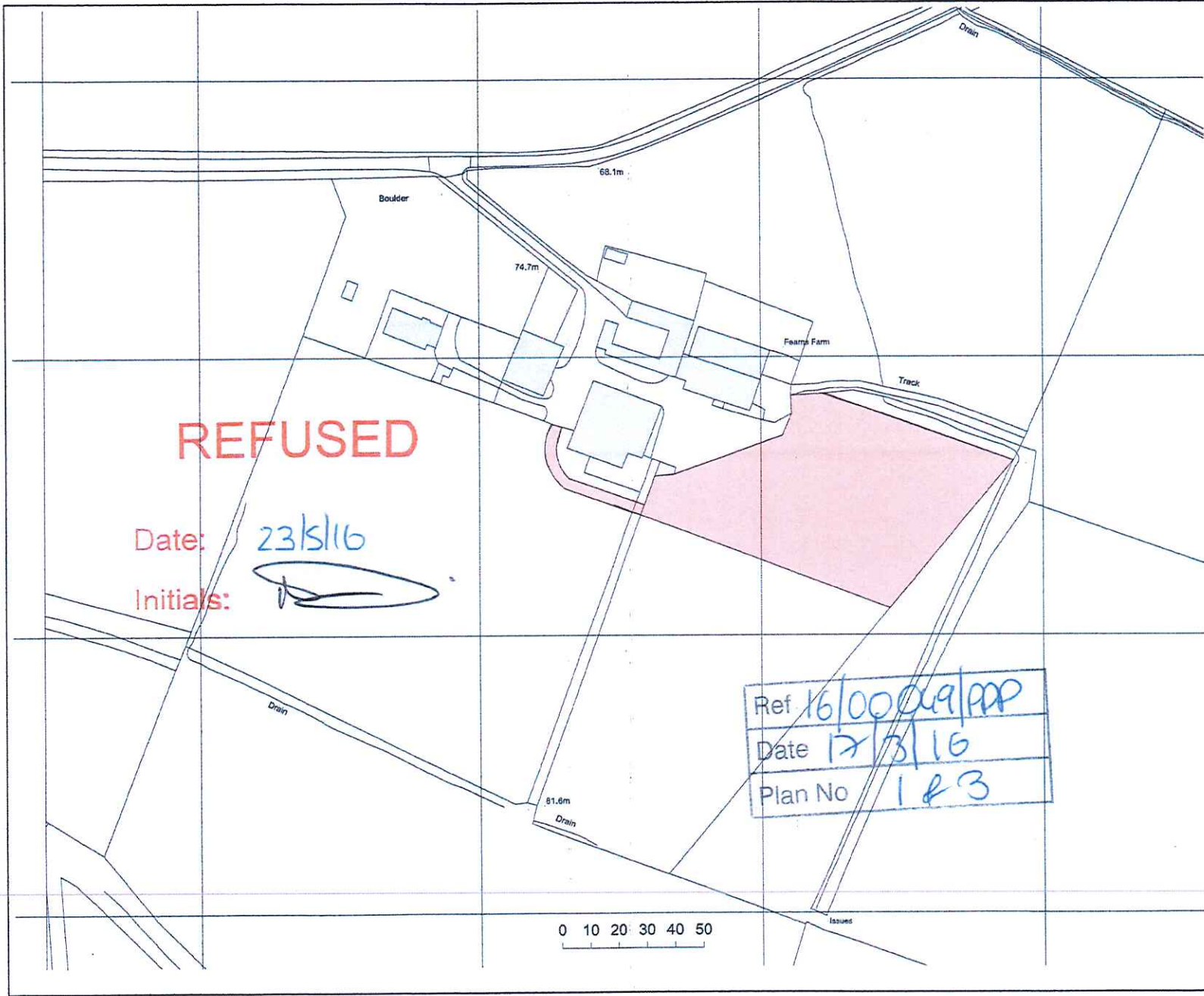
Dated: 23 May 2016



DEVELOPMENT AND ENVIRONMENT SERVICES

Plan No	Title
1.	Location Plan
2.	Proposed Neighbouring Development
3.	Proposed Site Plan

