

LOCAL REVIEW BODY

4 SEPTEMBER 2019

PLANNING APPLICATION FOR REVIEW

MR A LAIRD

ERECTION OF DWELLINGHOUSE FOR FARM WORKER:

CAIRNCURRAN FARM, AUCHENFOIL ROAD, KILMACOLM (19/0046/IC)

Contents

- 1. Planning Application dated 4 March 2019 together with Plans**
- 2. Appointed Officer's Report of Handling dated 26 April 2019**

To view Adopted Inverclyde Local Development Plan 2014 see:
<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

To view Proposed Inverclyde Local Development Plan see:
<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/new-ldp>
- 3. Applicant's Labour Requirement Report in relation to Planning Application**
- 4. Letter from Applicant dated 1 November 2005 Relating to Previous Certificate of Lawfulness Application for Adjacent House**
- 5. Consultation responses in relation to Planning Application**
- 6. Representation in relation to Planning Application**
- 7. Decision Notice dated 26 April 2019 issued by Head of Regeneration & Planning**
- 8. Notice of Review Form dated 12 July 2019 with supporting documentation from Bryce Boyd Planning Solutions**
- 9. Suggested conditions and advisory notes should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 4 MARCH 2019
TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.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 100155950-001

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)

erection of farm workers cottage

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: | bryce boyd planning solutions | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | bryce | Building Name: | ellersleigh |
| Last Name: * | boyd | Building Number: | |
| Telephone Number: * | 01505874489 | Address 1 (Street): * | castlehill road |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | kilmacolm |
| Fax Number: | | Country: * | UK |
| | | Postcode: * | pa13 4el |
| Email Address: * | bboydplanning@aol.com | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|-----------|--|------------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | cairncurran farm |
| First Name: * | alexander | Building Number: | |
| Last Name: * | laird | Address 1 (Street): * | auchenfoil road |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | kilmacolm |
| Extension Number: | | Country: * | uk |
| Mobile Number: | | Postcode: * | pa13 4th |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

Inverclyde Council

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

Address 1:

CAIRNCURRAN FARM

Address 2:

AUCHENFOIL ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KILMACOLM

Post Code:

PA13 4TH

Please identify/describe the location of the site or sites

Northing

669951

Easting

231844

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)

after discussion indicated that I would be submitting a planning application

Title:

Mr

Other title:

First Name:

james

Last Name:

mccall

Correspondence Reference
Number:

Date (dd/mm/yyyy):

14/02/2019

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:

965.00

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)

storage area

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.

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

Yes No

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.

Waste Storage and Collection

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

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

as heel of pavement as per existing arrangements

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: bryce boyd

On behalf of: Mr alexander laird

Date: 04/03/2019

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 principal 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)

report

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

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 bryce boyd

Declaration Date: 04/03/2019

Payment Details

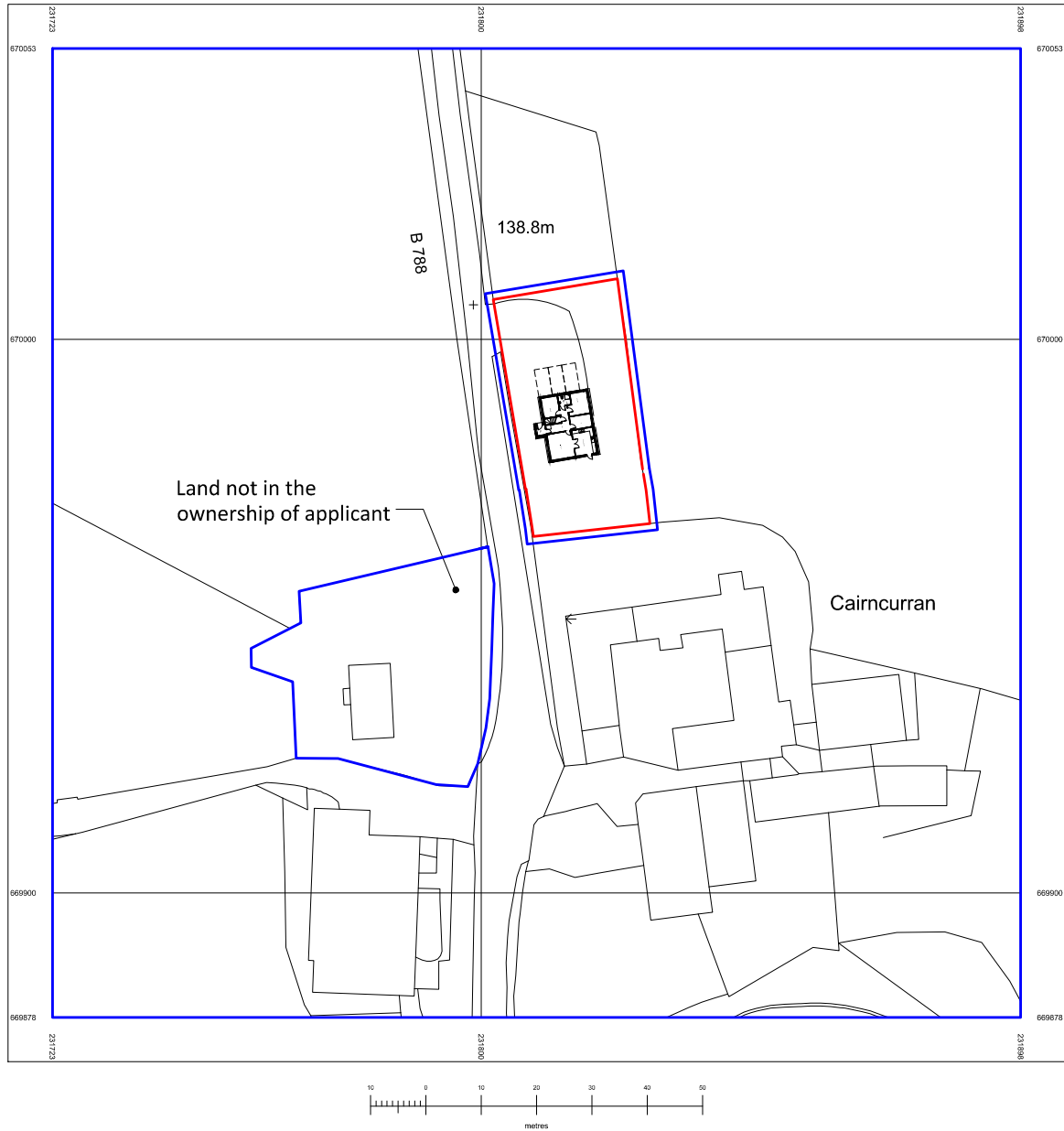
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Created: 04/03/2019 10:13

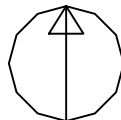
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revisions & notes
a - 12/03/19 - ownership clarified.



LOCATION PLAN 1/1250

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client: MR A. LAIRD

project: CAIRNCURRAN FARM, KILMACOLM.

