



**Clackmannanshire  
Council**

www.clacks.gov.uk

Comhairle Siorrachd  
Chlach Mhanann

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

# **Local Review Body**

**Thursday 13 September 2018 at 2.30 pm  
(or following on from the Planning Committee  
whichever is the later)**

**Venue: Council Chamber, Kilncraigs,  
Greenside Street, Alloa, FK10 1EB**

Date	Time
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**Scheme of Delegation: Duties and Responsibilities Delegated to Committees**

**Local Review Body**

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

**4 September 2018**

**A MEETING of the LOCAL REVIEW BODY will be held within the Council Chamber, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 13 SEPTEMBER 2018 at 2.30 pm (or following on from the Planning Committee, whichever is later)**

**LEE ROBERTSON  
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. Order of Proceedings – A note of options for the Local Review Body will be issued by the Clerk prior to the meeting	--
4. Notice of Review - Proposed erection of one dwelling house at Harrylayock, Forestmill, Clackmannanshire, FK14 7NE (Planning Application Reference 18/00029/PPP)	
Applicant: AKI Smith Limited	
Agent: Scott Strachan Architect	
Site: Harrylayock, Forestmill, Clackmannanshire, FK14 7NE	
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**Members of the Local Review Body:**

Councillor Donald Balsillie (Chair)

Councillor Phil Fairlie

Councillor Martha Benny

Plans and papers relating to the applications and reviews can be viewed online at [www.clacksweb.org.uk/eplanning](http://www.clacksweb.org.uk/eplanning)



**THIS PAPER RELATES TO  
ITEM 4a  
ON THE AGENDA**

Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Fax: 01259 217 451 Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100076039-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Gibsley Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Saline"/>
Company/Organisation	<input type="text" value="AKI Smith Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY12 9UF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="695293"/>	Easting	<input type="text" value="297871"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of 1 no. house at Harrylayock, Forestmill, Clackmannanshire FK14 7NE

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refusal states 'there is insufficient evidence to indicate that livestock on the farmland at Harrylayock cannot be adequately managed from the applicant's existing farmhouse at Gibsley.' The refusal does not fully account for the Labour report contained within the application documents which demonstrates a requirement for 5.2 full time units (ie 6 persons) to operate the farm system at Gibsley & Harrylayock. Harrylayock represents 25% of the combined land area of Gibsley & Harrylayock

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Location Plan, Labour report, farmland plan, Supporting Statements (x2)

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00029/PPP

What date was the application submitted to the planning authority? \*

14/02/2018

What date was the decision issued by the planning authority? \*

09/04/2018

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Remains of previous building on site

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

Can the site be clearly seen from a road or public land? \*

Yes  No

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

Yes  No



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

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 (if any) from the earlier consent.

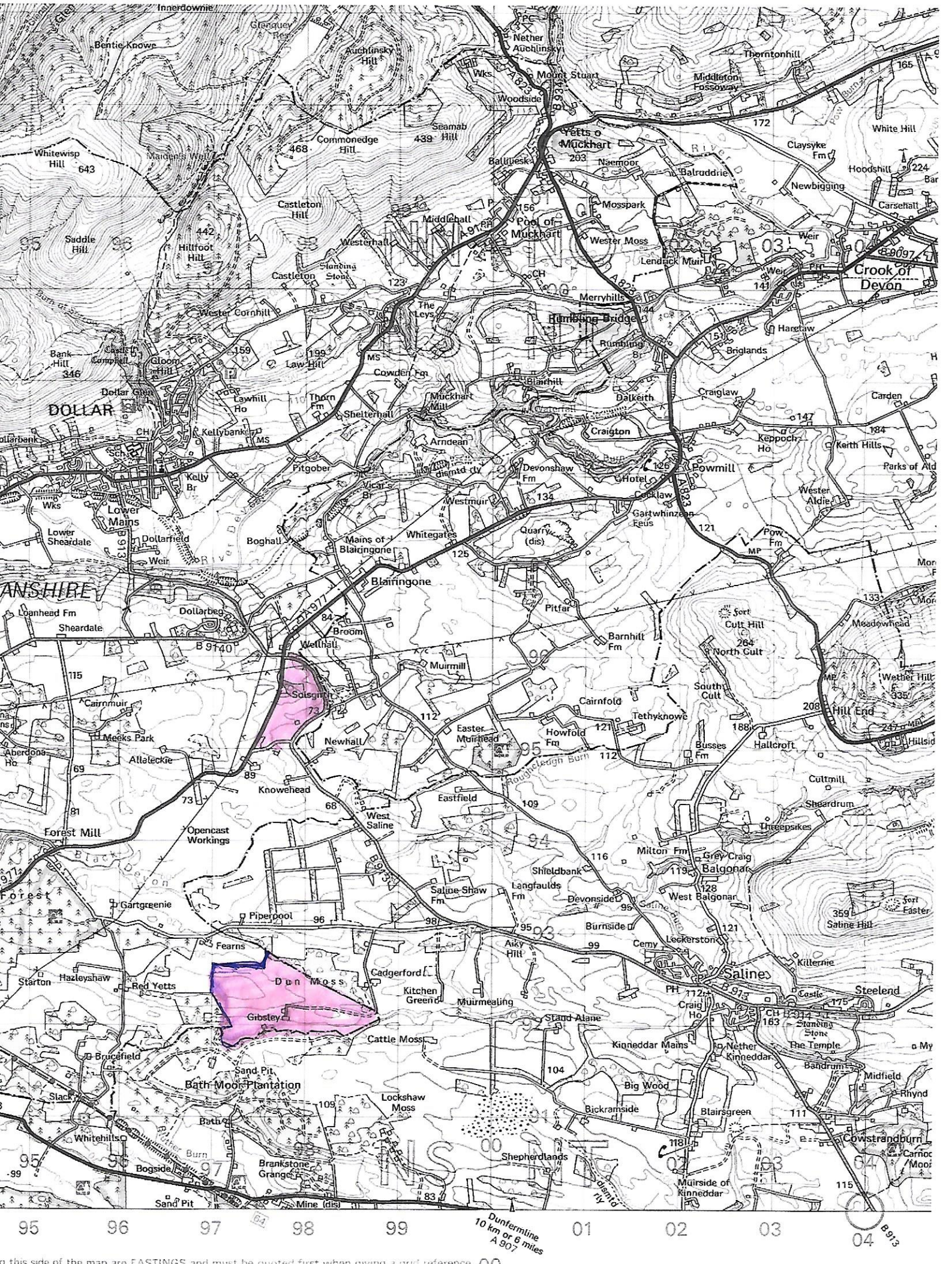
## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Scott Strachan