34



REFUSED

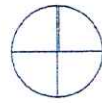
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Ref 16/00009/PP
 Date 17/3/16
 Plan No 1 & 3

ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

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Site Area

ISSUE FOR PRE-PLANNING	JMH	23.09.15	A
REVISION	INITIAL	DATE	SUFFIX



CLIENT: MR & MRS A RAMSAY

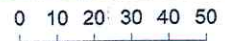
PROJECT: PROPOSED NEW DWELLING FEARNS FARM, FORESTMILL FK10 3QG

TITLE: OS PLAN

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No. 154 - 01
REV A

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 FIFE, KY11 9JF, SCOTLAND
 t - 01383 737101
 e - info@acarchitects.biz
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REFUSED

Date: 22/5/16

Initials: 

74.7m

Fearn's Farm

Track

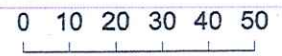
260m²

Drain

91.6m

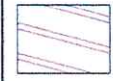
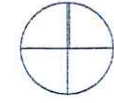
Drain

Issues



ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

N



Local Plan development boundary

SITE BOUNDARY CONFIRMED	ACC	08.03.15	B
ISSUE FOR PRE-PLANNING	JMH	25.09.15	A
REVISION		DATE	BY/FK



CLIENT: MR & MRS A RAMSAY

PROJECT: PROPOSED NEW DWELLING FEARN'S FARM, FORESTMILL FK10 3QG

TITLE: PROPOSED - SKETCH LAYOUT

SCALE @ A1	DATE	DRAWN	CHECKED
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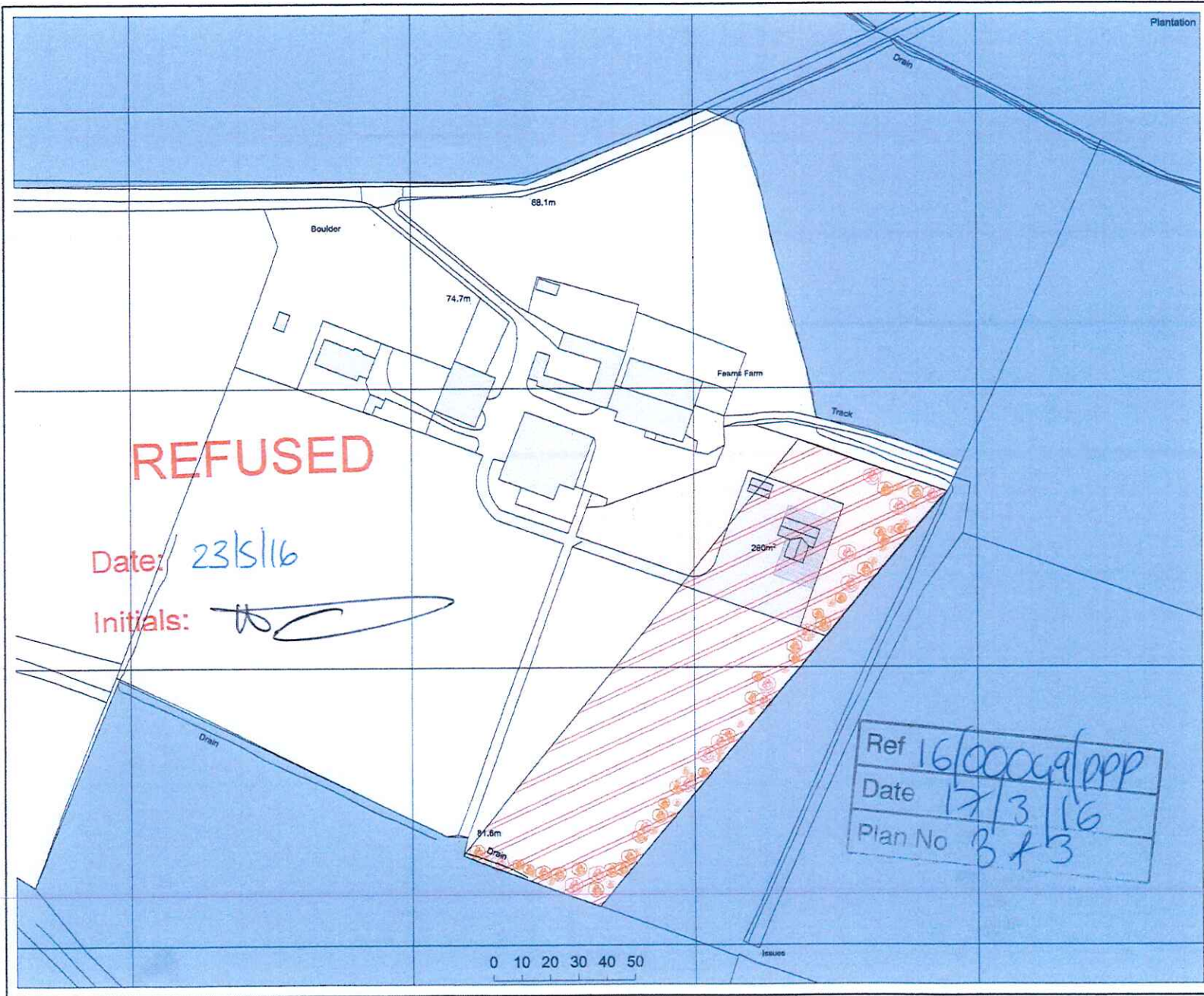
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Ref 16/00049/APP
Date 17/3/16
Plan No 2 & 3