Job no. 18-758

drg. no. **LOC.**

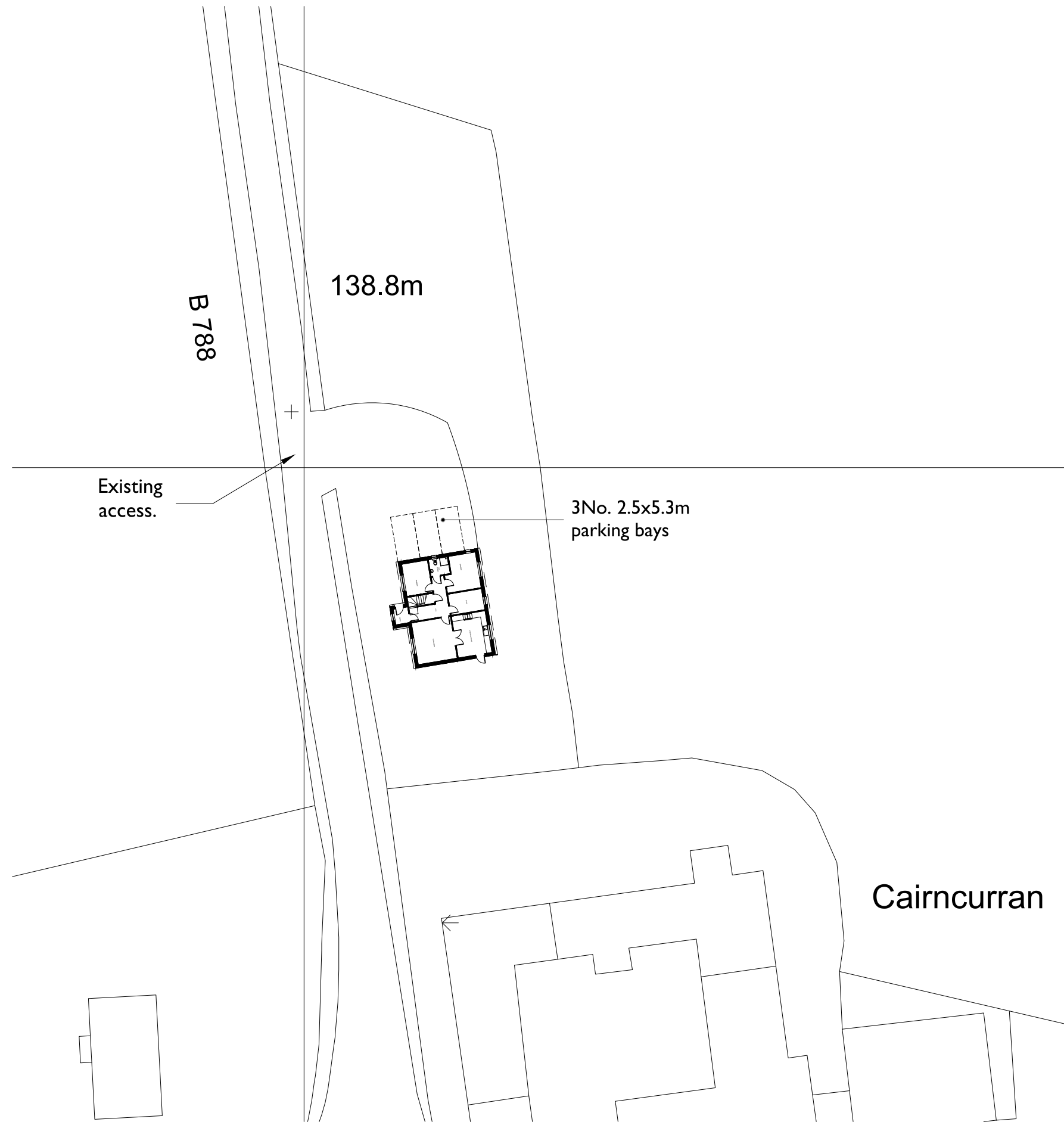
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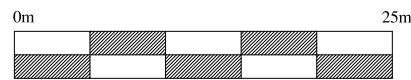
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SITE PLAN AS PROPOSED 1/500



SCALE 1/500

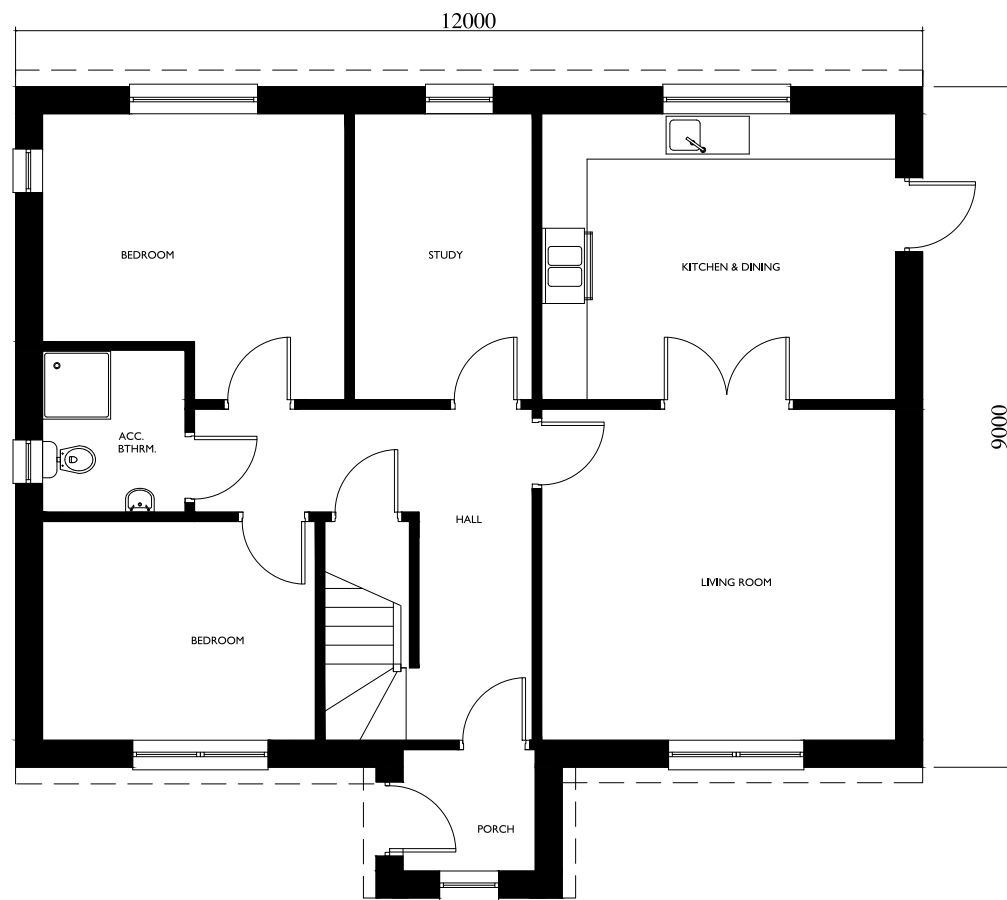
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revisions & notes

