

**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