35

36



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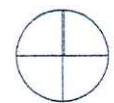
Date: 23/5/16

Initials: *[Signature]*

Ref 16/00009/PPP
 Date 17/3/16
 Plan No B + 3

ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

N



Area of proposed new 1250 no houses development, Planning application 14/00250/MSC

Local Plan development boundary

SITE BOUNDARY CONFIRMED ISSUE FOR PRE-PLANNING REVISION	ACC JMH INITIAL	08.03.16 29.09.16 DATE	B A BUFFER



CLIENT
MR & MRS A RAMSAY

PROJECT
PROPOSED NEW DWELLING
FEARNS FARM, FORESTMILL
FK10 3QG

TITLE
PROPOSED - NEIGHBOURING
DEVELOPMENT

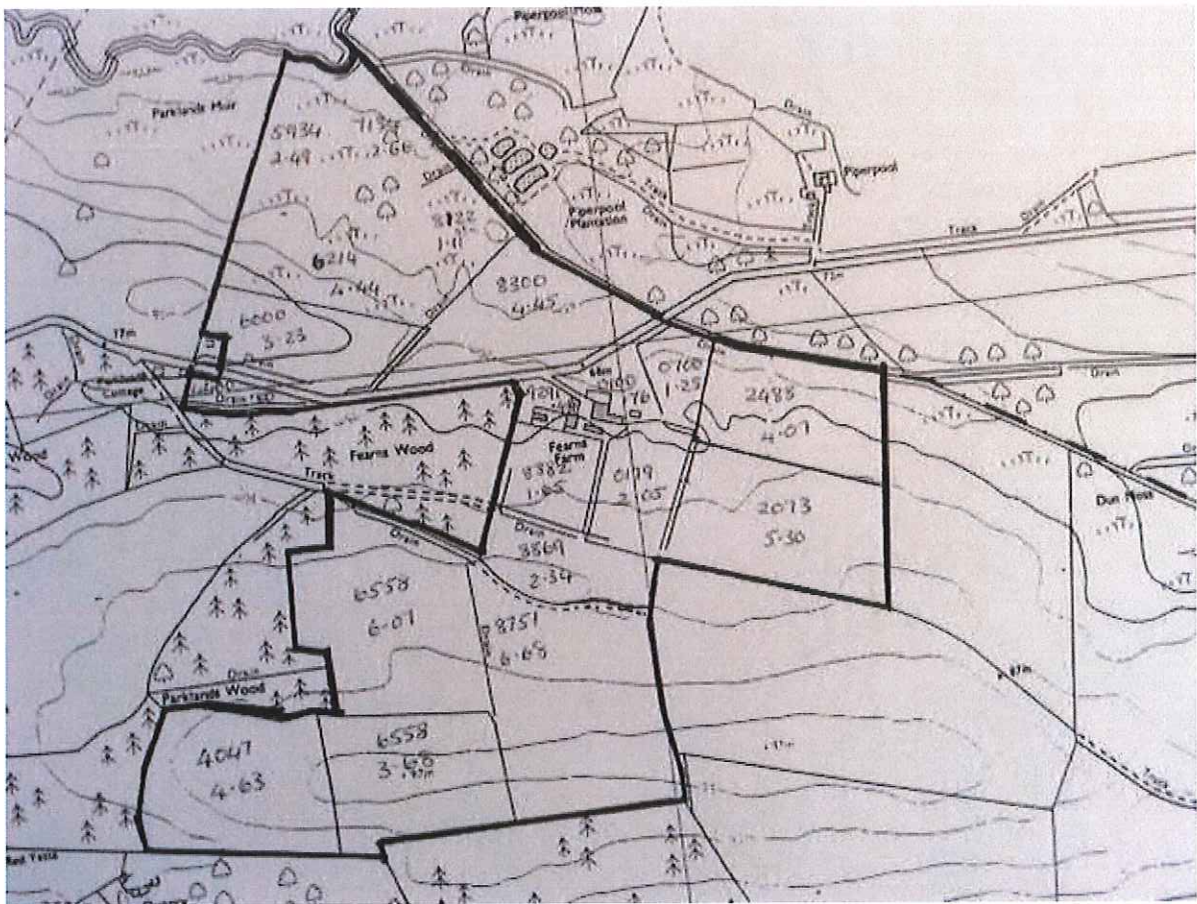
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REV. B