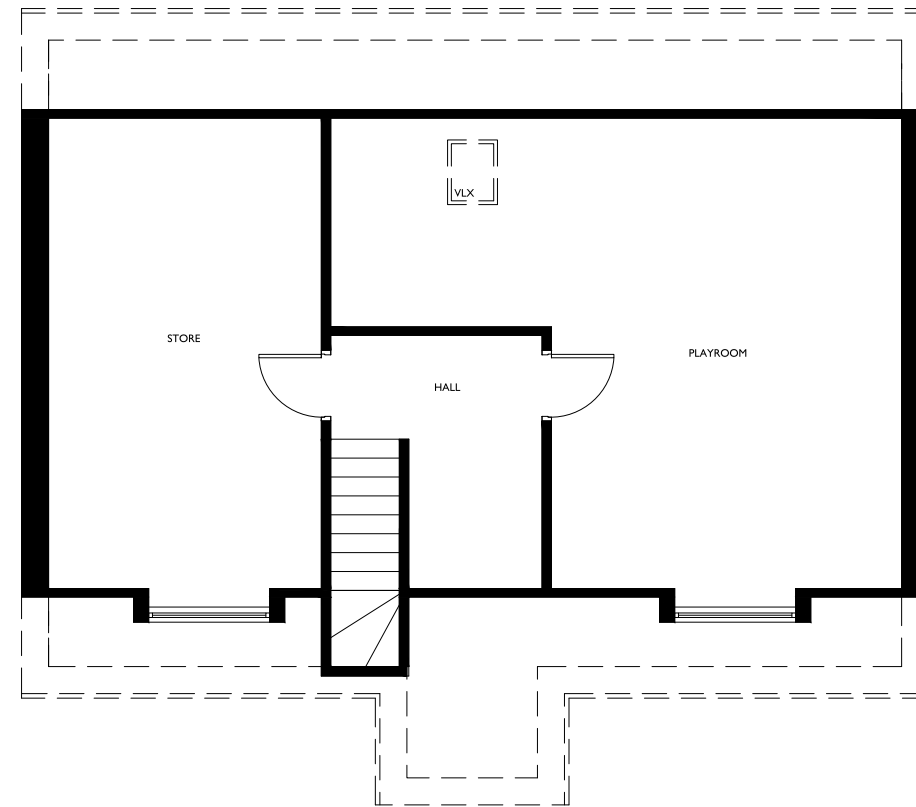
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| client: MR A. LAIRD | project: CAIRNCURRAN FARM, KILMACOLM. |
| Job no. 18-758 | drg. no. 01 PL |
| drawing size - A3 | drawn: MM checked: MM |



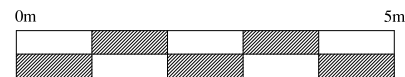
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GROUND FLOOR PLAN AS PROPOSED 1/100



UPPER FLOOR PLAN AS PROPOSED 1/100



SCALE 1/100

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revisions & notes

client: MR A. LAIRD

Job no. 18-758

drg. no. **02 PL**

project: CAIRNCURRAN FARM, KILMACOLM.

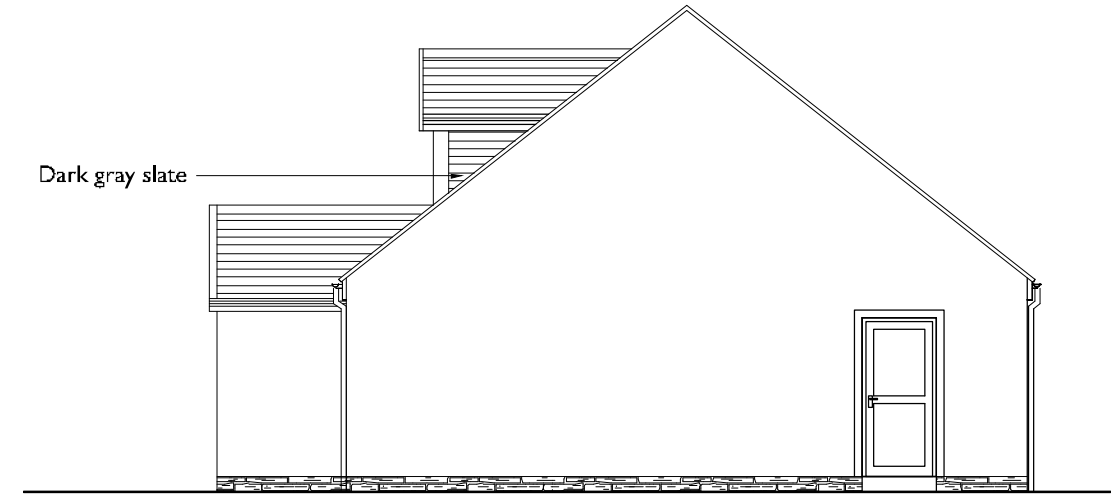
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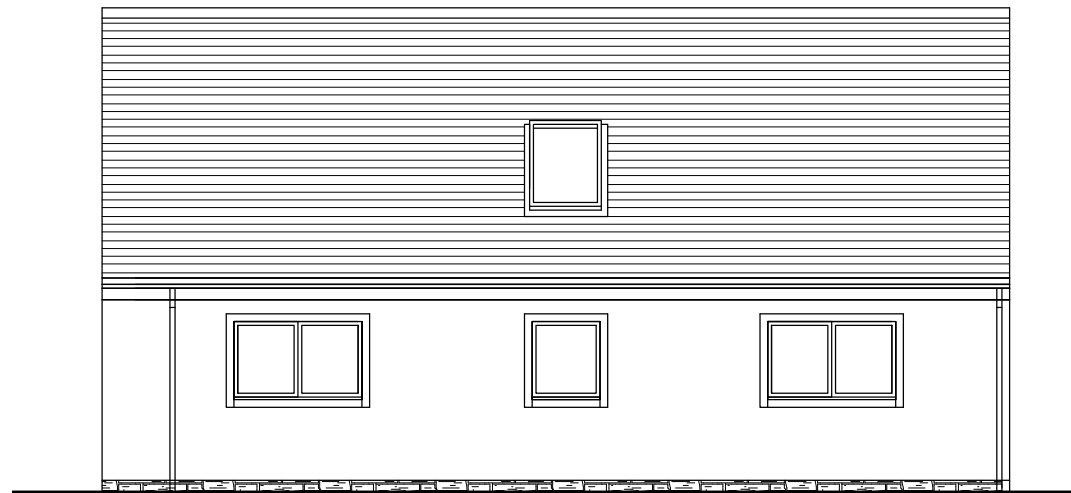
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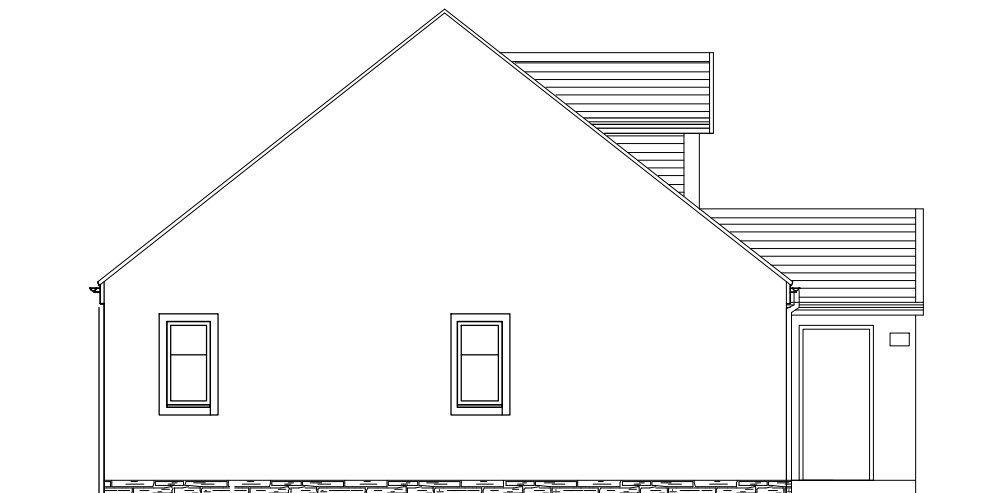
FRONT ELEVATION AS PROPOSED 1/100