Declaration Date: 27/06/2018





On this side of the map are FASTINGS and must be quoted first when giving a grid reference

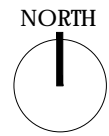
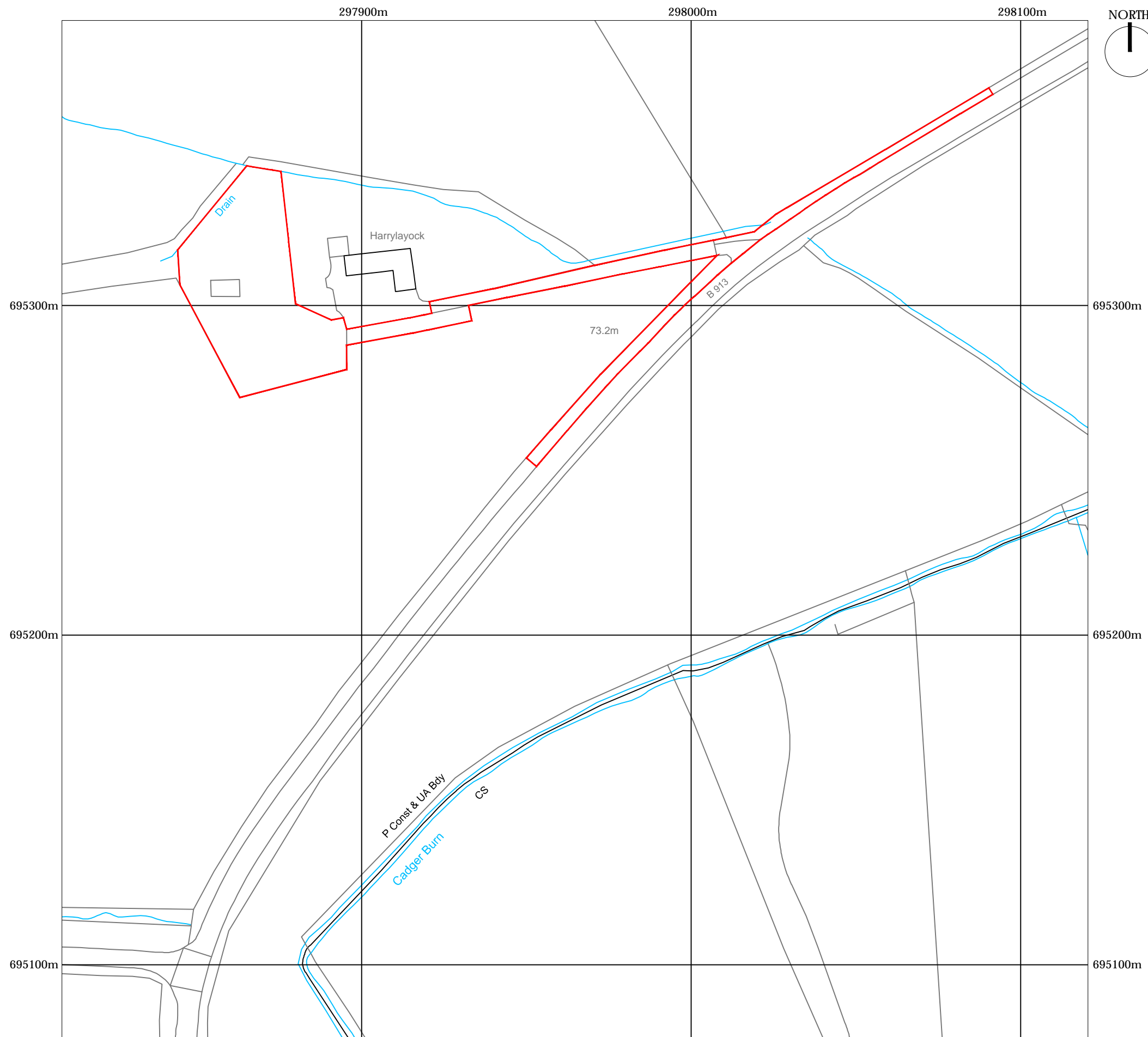


Building Standards  
Approved Certifier



The Scottish  
Government

NOTES  
ALL DIMENSIONS TO BE VERIFIED ON SITE.  
IF IN DOUBT CHECK WITH ARCHITECT.



REV.	DATE	DESCRIPTION
A.	12.2.18	BOUNDARY LINE REVISED

<input type="checkbox"/> SKETCH PROPOSAL	<input type="checkbox"/> CLIENT APPROVAL
<input checked="" type="checkbox"/> PLANNING	<input type="checkbox"/> BUILDING WARRANT
<input type="checkbox"/> BILLING	<input type="checkbox"/> TENDER
<input type="checkbox"/> CONSTRUCTION	<input type="checkbox"/> AS-BUILT

**SCOTTSTRACHANARCHITECT**

THE HURST, OLD PERTH ROAD, MILNATHORT,  
KINROSS KY13 9YA  
T. 01577 862694 - M. 07872 318785  
scott@scottstrachan.co.uk

PROJECT  
PROPOSED NEW FARM WORKER DWELLING,  
HARRYLAYOCK FARM, SOLSGIRTH

CLIENT  
AKI SMITH LTD

DRAWING TITLE  
LOCATION PLAN

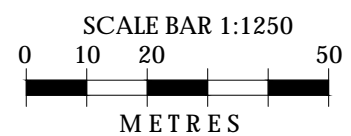
DATE  
15 NOV 2017

SCALE  
1:1250 @ A3

DRAWING NO.  
17/367/PI/ 001 REVISION A

LOCATION PLAN  
1:1250

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## Planning Proposal Justification

**Prepared for:** AKI Smith Ltd  
Gibsley  
Saline  
Fife  
KY12 9UF

**Prepared by:** SAC Consulting

**Contact:** James Buchanan  
Sandpiper House  
Ruthvenfield Road  
Inveralmond Industrial Estate  
Perth PH1 3EE

**Date:** October 2017

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DRAFT

## **Introduction**

This report has been prepared at the request of Mr & Mrs Smith the owners of AKI Smith Ltd which owns the land at Gibsley and Harrylaylock farms to supplement a planning application for the construction of a dwelling house for an agricultural worker at Harrylaylock Farm.