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**THIS PAPER RELATES TO
ITEM 03(d)
ON THE AGENDA**

Report of Handling – Planning Application Delegated Report

Fearns Farm, Forestmill, FK10 3QG

Planning Reference: 16/00049/PPP

**DEVELOPMENT & ENVIRONMENT SERVICES
CLACKMANNANSHIRE COUNCIL**

**REPORT OF HANDLING
PLANNING APPLICATION DELEGATED REPORT**

Application Ref. No. **16/00049/PPP** Date of Site Visit:

Description of Proposal **Erection Of 1 No. House**

Location: **Fearns Farm, Forestmill, Clackmannanshire, FK10
3QG**

1. The Proposed Development

This is an application for Planning Permission in Principle for the erection of 1No. house on farmland immediately east of Fearns Farmhouse and steading near Forestmill.

The site extends to 555m² with access proposed to be taken through the farm steading and its existing access off Fearns Road. As well as the farmhouse and steading, there is one other farm cottage to the west of the steading and served off the same access. All other surrounding land is agricultural.

The applicant's father operates Fearns Farm, and a supporting statement accompanying the application makes reference to the house location allowing the applicant to assist on the farm when required. The application is not however made on the basis of the applicant being an employee of the farm, and the supporting statement acknowledges that this does not fully satisfy Council policy.

The western part of the site lies in an area designated as Countryside in the Clackmannanshire Local Development Plan (LDP) adopted August 2015. The eastern portion lies within land identified in the LDP as the Forestmill masterplan and the planning permission site boundary (06/00283/OUT) for the same development.

2. Summary of Consultation Responses

Roads: Recommend refusal as the site is remote from urban areas and there is no rural justification for the development. The development would result in increased vehicle movements on this de-restricted rural road.

3. Neighbour Notification and Publicity

Number Of Neighbours Notified

1

Number of Objections

0

4. Summary of Representation(s)

None

5. Summary of Supplementary Statements

Design Access Statement by Alan Corfield: Describes the site location and general nature of the house proposals. Makes reference to the applicant being able to assist on the farm, the existence of services nearby and the intention for the house to have a high energy efficiency rating.

Letter from agent in support of applicant's proposals referring to his client's circumstances, development plan policy and planned development at Forestmill.

6. Summary of Section 75 Planning Obligations.

None

7. Site History/Background

None relevant

8. Planning Assessment**(a) Development Plan Position**

The Clackmannanshire Local Development Plan adopted August 2015 (LDP) forms the development plan for the area.