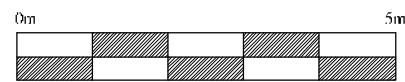
SIDE ELEVATION AS PROPOSED 1/100



REAR ELEVATION AS PROPOSED 1/100



SIDE ELEVATION AS PROPOSED 1/100



SCALE 1/100

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revisions & notes

client: MR A. LAIRD

Job no. 18-758

drg. no. 03 PL

project: CAIRNCURRAN FARM, KILMACOLM.

drawing size - A3

drawn: MM

checked: MM



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**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 26 APRIL 2019**

REPORT OF HANDLING

Report By: James McCoil

Report No: 19/0046/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 26th April 2019

Subject: Erection of dwellinghouse for farm worker at
Cairncurran Farm, Auchenfoil Road, Kilmacolm

SITE DESCRIPTION

The application site extends to 965 square metres and forms part of Cairncurran Farm, Kilmacolm. It is located on the eastern side of the B788 road between Kilmacolm and Greenock and is largely used for agricultural storage. The application site adjoins the farm steading to the south with open fields lying to the north, east and across the road to the west. The site is defined by a post and wire fence together with a drystone wall to the road frontage.

Cairncurran Farm spans both sides of the road, with the main part of the steading on the eastern side. A shed together with a neighbouring house which was originally erected for an agricultural worker lie to the western side of the road.

PROPOSAL

It is proposed to construct a new dwellinghouse which the applicant indicates will be for an agricultural worker. The new dwelling will be one and a half storey, finished externally in wetcast render and a slate roof, and will feature two dormer windows and entrance porch to the front elevation. A roof light window will be located to the rear. Window frames will be white uPVC with smooth render banding around the window openings. The house will have an external footprint of around 112 square metres and it is indicated that it will have two bedrooms to the ground floor and a store and playroom to the upper floor. The upper floor could, however, be utilised as two bedrooms forming a four bedroom house.

The applicant has submitted a Labour Requirement Report prepared by SAC Consulting in support of the application.

DEVELOPMENT PLAN POLICIES

Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

Policy RES7 - Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(d) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or

(e) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes

Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 6 - Low and Zero Carbon Generating Technology

All new buildings* will be required to include low and zero carbon generating technology

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or equivalent exceptions set out in later versions of the handbook.

Policy 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 16 - Contaminated Land

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

Policy 19 - Individual and Small Scale Housing Development in the Green Belt and Countryside

Proposals for individual and small scale housing development in the Green Belt and Countryside will only be supported in the following circumstances:

- where the dwelling(s) is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years;
- where the dwelling(s) is an integral and ancillary part of a development that would bring significant economic benefits to Inverclyde;
- demolition and replacement of a habitable dwelling which cannot otherwise be brought up to current building standards, and where the proposed dwelling is similar in scale to the existing dwelling;
- sub-division of an existing dwelling to create one or more additional dwellings, but only where any extensions are clearly ancillary to the existing building; or
- conversion of redundant stone or brick built non-residential buildings, where the proposal is supported by proof that the existing building is no longer needed for its original purpose, and a structural survey indicating that the building can be converted in its current form, with any new build element clearly ancillary to the existing building.

In all instances, dwellings are required to be designed and located to respect their Green Belt/Countryside location.

Proposed Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

CONSULTATIONS

Head of Service – Roads and Transportation – No objections. A number of points are noted as follows:

- Parking should be provided in accordance with the National Guidelines:

| | |
|--------------|------------------|
| 1 bedroom | 1 parking space |
| 2-3 bedrooms | 2 parking spaces |
| 4 bedrooms | 3 parking spaces |

The application is for 1nr 2 bedroom dwellings with 3nr parking spaces. This meets the requirements outlined above.

- The parking spaces shall be a minimum of 2.5m by 5.0m which these spaces do meet.
- Access shall have a minimum gradient of 10%.
- The access shall be a minimum of 5.0m wide for a distance of 6.0m from the edge of the road.
- The access shall be paved for a minimum distance of 2.0m to prevent loose material being spilled on to the road.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 75m x 1.05m. This shall be agreed with Roads Service.
- All surface water shall be contained within the site.

Head of Environmental and Public Protection (Env. Health) – No objections. Conditions in respect of ground contamination, bin provision, external lighting and compliance with the building regulations are recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 15th March 2019.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The Kilmacolm Civic Trust offers no objection.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the proposed Inverclyde Local Development Plan, adopted and proposed Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside", the visual impact of the proposed development, the consultation responses, the planning history of the site and the applicant's supporting documentation.

The application site is located in the Green Belt and Policy SDS8 of the adopted Local Development Plan advises there will be a presumption against the spread of the built up area into the Green Belt. Policy RES7 advises on the development of new dwellings in the Green Belt. This proposal is for a single dwellinghouse which does not adjoin the urban area and Policy RES7 sets out the categories that such development require to fall within. The proposal does not involve the demolition and replacement of a habitable dwelling which cannot otherwise be brought up to acceptable building standards (category (a)), it does not involve the sub-division of an existing dwellinghouse (category (b)) and it does not involve the conversion of an existing redundant building (category (c)). The proposal does not form part of a larger integrated project (category (e)). The final category for assessment is category (d). This category supports proposals where they are justified by the operational needs of a farm or other business or activity which are inherently rural in nature and the applicant has made a business case to the satisfaction of the Council. To establish this, an assessment of the operational needs of the farm which the new dwellinghouse will support requires to be undertaken noting that Policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances.

Policy 14 of the proposed Local Development Plan advises that development in the Green Belt and Countryside will only be permitted, with reference to a range of criteria, if it is appropriately designed, located, and landscaped. Criterion (a) relates to works associated with agriculture. Policy 19 advises on individual and small scale housing development in the Green Belt and Countryside and sets out the circumstances that such development will be supported. These circumstances largely follow that of the adopted Plan with category (a) relating to proposals where a dwelling is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years.