Information was gathered by James Buchanan, SAC Consulting, Perth in discussion with Mr Stan Smith one of the directors in the business.

Data for enterprise labour requirements is based on the standard labour figures published by Defra in a UK Farm Classification Document (October 2014).

The need for the justification for the additional dwelling house is based around the existing agricultural business at Gibsley and Harrylaylock. The applicant AKI Smith Ltd own and operate the existing farming business at Gibsley and Harrylaylock Farms.

DRAFT

## **Summary & Conclusions**

Gibsley and Harrylaylock extends to approximately 150ha (371 acres) of owned land. Additional land is taken on a seasonal basis and is not included in the justification. The main agricultural business on the farm consists of a suckler cow enterprise selling fat cattle and a breeding ewe flock producing fat lambs.

AKI Smith Ltd is a family farming business which is owned and run by the Smith family with the third generation of the family now working in the business since the family moved to the area many years ago.

The business owns one farmhouse sited at Gibsley where the business director and company secretary live.

Given that the owned land is split over two sites it is recommended that the additional house is built at Harrylaylock where there is currently no dwelling house owned by the business. There is 96 acres (38.9ha) of land attached to this site. An essential worker living on this large area of owned land will help deter anyone with ill intent from entering the farm steading due to the presence of house and farm worker living and working on this site. Harrylaylock is in area of high rural crime with sheep and machinery thefts reported in recent years.

**This report shows that there is justification for an additional dwelling house for AKI Smith Ltd located at Harrylaylock.**



## **Background Information**

The business is split in to two locations. The Gibsley unit has 275 acres (112.3ha) of land and Harrylaylock has 96 acres (38.9ha). Gibsley is accessed off the unclassified Forestmill to Saline Road. Harrylaylock is accessed off the main Saline to Blairgone road the B913. The Main A977 Kincardine to Kinross road is on the western boundary of the block of land at Harrylaylock. This area of Clackmannanshire has been the subject of thefts and burglaries in recent years.

Although the main farm address has a Fife postal code both the areas of land which are farmed by the business are in Clackmannanshire.

The farm is currently all in grass. The ground that the business owns is restricted with heavy wet soils which limit the opportunities to grow cereal crops. The land is better suited to grass, utilised as grazing and silage. Approximately 100 acres (40ha) of silage is taken as 1 cut.

The livestock enterprises consist of a 90 cow suckler herd which produce young stock for breeding replacements with the male calves and any females not required for breeding sold as prime fat cattle at 2 to 2.5 years old. The breeding sheep flock of 600 ewes produce fat lambs which are sold throughout the year.

The distance to travel between Gibsley farm house and Harrylaylock is just over 6 kilometres (3.7 miles). Due to the nature of the farm roads and the rural council roads this journey can take 10 -15 minutes to travel between the two units. As livestock can require (24 hours/day, 7 days/week, 52 weeks/year) supervision, care and attention from farm staff who are on call at all times. This currently means that there is a travel requirement at any time of day or night.

Siting the dwelling house for the essential worker at the Harrylaylock farm will reduce the need for the Smith family to make this journey at unsociable hours as the essential worker will be living on site and have the ability to take care of the livestock outside normal working hours.

Attracting a good agricultural worker is difficult for any agricultural business. When you are looking for a worker to live in a tied house it is essential that the business has the quality of accommodation on offer which is going to attract the right worker and his family to this business.

## **Labour Requirements at Gibsley**

The labour profile is shown in Appendix I. The Standard Work Capacity is taken as 1900 hours/man/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness, public holidays, etc into account.

The calculation shows that the current farming system operated by AKI Smith Ltd has the justification for 5.2 full-time labour units.

This calculation is viewed as a modest assessment of the labour needed because no allowance has been made for the ever increasing administrative tasks that all farmers now face.

Contractors have been used in an ad-hoc fashion however the business has the equipment to carry out all tasks if the weather allows them the opportunity.

Currently the farm operates with just family labour and occasional help from casual labour and contractors.

## **The Need for On-Site Accommodation**

### **Business Control**

The business has been in operation at Gibsley and Harrylaylock for a number of years and the third generation of the family is now employed by the business. The business needs to employ an essential worker to take on some of the working responsibilities currently carried out by the family who own and run the business. It is essential that key personnel can live on the farm to be easily accessible for assistance with the day to day running and decision making processes involved in running an agricultural business.

### **Efficiency**

Farming regularly involves working long, anti-social hours and on-farm accommodation is essential to sustain the working regime and will save time and money. This is especially pertinent when a farm business is operating between the two units.

### **Security**

The farm is located close to significant urban populations and with rural crime on the increase security is a major concern. Staff living on or close to site helps prevent or deter theft of valuable livestock, and stored supplies.

Cattle are of considerable value worth in excess of £1000 per animal. The theft of these animals is increasing and the business cannot afford to risk these animals being stolen due to the lack of supervision or staff on site to act as a deterrent to the potential thieves. Sheep are also at risk of theft and dog worrying is on the increase as well. The threat of this will be reduced with the presence of a farm worker living on site.

### **Animal Welfare and Biosecurity**

Farmers provide excellent welfare conditions for their animals. Cattle and sheep are prone to sudden illness and injuries and there is a genuine need for a knowledgeable person to be on call and on hand to carry out regular checks both day and night. The continuous movement of cattle and sheep requires a robust bio-security plan to be in order to prevent the occurrence and spread of disease and this requires staff to live on site to see that it is enforced. Residential workers ensure that there is always someone available at short-notice to control the delivery of farm supplies and manage the constant cycle of loading and unloading, checking, weighing, vaccinating, medical treatment, registering and tracking of livestock on and off the farm. To ensure excellent animal welfare and for general ease of management it is essential for a farm worker to reside permanently on their place of work in the countryside.

## **Health and Safety**

Unexpected events often occur when handling livestock. Gibsley and Harrylaylock are bisected by public roads and livestock have escaped from adjacent fields and farm buildings. When this happens it is vital for staff to be able to respond quickly to round up the livestock immediately to limit damage to themselves, to property and the general public. Visitors to farms sometimes arrive unannounced and it is essential someone is on hand at all times to supervise them within operational areas if invited or divert them away if not.