As noted above, part of the site lies in an area of Countryside and part in the Forestmill masterplan (Proposal H50) as identified by the LDP. The H50 proposal represents the grant of planning permission for a planned village development at Forestmill. The comprehensive planning requirements set out in the LDP reflects this status.

(i) Policies

The LDP has policies on development in the countryside and specifically residential development in the countryside (Policies SC23 & SC24, respectively).

The LDP indicates a positive approach where development is shown to require a rural location, particularly where that will contribute to sustainable economic growth, however proposals that cannot demonstrate a requirement for a rural location will not normally be supported. Such proposals will be

directed to existing communities to make efficient use of existing infrastructure, and protect the countryside from sporadic suburban development. The application site does not form part of an existing settlement.

Policy SC23 indicates that development proposals outwith settlement boundaries will only be supported where specific criteria are met. Taking account of these criteria, the proposal cannot demonstrate the requirement for a countryside location. Whilst the site lies close to the existing farm steading, it is not integral to the grouping of buildings at the farm and would appear somewhat remote and detached from existing building groups. Furthermore, the proposal cannot capitalise upon the planned settlement boundary in the LDP.

Policy SC24 sets out detailed criteria that proposals for houses in the countryside should meet. None of the criteria of this policy would apply to this proposal.

The portion of the site that lies within the Forestmill masterplan area and settlement boundary appears to include the indicative position of the house itself. That wider development is to be implemented in accordance with the planning permission and Section 75 Agreement that are in place, along with the associated approved masterplan and phasing plan. The masterplan process does not envisage, provide for or support the proposal in the current application.

The current application would represent a piecemeal form of development of a site that requires to be developed in a planned and structured manner over several linked phases.

A single house on the land at Fearn's Farm is not supported by policies of the LDP in relation to development in the Countryside and is not in accordance with the terms of the planning approval and LDP designation of the Forestmill masterplan.

(ii) Proposals

Proposal H50 - Forestmill - 1250 Houses. Part of the site lies within this proposal site identified by the LDP.

(iii) Supplementary Guidance

None

(ii) Other Material Considerations

None

9. Recommendation

Approve Approve with Conditions (see below)
Refusal (see below) Referral to Historic Scotland

Reasons for Refusal

1. The proposal is contrary to Policies SC23 (Development in the Countryside - General Principles) and SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan, as it involves development in the countryside where it has not been demonstrated that there is a requirement for a countryside location.

2. The proposal is contrary to Policy SC23 (Development in the Countryside - General Principles) of the Clackmannanshire Local Development Plan as the proposed site for the house would be physically and visually separate from the existing group of buildings at Fearn Farm and appear as an isolated development that would detract from visual amenity and local landscape character.

3. The proposal is not in accordance with Proposal H50 (Forestmill) of the Clackmannanshire Local Development Plan, as it would involve a single house development in part of this large scale development site, to be developed in accordance with a masterplan. The proposals would represent a piecemeal development that would be at odds with the approach to development of the Forestmill masterplan as set out in the LDP.

Plan Numbers Relating to the Decision

<u>Plan No</u>	<u>Title</u>
1.	Location Plan
2.	Proposed Neighbouring Development
3.	Proposed Site Plan

10. Checklist

The application does not involve development of land in which the Council has an interest

The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct

The charge for advertising this application has been paid or is not required

Any publicity period has expired

The recommendation requires authorisation by the following Appointed Officers:

Development Quality Team Leader

Development Services Manager

The recommendation/decision has secured added value which is recorded in Uniform

Two complete sets of plans to be approved are attached, or identified from the electronic file


The electronic file requires annotated plans which are attached


There are instructions to Business Support attached to this report/file


Site Notice - Note to Applicant required for National, Major or Bad Neighbour development

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed  (Case Officer) Date 10/5/16

Signed  (Team Leader) Date 19/5/16

Signed  (Service Manager) Date 23/5/16

**THIS PAPER RELATES TO
ITEM 04(e)
ON THE AGENDA**

Design Access Statement

Fearns Farm, Forestmill, FK10 3QG

Planning Reference: 16/00049/PPP



**Proposed new dwelling house, Fearn's Farm,
Forestmill. Clackmannanshire.**

DESIGN ACCESS STATEMENT.