The primary determining factor in this case is, therefore, whether the operational needs of the existing farm provides justification for the provision of a new dwelling. In considering this, it is first important to understand the planning history of Cairncurran Farm. In this respect, planning permission was granted in June 1974 for the erection of an agricultural worker's house at the Farm (planning permission 438/74). Condition 3 of this permission restricted the occupancy of the house to being "only by a person or his dependents employed locally full-time in agriculture". In 2005, the applicant submitted an application for a Certificate of Lawful Use (initially application CL/05/010 which was withdrawn and replaced by application CL/05/18) on the basis that there has been a

continuous breach of condition 3 for a period in excess of 10 years, thus rendering the occupancy by a non-agricultural worker lawful. The Certificate of Lawful Use was granted on appeal. In a letter dated 1st November 2005, the applicant set out that the economics of the farm were such that it could only support one person. The applicant went on to reiterate that there is no prospect of Cairncurran Farm requiring two full-time people to work the farm. In conclusion to the letter it was repeated that there was no prospect of employing an agricultural worker in the future.

Given that there was previously an agricultural workers house at Cairncurran Farm and given the applicant's robust position at the time of the previous application for a Certificate of Lawful Use, it rests to consider what circumstances have now occurred which the applicant considers justifies a further, third house at Cairncurran Farm for an agricultural worker.

The report by the SAC Consulting sets out full details of the farming enterprise at Cairncurran Farm inclusive of cropping and livestock numbers together with the number of man hours required for the business to operate. This is based on 57.33 ha at Cairncurran Farm and a further 40.32 ha of land near Beith. A further 21.95 of seasonal land is not included in the labour requirement calculation. Based on criteria set by the Scottish Government Rural Payment and Inspections Directorate the number of labour units required by the business equates to two full-time workers (2.08 labour units).

In addition to advising on labour units, the SAC Consulting report advises that circumstances are such that the applicant has reduced physical labour on the farm and carries out light duties relating to sheep work. The applicant's son has increased his time at the farm and the objective of the business to increase this workload further to full-time and the proposed house would allow him to live on site permanently which is vital during lambing and calving season. SAC Consulting further advises that accommodation for the applicant and his wife, together with a farm worker, will ensure that there is always someone on and to control any animal welfare issues when they arise. It is further noted that a skilled stockperson residing on the farm will help minimise stock losses. The additional dwelling will also mitigate against any issues arising in respect of safety and security. Finally, it is advised that there are no buildings on site available for renovation or conversion and no other suitable houses in close proximity of the farm.

On the basis of the submitted information I accept the method by which SAC Consulting calculates the labour requirements. Whilst the farming business may have evolved contrary to the applicant's expectations in 2005, I am not, however, satisfied that a case for an additional worker living permanently on the farm has been made. Approximately 38% of the land permanently farmed in connection with the business is land remote from the site. Animal welfare issues, seeking to minimise stock losses and matters relating to the safety and security of the farming unit can all be administered through the occupancy of the farmhouse without the need for an additional house on the farm. The house granted planning permission in 1974 could also have been utilised for such purposes had it been occupied correctly in accordance with the planning permission granted at the time. Should an additional on-site worker be required and justified during the peak lambing and calving season, a separate application for such seasonal or temporary accommodation could be considered.

Accordingly, it cannot be held that the proposal has been justified by the operational needs of the Farm and a satisfactory business case has not been made. The proposal therefore fails to comply with the requirements of Policy RES7(d) of the adopted Plan or Policy 19(a) of the proposed Plan. On this basis I conclude that, with respect to Policy ENV2 of the adopted Plan, there are no mitigating circumstances which can justify the development in this instance. The proposal also cannot be justified in respect of Policy 14(a) of the proposed Plan.

Notwithstanding the above, it is nevertheless appropriate to further consider the general design and siting of the new buildings within this rural location. PAAN8 (adopted and proposed) provides advice on the siting and design of the new houses in the countryside. Whilst there are some minor variances from the guidance with respect to design overall, I am satisfied that the design of the dwelling would be appropriate with reference to PAAN8 and the design follows that of other rural

dwelling where justified. Considering siting, the new dwelling would not be prominent on the skyline nor would it unacceptably break the landform from the principle viewpoints. PAAN8 favours sites adjacent to or within groups of other buildings. The proposed house is situated immediately adjacent to the existing steading and I consider that this requirement of the guidance is thus met.

Matters relating to low and zero carbon generating technology (Policy 6 of the proposed Plan) and contaminated land (Policy 16 of the proposed Plan) can be addressed by condition if required. I also find no conflict with the requirements of Policy 1 of the proposed Plan.

Considering the consultation responses, I note that the Head of Service – Roads and Transportation offers no objections to the proposal. The applicant has advised that he considers that the required visibility splay can be met. Given this, together with the fact that the applicant is in control of all the land required to provide the visibility splay, this matter can be addressed by condition if required. I concur with the Head of Environmental and Public Protection (Env Health) it would be prudent to attach a condition in respect of ground contamination in the event that planning permission was to be granted. Matters relating to bin provision and external lighting could be addressed by advisory note and matters in respect of compliance with eh building regulations are addressed via the requirement for a building warrant.

There is potential for archaeology to be uncovered during the works at this location. The requirement for an archaeological watching brief could be applied to any permission if required.

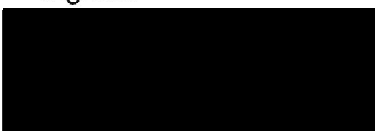
In conclusion, the erection of a further dwellinghouse would result in three dwellinghouses at Cairncurran Farm. The proposal is not justified by the operational needs of the Farm and a satisfactory business case has not been made. Accordingly, the proposal cannot be held to comply with the requirements of Policy RES7(d) of the adopted Plan or Policy 19(a) of the proposed Plan. On this basis I conclude that, with respect to Policy ENV2 of the adopted Plan, there are no mitigating circumstances which can justify the development in this instance. The proposal also cannot be justified in respect of Policy 14(a) of the proposed Plan. Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations which suggest that a departure from the Inverclyde Local Development Plan (both adopted and proposed) can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused for the following reasons:

1. The proposed dwellinghouse is not justified by the operational needs of Cairncurran Farm. Accordingly, the proposal does not comply with the requirements of Policy RES7(d) of the adopted Inverclyde Local Development Plan or Policy 19(a) of the proposed Inverclyde Local Development Plan. There are no mitigating circumstances which justify the development in respect of Policy ENV2 of the adopted Inverclyde Local Development Plan and the proposal also cannot be justified in respect of Policy 14(a) of the proposed Inverclyde Local Development Plan.

Signed:



James McColl
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

**3. APPLICANT'S LABOUR REQUIREMENT REPORT
IN RELATION TO PLANNING APPLICATION**



Labour Requirement Report

A & I Laird
Cairncurran Farm
Kilmacolm
Renfrewshire
PA13 4TH

Business Reference Number: 128996

Main Location Code: 90/734/0025

Prepared by: SAC Consulting

Contact:

Gillian McMillan
SAC Consulting
John F Niven Building
Auchincruive
AYR
KA6 5HW

Tel: 01292 525252

Email: Gillian.McMillan@sac.co.uk

January 2019

This report has been prepared exclusively for the use of the above client, on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk. No responsibility or liability is accepted for any interpretation made by any party that may be made of the contents of this report.