## **Farming Future and Sustainability**

Farming businesses in Scotland and the rest of the UK are under ever increasing social and economic pressures. The opportunities for new entrants into agriculture have been restricted in the past. This business has overcome these restrictions and is coming to a stage where there is a need to employ an agricultural worker and continue to grow the business.

## **Summary**

It is essential that accommodation is available in order to ensure that the livestock and the farm is managed and the business is run successfully.

Each of the mentioned potential hazards will be kept to an absolute minimum by the permanent residence of a full time worker. This ensures that essential knowledge of the daily operations is always available on site and that the business can operate under safe guidelines and best practise.

## **Appendix I**

### **Labour Profile**

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Source: Using Standard Labour Data for Agricultural and Horticultural Activities, sourced from Defra UK Farm Classification Document (October 2014), and information on existing land areas and livestock numbers farmed by the business, the labour profile for the farming enterprises at Gibsley and Harrlaylock.

## Appendix 1 Labour Justification

Area/Number (ha)	Enterprise	Proposed coefficient (hours per ha or head per year)	Total Hours
	Land		
10	Rough Grazing	1.5	15
0	Cereals	18	-
140	Permanent Grazing	3.1	434
0	Temporary Grass	3.1	-
40	Silage (One Cut)	12	480
	Livestock		
			-
90	Suckler Cows	26	2,340
180	Other Cattle	12	2,160
600	Breeding Sheep	5.2	3,120
900	Other Sheep	1.45	1,305
	Total Hours Justified		9,854
	Standard Labour Unit (hours per annum)		1,900
	Number of standard labour units justified		5.2



12 February 2018

Clackmannanshire Council  
Kilncraigs  
Greenside Street  
ALLOA  
FK10 1AB

Dear Sirs,

**NEW DWELLING FOR FARM WORKER AT  
HARRYLAYOCK FARM, SOLSGIRTH DOLLAR FK14 7NE**

**SUPPORTING STATEMENT**

An application for Planning Permission In Principle is sought for the erection of a new dwelling for a farm worker at Harrylayock Farm, near Solsgirth.

As a new dwelling in the countryside the key policies on which this application will be assessed are:-

- Policy SC23 - Development in the Countryside (General Principles)
- Policy SC24 - Residential Development in the Countryside

Policy SC23

In order to satisfy policy SC23 the proposal requires to demonstrate the requirement for a countryside location. An agricultural labour requirement report has been prepared by SAC Consulting and is attached to this application demonstrating the requirement for a new dwelling in this location.

In addition the proposal requires to be on a suitable site adjacent to existing buildings where new build could be sympathetically integrated with existing buildings. Whilst there are no existing building groups in the proximity of Harrylayock Farm under the applicant's control the existing neighbouring property and adjacent area of uncultivated land identified on the location plan provide a suitable setting & established topographical & landscaped enclosure to meet this criteria in close proximity to the labour demands at Harrylayock Farm.



The existing dwelling house 'Harrylayock' and associated garden ground which includes the application site, is jointly owned by Stan & Heather Smith of Gibsley Farm, Saline. This property was purchased by them, along with a resident tenant and long term tenancy agreement. The applicant is AKI Smith Ltd, the farm business with a lease interest in the farmland at Harrylayock Farm. The existing dwelling house at Harrylayock is not available to the applicant for accommodating a resident farm worker/ manager due to the pre-existing tenancy arrangements, although the garden ground which forms the application site is available.

The remaining criteria within policy SC23 relating to scale, design & siting can be more appropriately demonstrated in a further application for Approval of reserved matters, subject to Planning Permission In Principle being granted.

#### Policy SC24

In order to satisfy policy SC24 the proposal requires to be integral to, and necessary for, the full time management of an existing and well established countryside business or activity. The attached labour report from SAC Consulting demonstrates this requirement due to the proximity of the farmland at Harrylayock Farm and the labour requirement to manage this farmland.

#### Access

It is proposed that vehicular access to the new dwelling would be the existing access road so that both the new dwelling and the adjacent property use a shared access road. The land at the roadside at either side of the junction with the public road is under the applicant's ownership and as such safe visibility splays can be achieved in both directions.

#### Topography

The application site is an unused area of garden ground associated with the existing dwelling at Harrylayock. The site is not currently used for agricultural purposes but is surrounded by farmland. There is established landscaping to the West of the site which distinguishes it from the adjacent farmland making it an appropriate location for a new farm worker dwelling.





## **SUPPORTING STATEMENT - LOCAL REVIEW BODY**

### **NEW DWELLING FOR FARM WORKER AT HARRYLAYOCK FARM, SOLSGIRTH DOLLAR FK14 7NE**

This statement is provided in support of a submission to the Local Review Body to review the refusal of Planning Permission In Principle application 18/00029/PPP for the erection of a new dwelling for a farm worker at Harrylayock Farm, near Solsgirth.

The refusal notice states that:-

*'the need for the proposed house to be located in the countryside has not been satisfactorily demonstrated. There is insufficient evidence to indicate that livestock on the farmland at Harrylayock cannot be adequately managed from the applicant's existing farmhouse at Gibsley, some 6km away. In addition an existing house adjoining the application site was previously owned by the farm business and appears to still be in the control of the applicants, and could adequately serve the adjoining farmland, if required'*

It is our view that the need for the proposed house to be located in the countryside has been satisfactorily demonstrated in the content of the labour justification report submitted with the application. Furthermore the existing house adjoining the application site was not previously owned by the current farm business. The house, whilst now owned privately by Stan & Heather Smith as landlords to a long standing and inherited tenant, is not available for occupation by a farm worker as a result of the inherited tenancy arrangements.

Notwithstanding the availability of the existing house at Harrylayock, the labour report identifies the requirement for 5.2 units of labour (5 full time + 1 part time personnel) to run the combined farm business at Gibsley & Harrylayock.

At present the farm business is run from one farmhouse at Gibsley Farm occupied by Stan & Heather Smith. Stan works full time on the farm and Heather is part time. Their son and his family also live at the farmhouse in temporary lodgings and he works full time on the farm.

The total labour provided by farm workers residing at Gibsley is therefore 2.5 units and there is a requirement for a further 2.7 units of full time labour to adequately manage the farm business. This demonstrates justification for at least two new farm worker dwellings. Even if the existing house at Harrylayock were available for a farm worker to occupy there would still be a full time labour shortfall which demonstrates justification for an additional farm worker dwelling.