Allan Corfield Architects
The Self Build Experts

LEWIS HOUSE, UNIT 213, EAST WAY, HILLENDD INDUSTRIAL ESTATE, DUNFERMLINE. KY11 9JF
Tel: 01383 737101 Email: info@acarchitects.biz Web: www.acarchitects.biz

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ANNEXE

1. ACA Drawing 154-01 Location Plan
2. ACA Drawing 154-02 Proposed Masterplan
3. ACA Drawing 154-04 Neighbouring Development

1.0 INTRODUCTION

The Proposal is to erect a single dwelling house on an existing farm, owned by the applicant's family. The proposed dwelling house will be built around eco house principles and of an architectural style, which will fit with the local vernacular.

1.1 Site

The total site, measuring approximately 555 m² is situated on the South East portion of the farm, which lies to South of the A977. refer to drawings 154-01 for site location.

The site slopes gently from North to South and is bounded on all sides by farmland with post and wire fencing.

1.2 Access

The proposed site is accessed through the farm, which is accessed via a private road from the A977

1.3 Land Ownership

The application site is completely within the ownership of the applicants.

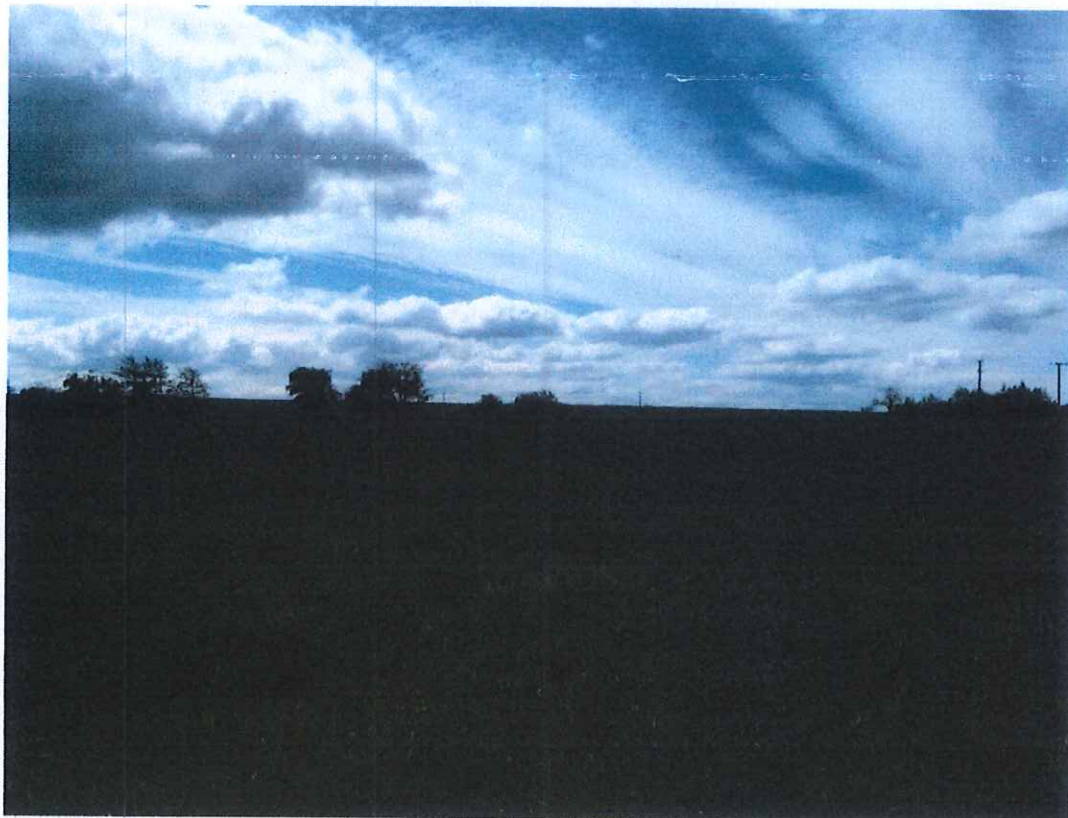
1.4 Site Photographs



Aerial View of surrounding countryside



Site view to the East



Site view to the South



Site view to the North



Existing Barns and new access road

2.0 PROPOSED DEVELOPMENT

2.1 Background Information

The current farm field will be used as a new building plot for the clients proposed dwelling house. The property is adjacent to the new development of 1250 unit village of Forestmill, which is currently under consideration (refer to 14/00250/MSC) the applicants Muir Homes and Hermiston Securities, have been consulted and are supportive of the application considering it to be complimentary to their new village proposals.

2.2 Site Layout

As shown in (154-02 Proposed Masterplan) the proposed dwelling will be located to the North of the site, accessed via a new private track. Proposed planting along the West boundary will provide a break to the new housing development.

Soft and hard landscaping proposals will be developed prior to lodging a formal application.

2.3 Access & Services

The site is accessed via an existing access from the main road.

Existing private water and Electric supply are to be utilised for the new dwelling.

2.4 House Design

The new dwelling will be approx. 260m² and have adequate amenity space. The dwelling will be split over 2 levels and have a separate garage and front garden parking. The house will comply with the relevant planning policies and will not feature face to face windows closer than 18m to any existing buildings.

A work from home office will be included within the proposals, this will allow the client to complete his workload from home and also assist on the farm when required.

The house has been orientated on the site to make use of the sun's natural solar gains.

