

Perth and Kinross Council
Development Control Committee –7 July 2010
Report of Handling by Development Quality Manager

Erection of a new Farmhouse at Ballindean Farm, Ballindean

Ref No: 09/01880/FLL
Ward No: 1 Carse of Gowrie

Summary

This report recommends approval of an application for the erection of a new farmhouse at Ballindean Farm, Ballindean on the grounds that the proposal accords with the provisions of the Development Plan, and it has been demonstrated that there is proven economic justification for a new dwellinghouse.

BACKGROUND AND DESCRIPTION

- 1 The application site is part of a small agricultural paddock area to the north of Ballindean Farm which lies approx 450m east of the small village of Ballindean, within the Carse of Gowrie. The site extends to approx 0.5ha in area and is defined to the east and west by existing deciduous tree belts and to the north by an existing farm track, beyond which the land rises away from the site. To the south are the existing farm buildings associated with Ballindean Farm.
- 2 Ballindean Farm is part of RD Morgan Farms (the applicant) which farms approx 400 acres (plus 300 seasonal acres) within the local area across two farms. Ballindean Farm is one of those farms, with the other being located at West Leys, Errol.
- 3 The proposal is for the erection of a new large bespoke farmhouse for the applicant and his family. As the applicant's existing farmhouse is located at West Leys, it is the intention of the applicant to relocate to Ballindean, to allow for an onsite presence at Ballindean (closer to livestock, security etc), which, in turn will free up the existing farmhouse at West Leys to be available on a permanent basis for another farm worker.

NATIONAL PLANNING POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

The Scottish Planning Policy 2010

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 92-96, which relate to Rural Development.

Planning Advice Note 72 : Housing in the Countryside

- 6 This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). There are no policies of strategic relevance relevant to this application contained in the Structure Plan.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) (PALP)

- 8 The site lies within the landward area of the PALP, therefore **Policy 1 (general policies)** is directly applicable to the proposal. This policy states that developments in the landward area will generally be restricted to agriculture, forestry or recreational and tourism projects and operational developments including telecommunications development for which a countryside location is essential. Developments will also be judged against a series of criteria including: landscape framework, scale, form and design, compatible with its surroundings, local road network should be capable of absorbing the development, sufficient spare capacity in local services, site should be large enough to accommodate the development and the need to accommodate development as part of the ongoing requirements of existing commercial land uses in the countryside.
- 9 **Policy 32 (Housing in the Countryside)** is the Council-wide policy on Housing in the Countryside which applies within most of the Landward Area. The policy

outlines a number of categories for opportunities for new housing in the open countryside, providing that specific siting criteria can be achieved. Of relevance to this application is category (f), which relates to operational need.

Perth Area/Central Area Draft Local Plan 2004

- 10 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore, although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER COUNCIL POLICIES

Housing in the Countryside Policy 2009

- 11 This policy is the most recent expression of Council policy towards new housing in the open countryside and is applicable across the entire landward area of Perth and Kinross.
- 12 This policy provides a more up-to-date expression of Council Policy towards new housing in the countryside than the HITCP as contained in the Local Plan and recognises that most new housing will continue to be in, or adjacent to, existing settlements and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. The relevant category in this instance is category 3(2), which refers to New Housing in the Open Countryside required for an economic activity.
- 13 This category offers support for a house or group of houses that is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.

Affordable Housing Policy 2005

- 14 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing, preferably on site. However, for developments of less than 10 units, commuted payments may be acceptable.

Planning Guidance Note: Primary Education and New Housing Development 2009

- 15 This Developer Contributions Policy was approved by the Council on 6 May 2009. The policy applies over the whole local authority area of Perth and Kinross. This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 16 An application for a new dwellinghouse on a neighbouring site (09/01167/FLL) was refused planning permission on the grounds that the site did not have a suitable landscape setting, and it was not clearly demonstrated that there was a proven economic justification for a new dwellinghouse based on operational need.

CONSULTATIONS

- 17 **The Executive Director (Education & Children Services)** has indicated that the local primary school (Inchture) is operating at 80% capacity and therefore the requirements of the approved Planning Guidance Note on Primary Education and New Housing Development should be applied.
- 18 **The Environmental Health Manager** has commented on the application and raised no concerns, subject to the dwellinghouse being linked to the adjacent farm business.
- 19 **Scottish Water** have commented on the application and raised no concerns.

REPRESENTATIONS

- 20 At the time of writing ten representations had been received objecting to the proposal.
- 21 The representations have raised the following relevant issues:
- Proposal is contrary to the Development Plan
 - Proposal is contrary to national guidance
 - No justification for operational need
 - Visual impact
 - Impact on residential amenity
- 22 These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Economic Justification Report Submitted

APPRAISAL

Policy

- 23 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 24 The determining issues for this application are therefore firstly, whether or not the proposal has a suitable landscape framework (Policy 1 of the PALP), and secondly, whether or not the principle of a new dwellinghouse in this location accords with the aims of the HITCP policies, as contained in the local plan (Policy 32 of the PALP) and the revised policy of 2009. For reasons stated elsewhere in the report, I consider this proposal to be in accordance with both the Development Plan and to the 2009 HITCP.