An additional house for a farm worker is essential to the ongoing success of the farming business. The physical separation of the two farmland areas, the current farmhouse at Gibsley and the suitability of the site at Harrylayock present an ideal opportunity to secure appropriate farm worker housing at Harrylayock. House prices in nearby Saline are cost prohibitive to both prospective farm workers and the farm business and a new farm worker dwelling represents the only way of attracting additional full time labour.



Whilst not excessive, the 6km separation of the distinct farmland areas presents numerous logistical issues which affect the ability of the farm business to operate efficiently, as well as presenting significant issues with security. A farm worker dwelling at Harrylayock would ensure that both sites can be quickly reached from either location. Indeed if there is a problem it is imperative that it is solved quickly given the locality of the A977 to the fields. Rural crime in the West Fife area (where Giblesley farm is located) is a constant threat to the farm & the business receive weekly correspondence warning of theft, hare coursing, poaching etc.. The situation is no less of an issue in the Solsgirth locality.

### Background to farm business and land holding at Harrylayock

For clarification of the background we would confirm the following:-

The farm business ' Andrew K I Smith and Son' ceased trading in 2005 when Mr and Mrs Smith senior retired from the business, the Solsgirth house and land were retained by them and the title split. AKI Smith Ltd was incorporated in 2005 and Stan is the Director and Secretary of this Company. AKI Smith Ltd have rented back the land each year in order to farm. Mr Smith senior died 2 and half years ago and the farmland only was passed on to Stan. Mrs Smith senior has since moved to Dollar. Through a mixture of gifting and purchasing Stan and Heather bought Harrylayock house from Mr & Mrs Smith senior, however there was and is a longstanding tenant in the house.

The location of the proposed new dwelling is within the **garden** of Harrylayock house but this area of the land would be split off and added to the title incorporating the fields under Stan's name. Indeed there are still the remains of the original farmhouse on this site in the garden.

The farm lands are solely in Stan's name to safeguard the future of a family farming business which goes back generations.

### Conclusion

Due to the labour requirements to adequately manage Giblesley & Harrylayock farm it is our view that at least one new dwelling for a farm worker is fully justified in this instance. The availability of the garden ground at Harrylayock and the absence of any farm worker residing at Harrylayock represents the best opportunity to create a new farm worker dwelling for the farm business to attract additional full time labour.





**THIS PAPER RELATES TO  
ITEM 4b  
ON THE AGENDA**

Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Fax: 01259 217 451 Email: [planning@clacks.gov.uk](mailto:planning@clacks.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100076039-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed new dwelling for a farm worker

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Scott Strachan Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	The Hurst
Last Name: *	Strachan	Building Number:	
Telephone Number: *		Address 1 (Street): *	Old Perth Road
Extension Number:		Address 2:	Milnathort
Mobile Number:		Town/City: *	Kinross
Fax Number:		Country: *	Scotland
		Postcode: *	KY13 9YA
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Gibsley Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Saline
Company/Organisation	AKI Smith Ltd	Address 2:	
Telephone Number: *		Town/City: *	Dunfermline
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY12 9UF
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Clackmannanshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

695293

Easting

297871

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Require to demonstrate how proposals comply with policies SC23 & SC24

Title:

Mr

Other title:

First Name:

Grant

Last Name:

Baxter

Correspondence Reference Number:

Date (dd/mm/yyyy):

08/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1772.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Unused garden ground

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

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 explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Domestic septic tank with foul effluent disposal to watercourse via land soakaway

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

## Trees

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

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

### Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*  Yes  No

### Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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 accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr S. & Mrs H. Smith

Address:

Gibsley Farm, Saline, Dunfermline, Scotland, KY12 9UF

Date of Service of Notice: \*

13/02/2018



(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Scott Strachan

On behalf of: AKI Smith Ltd

Date: 13/02/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

Supporting Statement & Labour justification report

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Scott Strachan

Declaration Date: 13/02/2018



**CLACKMANNANSHIRE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**Applicant**

AKI Smith Ltd  
Gibsley Farm  
Saline  
Dunfermline  
KY12 9UF

**Agent**

Scott Strachan  
Scott Strachan Architect  
The Hurst  
Old Perth Road  
Milnathort  
Kinross  
KY13 9YA

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

Erection Of 1 No. House

Harrylayock, Forestmill, Clackmannanshire, FK14 7NE,

in accordance with your application and plans Ref. No:- 18/00029/PPP dated 14th February 2018

For the following reasons-

1. The need for the proposed house to be located in the countryside has not been satisfactorily demonstrated. There is insufficient evidence to indicate that livestock on the farmland at Harrylayock cannot be adequately managed from the applicant's existing farmhouse at Gibsley, some 6km away. In addition, an existing house adjoining the planning application site was previously owned by the farm business and appears to still be in the control of the applicants, and which could adequately serve the adjoining farmland, if required. The application is therefore contrary to Policies SC23 and SC24 of the Clackmannanshire Local Development Plan, adopted 2015.

Dated: 9 April 2018

  
.....  
DEVELOPMENT SERVICES

Plan No	Title
17/367/PL/001 Revision A	Location Plan

Submit a Planning Application online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

## NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
  - \* the duration of the permission
  - \* rights of review
  - \* requirements for further notification to the Council; and
  - \* the publicising of the development.
3. Section 59 Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
  - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
  - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition, in respect of the proposed development, or to grant permission for approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at [LRB@clacks.gov.uk](mailto:LRB@clacks.gov.uk). Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body  
Resource & Governance – Legal Services  
Clackmannanshire Council  
Kilncraigs  
Alloa FK10 1EB

### Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Intention of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** The notification must include:-
  - (i) The date on which the development is likely to commence.

Submit a Planning Application online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)

- (ii) The full name and address of the person intending to carry out the development.
- (iii) The full name and address of the landowner if they are a different person.
- (iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.
- (v) The reference number and date of issue of the planning permission.

#### **Notification of Completion of Development**

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase.