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| 3. | Labour Requirement | 4 |
| 4. | Additional Comments | 5 |

1. Introduction

This farming enterprise of A & I Laird extends to approximately 106.4 ha (262.91 acres). The owned and main land area of the business is at Cairncurran Farm, which extends to 57.33 ha (141.66 acres) with a further 40.32 ha (99.63 acres) of ground at Coldstream Farm. The 21.95 ha (53.62 acres) of seasonal land (the land area used to calculate the labour requirement excludes this seasonal land) is also located at Coldstream Farm and Auchenofoyle Farm. The permanent and seasonal land at Coldstream Farm and Auchenofoyle Farm (14 miles away from Cairncurran) is used for grazing.

It is run as an LFA beef and sheep unit. The current herd comprises 73 suckler cows plus young stock and 3 stock bulls. The beef enterprise produces top continental crossbred cattle for sale with male offspring sold as stores through United Auctions in Stirling, and females are either retained for replacements or sold store.

The sheep flock consists of 203 breeding ewes, 28 gimmers, approximately 267 lambs, and 7 stock tups. The sheep enterprise focuses on prime lamb production.

A & I Laird plan to erect a dwelling-house at Cairncurran Farm. Alexander Laird and his wife Isabella currently live in the farmhouse and their son John Laird is currently renting a house off farm in the local town approximately 6 miles away. An extra dwelling-house is required to accommodate John and his wife Ashley, allowing them to stay on site permanently.

The class of land at Cairncurran is classed as 4₁ and Coldstream Farm as 5₂ according to the James Hutton Institute (formerly the MacAulay Institute for Soil Research). Land classified as 3₂ to 4₂ is capable of being used to grow a moderate range of crops including cereals (primarily barley), forage crops and grass. However, grass becomes predominant in the rotation in Class 4₂. The climate is less favourable than on prime land, slopes up to 15 degrees are included and many soils exhibit drainage limitations. Land classified as 5₁ to 5₃ has the potential for use as improved grassland. A range of different limitation types, either operating singly or in combination, can restrict the land capability to this class. These limitations include climate, slope, wetness, and often a heterogeneous pattern of conditions that render even occasional cultivation unsuitable.

Land of this classification is not considered to be prime agricultural land, which is most frequently described as land within class 1 and 2. The proposed site of the new dwelling-house (which is class 4₁ land) will therefore not involve the loss of any prime agricultural land. All the land at Cairncurran, and the seasonal land, is down to grass leys and is used for grazing and growing silage.

The calculated labour requirement for this business is 2 full time farm workers. There are no buildings suitable for renovation on this site.

The data used has been provided by the Laird family and combined with standard labour requirements for agricultural and horticultural activities, agreed by SGRPID, DEFRA and DARDNI, as outlined in the report of the UK Farm Classification Working Party.

2. Business Policy

A & I Laird run a grassland farm concentrating on cattle and sheep production. The farming enterprises consist of a commercial herd of continental cross cows, a flock of Texel Mule ewes and a small flock of Blackface ewes.

A & I Laird is a partnership comprising Alexander (70) and his wife Isabella (68). The labour required to run this busy unit is currently provided by Alexander Laird part-time, Isabella Laird working part-time solely on keeping records and paperwork up-to-date and John Laird (38) working part time between the farm and as a self-employed fencing contractor. Due to undergoing a triple bypass in 2017, Alexander Laird has reduced the physical labour he contributes to the farm business. Since 2017 he has only been able to carry out light duties, predominantly sheep work. To ease the reliance on Alexander, John has increased his time at Cairncurran to reduce the additional costs of taking on a permanent full-time farm worker to carry out stock work and tractor work. The objective of the business is to increase John's workload on farm to full-time, reducing part-time fencing work and by erecting an additional dwelling-house on the farm John can be on site permanently, which is vital during lambing and calving season.

First cut silage is carried out on 36 ha (88.96 acres), with all of the silage chopped and baled.

The cattle enterprise at Cairncurran comprises 73 Simmental cross cows which are bred to Charolais and Limousin bulls. The calves are sold as stores, when the market is favourable, through Stirling Markets (United Auctions). The business has got the option to increase cow numbers once suitable labour is in place and resides at Cairncurran, as the land can carry more stock than it does currently. The cattle are all in-wintered from the end of October to the beginning of May, with cows being turned out to grass as they calve. The cows are housed in a cubicle shed with scraped passages, and then moved onto straw bedding prior to calving. The calves are also housed on straw-bedded courts.

The sheep system focuses on finished lamb production. The business runs 134 Texel Mule ewes which are bred to the Texel ram. The business also runs 69 Blackface ewes which are bred to the Suffolk or Bluefaced Leicester ram to produce Mule ewe lamb replacements for the flock. Lambing commences in March with lambs being sold finished in the autumn and winter months. All the Mule ewes are lambed and wintered inside a shed, and the Blackface ewes are lambed outside. The business usually buys in Blackface gimmers annually.

2.1 Farm Structure

| <u>Land</u> | <u>Hectares</u> |
|-------------------------------|-----------------|
| Grazing area (PGRS) | 61.65 ha |
| Grass silage area (PGRS) | 36 ha |
| (Seasonal land not included.) | |

2.2 Livestock

Crossbred Cattle

| | <u>Number</u> |
|--------------|---------------|
| Suckler Cows | 73 |
| Calves | 10 |
| Bull | 3 |

Sheep

| | <u>Number</u> |
|---------------|---------------|
| Breeding Ewes | 203 |
| Gimmers | 28 |
| Lambs | 267 |
| Stock Rams | 7 |

3. Labour Requirement

The labour requirement of the farming unit is calculated as follows:

3.1 Land

| | <u>Area (ha)</u> | <u>Hours/Annum</u> | <u>Total</u> |
|------------------------------------|------------------|--------------------|--------------|
| Grazing Area | 61.65 | 3.1 | 191.12 |
| Grass Silage (1 st cut) | 36 | 12 | 432 |

(Seasonal land not included.)

Sub Total **623.12**

3.2 Livestock

| | <u>Number</u> | <u>Hours/Annum</u> | <u>Total</u> |
|---------------|---------------|--------------------|--------------|
| Bulls | 3 | 12 | 36 |
| Suckler Cows | 73 | 26 | 1,898 |
| Calves | 10 | 12 | 120 |
| Breeding Ewes | 203 | 3.7 | 751.1 |
| Gimmers | 28 | 3.1 | 86.8 |
| Stock Rams | 7 | 3.7 | 25.9 |
| Lambs | 267 | 1.55* | 413.9 |

Sub Total **3,331.65**

* The hours per annum for looking after the lambs have been halved as they are only on farm for 6 months.

3.3 Farm Administration

Maintaining statutory records relating to new cross-compliance measures, movements and traceability, veterinary health records and other quality assurance records now constitute approximately 10% of the time involved in managing a livestock farm. No allocation of labour for this bookwork has been included.