The house will be built to the highest energy standards, be airtight and highly insulated. This will allow the new build to reach an EPC Rating of A and the clients will produce both heat and energy through on site renewable generation.

3.0 Conclusion

We feel that our proposal meets the current housing and planning guidelines and ties, sits on an existing development site. Our new dwelling fits well onto the site and will not have any significant impact on services, transportation or on the neighbouring properties.

We therefore request that our positive and detailed pre-application enquiry is reviewed in a favourable manner.

**THIS PAPER RELATES TO
ITEM 03(f)
ON THE AGENDA**

**Response to Planning Consultation from Clackmannanshire
Council – Roads and Transportation**

Fearns Farm, Forestmill, FK10 3QG

Planning Reference: 16/00049/PPP

Development & Environment Services

Memo

Our Ref: C/016/00049/PPP

Extension No 2593

Your Ref: 16/00049/PPP

Date 30 March 2016

To: DEVELOPMENT QUALITY

From: ROADS & TRANSPORTATION

Subject: PLANNING APPLICATION NUMBER – 16/00049/PPP

APPLICANT: Mr Alan Ramsay

DEVELOPMENT: Erection Of 1 No. House

LOCATION: Fearn's Farm, Forestmill, Clackmannanshire, FK10 3QG

I refer to the above mentioned planning consultation and would respond as follows.

ROADS & TRANSPORTATION

RESPONDING OFFICER: Stuart Cullen

The site for development lies well outwith the urban area and has no designation for the development within the currently adopted local Development Plan. I note the applicant's agent gives no supporting information to justify the need for a new house at this rural farm location. The farm affords a simple bellmouth vehicle access to the C89 Forestmill - Fearn's Road. This section of the Forestmill - Fearn's Road is a typical rural road of restricted width in places and affording no footways or street lighting.

You will be aware that it is against this Section's practice to favour new residential development situated outwith the urban area as is the case with this proposal. Any consent granted could set an undesirable precedent for similar unsubstantiated residential development in a rural location which would be difficult to contend against. Although the road safety impact of such an isolated house development is often argued to be minimal increased unnecessary right turning movements on such derestricted sections of road should not be encouraged. Also, the normal traffic movements, both vehicular and pedestrian, associated with residential development are more safely accommodated by the supporting infrastructure found within the urban envelope, i.e. adequate roads, footways, street lighting etc. This is not currently the case at this rural location.

Given the above this Section would recommend against the granting of consent to this application.

I trust this information is of use to you.

On behalf of
ROADS & TRANSPORTATION

CUSTOMER
SERVICE
EXCELLENCE