#### **Display of Notice while Development is carried out**

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-

- (i) The location of the development.
  - (ii) Any conditions attached to the planning permission.
  - (iii) The name and address of the developer.
  - (iv) The date on which planning permission was granted.
  - (v) The planning authority reference number.
  - (vi) A description of the development.
  - (vii) A note of the Council's contact details for enquiries relating to the development, which is [development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk) or Development Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
  10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

Submit a Planning Application online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

View forms, drawings and comments at [www.clacksweb.org.uk/eplanning/](http://www.clacksweb.org.uk/eplanning/)



**NOTES**  
ALL DIMENSIONS TO BE VERIFIED ON SITE.  
IF IN DOUBT CHECK WITH ARCHITECT.

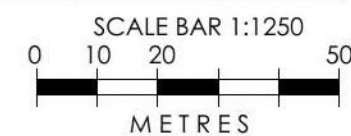
THE CLACKMANNANSHIRE COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSED

DEVELOPMENT SERVICES



**LOCATION PLAN**  
1:1250



REV.	DATE	DESCRIPTION
A.	12.2.18	BOUNDARY LINE REVISED

<input type="checkbox"/> SKETCH PROPOSAL	<input type="checkbox"/> CLIENT APPROVAL
<input checked="" type="checkbox"/> PLANNING	<input type="checkbox"/> BUILDING WARRANT
<input type="checkbox"/> BILLING	<input type="checkbox"/> TENDER
<input type="checkbox"/> CONSTRUCTION	<input type="checkbox"/> AS-BUILT

**SCOTTSTRACHAN**ARCHITECT  
THE HURST, OLD PERTH ROAD, MILNATHORT,  
KINROSS KY13 9YA  
T. 01577 862694 - M. 07872 318785  
scott@scottstrachan.co.uk

**PROJECT**  
PROPOSED NEW FARM WORKER DWELLING,  
HARRYLAYOCK FARM, SOLSGIRTH

**CLIENT**  
AKI SMITH LTD

**DRAWING TITLE**  
LOCATION PLAN

**DATE**  
15 NOV 2017

**SCALE**  
1:1250 @ A3

**DRAWING NO.**  
17/367/PL/ 001 REVISION A



**DEVELOPMENT & ENVIRONMENT SERVICES  
CLACKMANNANSHIRE COUNCIL**

**REPORT OF HANDLING  
PLANNING APPLICATION DELEGATED REPORT**

Application Ref. No. **18/00029/PPP**

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

Location:                      **Harrylayock, Forestmill, Clackmannanshire, FK14  
7NE**

**1.      The Proposed Development**

This is an application for planning permission in principle (PPP) for erection of a house in the countryside. The site immediately adjoins an existing rural cottage, Harrylayock, which was developed from ruined farm buildings around 30 years ago. The site is slightly elevated above the adjacent road, and contains some woodland cover. Other than the adjoining house plot, all other surrounding land is in agricultural use.

The site extends to 0.177Ha, and is described as under-used garden ground of the adjacent house, Harrylayock. The site would be accessed from the existing private driveway serving the adjoining house. This driveway is served off the B913 Dollar to Saline road.

The application is accompanied by Planning Proposal Justification (Labour Report) and Supporting Statement in relation to the need for the house, associated with management of livestock on the adjoining land.

**2.      Summary of Consultation Responses**

Roads: Recommend refusal of a development that will increase traffic turning and pedestrian traffic on a derestricted rural road. This stance may be reconsidered if it is proven that the house is needed in connection with a farm business.

Police Architectural Liaison: Whilst there reasons for wishing to erect the house are understandable, there is no recorded increase in livestock theft in the area. The house itself would be more likely to be a target for theft than livestock. Also, items such as quad-bikes and farm machinery are more likely to be targeted on farms if not adequately secured.

**3.      Neighbour Notification and Publicity**

Number Of Neighbours Notified

1

Number of Objections

0

A Neighbour Notification advert was placed in the Alloa Advertiser on 21 February 2018.

#### **4. Summary of Representation(s)**

None

#### **5. Summary of Supplementary Statements**

Supporting Statement from Agent indicating compliance with development plan policies in relation to the principle of development and siting/visual impact.

A Planning Proposal Justification prepared by SAC Consulting sets out the labour requirement and need for on-site accommodation. This is summarised as follows:

- The main farm business is based at Gibsley, some 6km from the land at Harrylayock.
- The farm has 112Ha at Gibsley and 38.9Ha at Harrylayock.
- There is no house at Harrylayock to provide security, supervision and animal welfare for sheep and cattle that graze here, and the applicants must travel 6km from Gibsley to manage stock at Harrylayock.
- This is an area of high rural crime with machinery and sheep theft reported in recent years. An on-site presence of a farm worker in a house at Harrylayock will deter crime and provide on-site supervision and welfare to livestock, and obviate the need for the applicant to travel between the two sites.
- There is justification for an additional farm worker in terms of the labour requirements of the farm.

#### **6. Summary of Section 75 Planning Obligations.**

None

#### **7. Site History/Background**

None relevant

#### **8. Planning Assessment**

##### **(a) Development Plan Position**

Clackmannanshire Local Development Plan, adopted 2015

##### **(i) Policies**

The application must be determined in accordance with the Clackmannanshire Local Development Plan (LDP), adopted 2015, unless material considerations indicate otherwise. The key policies of the LDP that the application would be assessed against are:

- Policy SC23 - Development in the Countryside
- Policy SC24 - Residential Development in the Countryside
- Policy EA4 – Landscape Quality
- Policy EA7 – Hedgerows, Trees & Tree Preservation Orders

Policy SC23 indicates that new developments will normally be directed to existing settlements and that proposals outwith settlements will only be supported where a set of criteria in the policy can be met. The first of these is that *"it can demonstrate the requirement for a countryside location"*. Other criteria include the need for the scale and design of proposals to be acceptable and to relate to existing land uses and buildings. They should also protect and enhance the landscape character. The policy goes on to indicate where proposals will normally be supported if the criteria are met, such as adjacent to existing building groups.