3.4 Total **3954.77**

SGRPID's Standard Man Year **1,900.00**

Calculated labour requirement = **2.08** labour units.

4. Additional Comments

4.1 The Site

The proposed site for the dwelling is in field NS/31814/70003 on ground that is currently used to store silage bales. The farm steading is split in two by the public road, the site proposed for the dwelling sits next to the current farmhouse and a section of the steading, adjacent to the public road with the other section of the steading across the road – this site is beneficial for security purposes. This will allow John to be constantly present on farm as well as during crucial times of the year such as lambing and calving. The proposed site is a central point for the holding as the proposed dwelling will be on one side of the road with the farm steading on the opposite side.

The proposed site of the dwelling will not involve the loss of prime agricultural land or cause damage to features of environmental interest. The dwelling will be accessed from the existing road.

4.2 Animal Welfare

Livestock require specialist supervision from suitably qualified individuals who are experienced in both livestock management and husbandry. This care and attention is best delivered by someone living on-site.

It is essential that there is someone present on the unit in order to ensure animal welfare legislation and cross-compliance measures are being met.

Locating a dwelling-house on farm will allow enough accommodation for a farm worker, John Laird, as well as Alexander Laird and Isabella Laird. This will ensure that someone is always on-hand to control any animal welfare issues when they arise, and particularly during unsociable hours. The livestock on this farm are checked twice daily – at daybreak and dusk. This is the time that most livestock will start to give birth and as a result, most problems will arise during or after this time.

The livestock at Cairncurran are of a high value and having a skilled stockperson residing on-farm will help to minimise stock losses and maximise livestock welfare.

4.3 Security & Safety

Cairncurran Farm is in close proximity to the town of Kilmacolm (around a 3-mile drive away). Greenock town centre is also only 7 miles away. Farms in the area, including neighbouring farms, have had machinery and equipment stolen in recent years. There is always a great potential for security and safety problems on the farm.

This includes livestock worrying by dogs and livestock straying onto public roads due to gates being left open by walkers. Other significant issues include trespassing and fly-tipping.

Having an additional dwelling on-site will help to mitigate any potential issues arising from these occurrences.

4.4 Alternative Accommodation

Alexander Laird and his wife Isabella Laird live in the farmhouse and their son John Laird lives in rented accommodation off farm. An extra dwelling-house is required to accommodate John and his wife Ashley.

There are no buildings available for renovation as the sheds are modern and are used for housing cattle and sheep. The limited traditional outbuildings are used for general-purpose storage and do not lend themselves to renovation.

There are no affordable family houses available in close proximity of the farm which offers suitable access to the unit. The farm worker will often tend to calving cows and lambing ewes at unsociable hours of the day as well as other husbandry tasks, so it is vital that a farm worker is on-site and can provide assistance to cows and ewes quickly.

5. Conclusion

In conclusion, Cairncurran is currently running 203 breeding ewes and 73 suckler cows. There is the option of increasing stocking rates in the future once a full-time farm worker is on-site. The labour required for the current stocking rate is 2.08 labour units.

A new dwelling-house is required as the farmhouse is occupied by Alexander and Isabella. John, who will become a full-time farm worker, living on-site is essential for animal welfare purposes.

Up until now the business has been relying on Alexander Laird; however, due to Alexander's health, the business plans to take on John permanently. John will be full time on the farm to carry out all farm work with Alexander working alongside to tend to the less strenuous tasks and Isabella will continue with the business's paperwork. A suitable dwelling-house on the farm will help achieve this and benefit the business long term.

4. **LETTER FROM APPLICANT DATED 1 NOVEMBER 2005 RELATING TO PREVIOUS CERTIFICATE OF LAWFULNESS APPLICATION FOR ADJACENT HOUSE**



1st November, 2005

Cairncurran Farm
KILMACOLM
PA13 4TH

F. Williamson
Head of Planning Services
Municipal Buildings
GREENOCK

Dear Mr. Williamson,

CAIRNCURRAN COTTAGE

In support of my application to have planning restrictions on Cairncurran Cottage relaxed I would advise you of the following historic background.

Cairncurran Cottage was built in 1974 and I am advised by Inverclyde Council that they have no records of the planning permission but assume there is an agricultural restriction. However there are no restrictions on the Title Deeds.

Prior to 1974 I stayed with my uncle, John Laird and his two sisters, at Cairncurran Farm and was a partner in the Farming Business. I got married in 1974 and it was decided that for domestic arrangements that my Uncle John and his sisters would move into the new cottage while myself and my new wife would raise a family in the original Farm Building.

John Laird was born in 1906 and died in 1993. His two sisters died before John. John lived in the cottage from 1974 to 1991. In 1991 he went to stay in a Nursing Home and died in 1993. Several years before he moved to the Nursing Home John was too frail to work on the Farm.

From 1991 to 1993 the cottage lay empty awaiting the possible return of John Laird.

From the mid 1980s onwards the economics of the farm meant that the farm could only support one man.

After the/

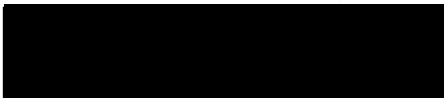
After the death of John Laird the cottage was brought up to a tolerable standard. My Estate Agent let the house from December, 1995 to June, 2005 to the same tenant. This tenant was not an agricultural worker. In June, 2005 this tenant moved into Sheltered Accommodation in the Kilmacolm Village.

I now wish for financial reasons to sell the house. My son and his fiancé wish to purchase the cottage but cannot get a mortgage while the agricultural restriction persists. I would reiterate that there is no prospect of Cairncurran Farm requiring two full-time men to work the farm. I have already stopped milk production because SEPA'S requirement makes milk production uneconomic for a unit of my size.

Every indication from Westminster and Europe suggest fewer farms and fewer farm workers in the future. Farms of my size look particularly vulnerable. As the cottage is in close proximity to the Farm House and the Farm Building I am anxious that the house remains within ownership of a member of the family.

I am aware that a number of restrictions have been lifted in the Kilmacolm Area in the past and would ask you to uplift the restrictions which now apply to Cairncurran Cottage. I would repeat that I have no intention or prospect of employing an agricultural worker in the future.

Yours sincerely,

A solid black rectangular box used to redact the signature of Alex Laird.