Housing in the Countryside Policies (HiTCP)

- 25 In terms of land use, the key test of the acceptability of this proposal is whether or not the proposal complies with the requirements of the Council's HiTCP's, as contained in the Local Plan and the updated version of 2009. In terms of the acceptable categories listed in both policies, the only possible category that the proposal could be reasonably assessed against is operational need, linked to an economic activity. Both policies offer support in principle for new dwellinghouse(s) that are required for an operational need linked to an established economic activity, proving that a suitable economic justification can be clearly demonstrated.
- 26 In support of the application, the applicant has commissioned a report to be undertaken by the Scottish Agricultural College (SAC) to demonstrate the need for a new dwelling based on an operational need. The report confirms that the farm business covers approx 400 acres (with an additional 300 acres worked on a seasonal basis) at Ballindean and West Leys farms. Farming operations are split between the two farms, with cattle and combinable crops being run principally from Ballindean, with young cattle and vegetables being operated out of West Leys. At the present time there is only one dwelling in the control of

the applicant between the two farms which is located at West Leys and is presently occupied by the applicant and his family.

- 27 The SAC report comments on the issues arising from there being no permanent residence at Ballindean, such as workers from West Leys having to travel regularly to Ballindean to check and attend to the livestock through the night during the spring and to operate the grain dryer at harvest time, and the common concern amongst farmers over security of their valued assets such as livestock, fuel stocks, machinery, tools and fertilizer which, in this case, are largely all stored at Ballindean. The report concludes that between the two farms, there is a requirement for approx 4.7 standard labour units.
- 28 Based on the contents of the commissioned SAC report, I consider there to be sufficient justification to support a new essential worker dwellinghouse in this location, and therefore consider the proposal, in principle, to meet with the requirements of both Policy 32 of the PALP and the 2009 HITCP.

Landscape framework

- 29 As a result of the previous refusal, the applicant has amended the location of the proposed dwellinghouse to the current site, which is not only closer to the existing farm buildings (as you would expect) but is an improvement in landscape terms and an improvement from the previous refusal, which was essentially an isolated location to the west of the current site remote from the farm. Although the application site is on higher ground than the existing farm buildings, I consider the existing tree belts to offer good containment to the site and design of the dwellinghouse and will fit in well with rising back drop. I therefore consider the proposal to meet with the landscape criteria required under Policy 1 of the PALP, and the general siting requirements of the HITCP.

Visual Impact

- 30 The principle visual impact that the proposal will have will be from the public road to the south. As the dwellinghouse will be sited higher than the existing building there is no doubt that it will be visible from the public road to some degree. However, as the site has the natural backdrop of rising fields and is screened from some vantage points by the existing tree belts to the west and east, I consider the likely visual impact to be acceptable. Although the dwelling house is larger than a typical essential worker cottage, the design of the dwelling is nevertheless of a high standard in its own right which will also go some way to limiting the impact from the public road.

Impact on Residential Amenity

- 31 As the house is located away from any existing residential properties, there will be no direct impact on the amenity of any existing properties in terms of overlooking, loss of privacy, etc.

Road Related matters

32 There are no objections in terms of road related matters.

Drainage

33 The site lies outwith a sewerred area therefore foul drainage will be by means of a private system. Although parts of the Carse of Gowrie have in the past raised issues over poor ground conditions, I am not aware of any reason why this site cannot be suitable drained.

Affordable Housing

34 As the application is for a single dwelling house, there are no affordable housing requirements.

Education

35 As a result of Inchtute Primary School presently operating at its 80% capacity, financial contributions are now being sought for all new housing developments within the catchment of this school for main stream residential applications made post 5 May 2009. An educational contribution of £6,395 is therefore required.

Impact on Cultural Heritage

36 Although the new farmhouse is in relevantly close vicinity to the Listed Buildings of Ballindean Farm and Walled Garden, the Council's Conservation Section have confirmed that they have no objection to the proposal as there is unlikely to be any impact on the setting of the Listed Buildings.

Sustainable Development

37 The concept of sustainability is now a fundamental part of the planning process. However, I do not consider there to be any sustainability issues raised by this application as the proposal is for operational need and would present a sustainable solution to the accommodation need.

LEGAL AGREEMENTS

38 If the applicant wishes the education payment to be delayed, then a legal agreement must be signed prior to the issuing of the planning consent.

DIRECTION BY SCOTTISH MINISTERS

39 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 40 As a result of the amended location and the submission of a reasoned justification, I am satisfied that the proposal now meets with the terms of the Development Plan and, subject to an occupancy condition being attached to the consent linking the dwellinghouse with the farm, I recommend the application for a conditional approval.

RECOMMENDATION

A Approve the application subject to the following conditions

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 4 All existing hedges and trees shall be retained, unless otherwise agreed in writing by the Council as Planning Authority.
- 5 Prior to the commencement of any works on site precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority.
- 6 The occupation of the dwellinghouse shall be restricted to a person(s) solely employed by RD Morgan Farms, to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.

Reasons-

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interest of road safety.
- 4-5 In the interest of visual amenity.
- 6 The dwellinghouse has been approved as an essential worker unit.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons not to support the application.

C PROCEDURAL NOTES

Confirmation of payment (or the conclusion of a legal agreement) must be completed prior to the issuing of any consent.

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Background Papers: Ten letters of representations.
Contact Officer: Andy Baxter, Ext 75339
Date: 10 June 2010

Nick Brian
Development Quality Manager

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