Policy SC24 is specific to proposals for residential development in the countryside and set out the three circumstances under which such proposals will be supported. One of these is where *"it is demonstrated to the satisfaction of the Council that the proposal is integral to, and necessary for, the full time management of an existing and well established countryside business or business such as farming, farm diversification, forestry and tourism development which has not previously incorporated residential accommodation."*

In considering the criteria of these two policies, the following conclusions are drawn:

- The 6km journey from Gibsley Farm to the land at Harrylayock is not considered excessive in terms of managing livestock at this location. Comments from Police Scotland indicate that rural crime is not a particular problem in this area, and that livestock thefts in particular are uncommon. In fact, the comments from the Police suggest that the proposed house itself would be more of a target for theft than untended livestock.
- It is noted that the applicant, AKI Smith Ltd of Gibsley Farm are stated not to own any existing houses in the vicinity, but that Stan & Heather Smith of Gibsley Farm, are the owners of the house immediately adjoining the application site, which is currently let under a tenancy agreement. Policy SC24 would not support a house related to a farm enterprise where the enterprise had previously incorporated residential accommodation. In this regard, whilst it is noted that separate entities own the land and existing house at Harrylayock, there is clearly an inextricable link between these entities; the farm business and Mr & Mrs Smith. Indeed, the original planning permission for the house was granted to Andrew K I Smith & Son, the farm business. It therefore appears that the existing house at Harrylayock was

previously owned by the farm business, and it would be within the applicant's gift for it to be owned or occupied in association with the business again, if there was a clear need for residential accommodation associated with farming at this location.

Based on these two reasons, it is considered that the justification for the proposed house has not been demonstrated, as required by Policies SC23 and SC24.

Taking account of other criteria of Policy SC23, in respect of landscape and visual impact and similar considerations in Policy EA4, the position of the proposed site, adjacent to another house and within an area partially screened by woodland, could be one that ensures, with the appropriate scale and design of house, that there is no detrimental landscape and visual impact arising from the proposed development.

Taking account of the terms of Policy EA7, however, if a house in this vicinity were to be approved, its impact on the surrounding trees would need to be assessed, so as to minimise unnecessary loss of mature trees, to the detriment of this existing small area of woodland. A tree survey informing location of a house and site layout would be the best way to ensure this.

The in principle objection of the Roads Service is noted in respect of more traffic using an access onto a rural road. However, taking account of the likely increase in traffic that one house would bring, the generally good standard of visibility at the existing access, and the fact that the proposed house would presumably reduce the need for the applicant to travel between Gibsley and the site, there would be no compelling reason to withhold permission on the grounds of increased traffic manoeuvring resulting from the proposed house.

In summary, whilst the issues of visual and landscape impact and also suitable access may be capable of being addressed satisfactorily, the principle of the proposed new house in the countryside fails to meet the key tests as set out in Policies SC23 and SC24 in terms of the need and justification for a rural location.

**(ii) Proposals**

None

**(iii) Supplementary Guidance**

None

**(b) Other Material Considerations**

The material considerations, in respect of supporting documents to the application and consultation responses, both from Roads and Police Scotland, have been fully considered and do not indicate that the application should otherwise be approved, despite being not complying with the development plan.

**9. Recommendation**

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

**Reasons for Refusal**

1. The need for the proposed house to be located in the countryside has not been satisfactorily demonstrated. There is insufficient evidence to indicate that livestock on the farmland at Harrylayock cannot be adequately managed from the applicant’s existing farmhouse at Gibsley, some 6km away. In addition, an existing house adjoining the planning application site was previously owned by the farm business and appears to still be in the control of the applicants, and which could adequately serve the adjoining farmland, if required. The application is therefore contrary to Policies SC23 and SC24 of the Clackmannanshire Local Development Plan, adopted 2015.

**Plan Numbers Relating to the Decision**

<u>Plan No</u>	<u>Title</u>
17/367/PL/001 Revision A	Location Plan

**10. Checklist**

The application does not involve development of land in which the Council has an interest	<input checked="" type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>

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 3/4/18

Signed \_\_\_\_\_ (Team Leader)

Date \_\_\_\_\_

Signed  (Service Manager)

Date 9/4/18

**THIS PAPER RELATES TO  
ITEM 4e  
ON THE AGENDA**

Memo

To: Development Quality

From: Roads and Transportation

Extension 2593

:

E-Mail: roads@clacks.gov.uk

Our Ref: C/018/00029/PPP

Your Ref: 18/00029/PPP

Date: 21 February 2018

**Subject: PLANNING APPLICATION NUMBER - 18/00029/PPP  
APPLICANT: AKI Smith Ltd  
DEVELOPMENT: Erection Of 1 No. House  
LOCATION: Harrylayock, Forestmill, Clackmannanshire, FK14 7NE**

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

**ROADS AND TRANSPORTATION**  
**Responding Officer: Stuart Cullen**

In this instance I would refer you to my Section's consultation response reference number 17/00268/PPP dated 28/11/17 and would reiterate the comments contained therein.

I trust this information is of use to you.

On behalf of

**ROADS & TRANSPORTATION**



## Memo

To: Development Quality  
From: Roads and Transportation  
Extension: 2593  
:  
E-Mail: roads@clacks.gov.uk  
Our Ref: C/017/00268/PPP  
Your Ref: 17/00268/PPP  
Date: 28 November 2017

**Subject: PLANNING APPLICATION NUMBER - 17/00268/PPP**  
**APPLICANT: AKI Smith Ltd**  
**DEVELOPMENT: Erection Of 1 No. House**  
**LOCATION: Harrylayock, Forestmill, Clackmannanshire, FK14 7NE**

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

### **ROADS AND TRANSPORTATION** **Responding Officer: Stuart Cullen**

You will be aware my Section has a presumption against the granting of planning permission for new houses located out with the urban area as is the case with this proposal. Any consent granted can set an undesirable precedent for similar residential development in rural locations thereby making similar development proposals more difficult to resist. In this particular case I would also be concerned about the increased Road Safety risk associated with the unnecessary increase in turning traffic, and possibly pedestrian traffic, generated on to such a typical derestricted B class rural road.

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

My Section may consider it's stance in this case if the proposed house is satisfactorily proven to be required in connection with the operation of the adjacent farm business, it can be legally tied to this use and cannot be put up for sale separately on open market.

I trust this information is of use to you.

On behalf of

### **ROADS & TRANSPORTATION**





**THIS PAPER RELATES TO  
ITEM 4f  
ON THE AGENDA**



**Grant Baxter /CLACKS**  
29/03/2018 09:10

To [REDACTED]  
cc Planning/CLACKS@CLACKS  
bcc  
Subject RE: Planning Application - Police advice - 18/00029/PPP 📎

Thanks for this Andy.

Its very helpful.

Kind regards

Grant

Grant Baxter  
Principal Planner  
Development Quality  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

[REDACTED]

[REDACTED] 29/03/2018 08:59:08

From: "Andrew McGuirk (231)" [REDACTED]  
To: "Grant Baxter" [REDACTED]  
Date: 29/03/2018 08:59  
Subject: RE: Planning Application - Police advice - 18/00029/PPP

Hi Grant, my apologies for a delay in reply, due to annual leave.

With regard to this planning application and the reference to Security I can understand the applicants suggestions that Rural Crime is on the increase and that building this house could help in reducing the relevant risks to his herd or flock, the possibility to reduce the risk of theft to machinery etc.

However, I have had a discussion with the local Area constable, re-searched Crimefile and spoken to the Police Wildlife Officer for Forth Valley and found no noticeable increase in rural Crime in respect of livestock theft, within the area of the proposed build, or indeed in Forth Valley or Fife. The targeted risks on a farm or rural businesses tends to be the machinery and or items within secured buildings. We could look it at in respect of the house as proposed for building, it is probably more likely to be a target of crime than any livestock or un-secured machinery.

I appreciate the applicants comments on the additional security that is had by having an occupied dwelling close to the working farm and the applicants suggestions that personel work long and difficult hours so commute to work becomes easier and extra eyes and ears on the ground can reduce the risks of criminal activity. Proper storage and locks are essential as machniery used by personel is more likely to be targetted, such as Quad Bikes and tractors which is on the increase due to demands by Serious Organised Crime and the ease to transport abroad. The majority of this crime is usually due to inadequate security and unsecure machinery on the farm and is specific targetting by these gangs.

From the Policing point of view and to help reduce Crime and the risk of Crime with our Rural Areas any additional features on the build would be helpful, such as 360degree windows on all relevant

external walls, relevant outdoor lighting, security cameras and appropriate access to the mains road to reduce the possibility of a road accident, use of timer switches in the house etc. Further to this relevant locks and alarms fitted to all buildings would also help to reduce the risks. As for the security of livestock, additional Wildlife cameras, random checks on the stock and where livestock are placed in fields etc. are all considerations for the applicant to make to help reduce risks of crime.

To summarise, any positive aspect of improving security within rural areas is a good thing and I understand the applicants views and suggestions in respect of what this new build would potentially bring to the immediate area.

For your consideration

PC 231 Andy McGuirk

**From:** Grant Baxter [mailto:gbaxter@clacks.gov.uk]  
**Sent:** 15 March 2018 14:21  
**To:** Andrew McGuirk (231)  
**Cc:** Planning  
**Subject:** RE: Planning Application - Police advice - 18/00029/PPP

Hi Andy,

Here is the background to the case.

The application is by AKI Smith, who are based at Gibsley Farm, but also own land at Harrylayock, just off the B913 road to Saline, where the proposed house would be.

I've attached the site plan which shows the proposed house plot outlined in red. As you'll see it immediately adjoins an existing house.

I've also attached an extract from the supporting documents that refers to the security concerns. I've pasted in a link to the whole file where all documents can be viewed.

Essentially, we would welcome your views on the security concern that the applicant has referred to, and whether you would view this as a genuine concern, and one which the proposed house could justifiably address.

Many thanks  
Grant

<https://eplanning.clacks.gov.uk/eplanning/applicationDetails.do?activeTab=summary&keyVal=P44YR6EYHPH00>

# The Need for On-Site Accommodation

## **Business Control**

The business has been in operation at Gibsley and Harrylaylock for many years and the third generation of the family is now employed in the business. The business needs to employ an essential worker to take over some of the working responsibilities currently carried out by the family who run the business. It is essential that key personnel can live on the site, easily accessible for assistance with the day to day running and the making processes involved in running an agricultural business.

## **Efficiency**

Farming regularly involves working long, anti-social hours and on-site accommodation is essential to sustain the working regime and will save time and money. This is especially pertinent when a farm business is split between the two units.

## **Security**

The farm is located close to significant urban populations and with the increase in security is a major concern. Staff living on or close to the farm helps prevent or deter theft of valuable livestock, and stored supplies.

Cattle are of considerable value worth in excess of £1000 per animal and the theft of these animals is increasing and the business cannot afford to have these animals being stolen due to the lack of supervision or staff on site as a deterrent to the potential thieves. Sheep are also at risk of theft and the worrying is on the increase as well. The threat of this will be reduced by the presence of a farm worker living on site.

Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

Tel: 01259 452615  
Fax: 01259 452547

From: "Andrew McGuirk (231)" [REDACTED]  
To: "Grant Baxter" [REDACTED]  
Date: 15/03/2018 08:14  
Subject: RE: Planning Application - Police advice - 18/00029/PPP

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Hi Grant, happy to have a look, is it best to arrange a meet with you at Kilncraigs

cheers Andy

**From:** Grant Baxter [REDACTED]  
**Sent:** 13 March 2018 16:56  
**To:** Andrew McGuirk (231)  
**Cc:** Planning  
**Subject:** Planning Application - Police advice - 18/00029/PPP

Dear P.C. McGuirk,

I have a current planning application for a rural house, where the applicant has indicated it is required to provide security to a cattle herd, and has raised concerns about theft.

Could I forward you the details of the application and their concerns and ask for some input on this from the Police perspective?

Many thanks

Grant Baxter  
Principal Planner  
Development Quality  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

Tel: 01259 452615  
Fax: 01259 452547



**RE: Application for Review - AKI Smith Limited , Harrylayock , Forestmill ,  
Clackmannanshire , FK14 7NE - Planning Application No : 18/00029/PPP -  
RESPONSE REQUIRED**

**Andrew McGuirk (231)** to: Local Review Body

06/09/2018 09:08

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History: This message has been replied to.

Summary and update;

1. There has been an increase in sheep and cattle thefts over the first few months of 2018, mainly in Tayside and parts of Fife but nothing of note in Forth Valley. This might be due to the fact that most of the land in the Central Belt is used for crop growing and the that Stirling homes the Agricultural auction which means most livestock are only in the fields for a short period before being moved on.
2. From the 01/01/2016 until 01/09/2018 Forth Valley has experienced 75 recorded thefts of Industrial machinery with only 18 incidents being from rural locations, items stolen included Quad bikes/tractors/farm machinery, all of which were left insecure.
3. Throughout the same period Forth Valley has recorded 30 incidents involving animals, none of which involves sheep rustling or theft of cattle. The majority of these incidents have been sheep worrying and theft of dogs.
4. I would further highlight that if any Dwelling is to be afforded planning permission that the owner include relevant security prevention in any application to show that the presence of the dwelling will assist to deter any crime on the land.

Many Thanks

Andy