Alex Laird

5. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

To: Head of Regeneration & Planning Your Ref: 19/0046/IC
 From: Head of Roads & Transportation Our Ref: KM/14/04/19/0046/IC
 Subject: Observations On Planning Application Contact: K McMillan
 Detail: Erection of dwellinghouse for farm worker Tel: (01475) 714841
 Site: Cairncurran Farm, Auchenfoil Road, Kilmacolm, Applicant: Mr Alexander Laird
 PA16 4TH PA Ref: 19/0046/IC
 Dated: 12/03/2019
 Received: 14/03/2019

Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

| | | | | | | | |
|--------------|---|-----------|-----------------|--------------|------------------|------------|------------------|
| 1. | <p>Parking should be provided in accordance with the National Guidelines:</p> <table border="1"> <tr> <td>1 bedroom</td> <td>1 parking space</td> </tr> <tr> <td>2-3 bedrooms</td> <td>2 parking spaces</td> </tr> <tr> <td>4 bedrooms</td> <td>3 parking spaces</td> </tr> </table> <p>The application is for 1nr 2 bedroom dwellings with 3nr parking spaces. This meets the requirements outlined above.</p> | 1 bedroom | 1 parking space | 2-3 bedrooms | 2 parking spaces | 4 bedrooms | 3 parking spaces |
| 1 bedroom | 1 parking space | | | | | | |
| 2-3 bedrooms | 2 parking spaces | | | | | | |
| 4 bedrooms | 3 parking spaces | | | | | | |
| 2. | The parking spaces shall be a minimum of 2.5m by 5.0m which these spaces do meet. | | | | | | |
| 3. | Access shall have a minimum gradient of 10%. | | | | | | |
| 4. | The access shall be a minimum of 5.0m wide for a distance of 6.0m from the edge of the road. | | | | | | |
| 5. | The access shall be paved for a minimum distance of 2.0m to prevent loose material being spilled on to the road. | | | | | | |
| 6. | The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 75m x 1.05m. This shall be agreed with Roads Service. | | | | | | |
| 7. | All surface water shall be contained within the site. | | | | | | |
| | | | | | | | |
| | | | | | | | |

Notes For Intimation To Applicant

| | |
|-----------------------------|--|
| Construction Consent (S21)* | Not Required/ Required for all road works |
| Road Bond (S17)* | Not Required/ Required if building works are to be undertaken before roads are completed |
| Road Opening Permit (S56)* | Not Required/ Required for all works in the public road |
| Other | Not Required/ xxxx |

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
 Steven Walker, Service Manager (Roads)

Date: 10/04/2019

| Memorandum Public Protection Planning Application Consultation Response | |
|--|---------------------------------------|
| To: Planning Services For the Attention of : James McColl | |
| From: Environment & Public Protection | Planning response date: 2.4.19 |

| | |
|----------------------------------|---|
| Lead Officer: Janet Stitt | |
| Tel: 01475 714 270 | Email: janet.stitt@inverclyde.gov.uk |

| | |
|---|---|
| Safer Communities Reference (optional): | |
| Planning Application Reference: | 19/0046/IC |
| Planning Application Address: | Cairncurran Farm, Auchenfoil Road, Kilmacolm, PA13 4TH |
| Planning Application Proposal: | Erection of dwelling house |

| Team | Officer | Date |
|-------------------------|-----------------|---------|
| Food & Health | Michael Lapsley | |
| Air Quality | Sharon Lindsay | 9/4/19 |
| Contaminated Land | Roslyn McIntosh | 18.3.19 |
| Public Health & Housing | Janet Stitt | 4.4.19 |
| Noise | Sharon Lindsay | 9/4/19 |

Amend table entries as appropriate and insert date when each officer review is completed.

Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health

No Comments

Air Quality

No Comments

Contaminated Land

1. That the presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

Reason: To ensure that any contamination issues are recorded and dealt with appropriately.

Public Health & Housing

2. The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

3. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Noise

4. The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.

Reason: To ensure that acceptable noise and vibration levels are not exceeded.

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. **Surface Water:** Any SUDS appraisal must to give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property / land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
- iii. **On site sewage treatment:** Should the premises be served by an on site sewage treatment plant, it will be necessary to ensure that the capacity of the plant is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.

6. REPRESENTATION IN RELATION TO PLANNING APPLICATION

C TRUST

Sent: 29 March 2019 14:43

To: Stuart Jamieson; Devcont Planning

Subject: APPLICATION 19/0046/IC: KILMACOLM CIVIC TRUST COMMENT

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)

Dear Mr Jamieson,

PLANNING APPLICATION 19/0046/IC - KILMACOLM CIVIC TRUST COMMENT

(Cairncurran Farm, Auchenfoil Road, Kilmacolm - Erection of dwelling house for farm worker)

The Kilmacolm Civic Trust Executive Committee has considered this application.

Comment: NO OBJECTION.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron, Chairman Kilmacolm Civic Trust)

**7. DECISION NOTICE DATED 26 APRIL 2019 ISSUED
BY HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 19/0046/IC

Online Ref:100155950-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

Mr Alexander Laird
Cairncurran Farm
Auchenfoil Road
KILMACOLM
PA13 4TH

Bryce Boyd Planning Solutions
Bryce Boyd
Ellersleigh
Castlehill Road
KILMACOLM
PA13 4EL

With reference to your application dated 4th March 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of dwellinghouse for farm worker at

Cairncurran Farm, Auchenfoil Road, Kilmacolm

Category of Application - Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposed dwellinghouse is not justified by the operational needs of Cairncurran Farm. Accordingly, the proposal does not comply with the requirements of Policy RES7(d) of the adopted Inverclyde Local Development Plan or Policy 19(a) of the proposed Inverclyde Local Development Plan. There are no mitigating circumstances which justify the development in respect of Policy ENV2 of the adopted Inverclyde Local Development Plan and the proposal also cannot be justified in respect of Policy 14(a) of the proposed Inverclyde Local Development Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 26th day of April 2019


Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

| Drawing No: | Version: | Dated: |
|-------------|----------|------------|
| LOC | Rev A | 12.03.2019 |
| 01 PL | | |
| 02 PL | | |
| 03 PL | | |

**8. NOTICE OF REVIEW FORM DATED 12 JULY 2019
WITH SUPPORTING DOCUMENTATION FROM
BRYCE BOYD PLANNING SOLUTIONS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.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 100173435-001

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: | bryce boyd planning solutions | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | bryce | Building Name: | ellersleigh |
| Last Name: * | boyd | Building Number: | |
| Telephone Number: * | 01505874489 | Address 1 (Street): * | castlehill road |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | kilmacolm |
| Fax Number: | | Country: * | UK |
| | | Postcode: * | pa13 4el |
| Email Address: * | bboydplanning@aol.com | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | |
|----------------------|--|--|
| Title: | <input type="text" value="Mr"/> | You must enter a Building Name or Number, or both: * |
| Other Title: | <input type="text"/> | Building Name: <input type="text" value="cairncurran farm"/> |
| First Name: * | <input type="text" value="alexander"/> | Building Number: <input type="text"/> |
| Last Name: * | <input type="text" value="laird"/> | Address 1 (Street): * <input type="text" value="auchenfoil road"/> |
| Company/Organisation | <input type="text"/> | Address 2: <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * <input type="text" value="kilmacolm"/> |
| Extension Number: | <input type="text"/> | Country: * <input type="text" value="uk"/> |
| Mobile Number: | <input type="text"/> | Postcode: * <input type="text" value="pa13 4th"/> |
| Fax Number: | <input type="text"/> | |
| Email Address: * | <input type="text"/> | |

Site Address Details

| | |
|---|---|
| Planning Authority: | <input type="text" value="Inverclyde Council"/> |
| Full postal address of the site (including postcode where available): | |
| Address 1: | <input type="text" value="CAIRNCURRAN FARM"/> |
| Address 2: | <input type="text" value="AUCHENFOIL ROAD"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="KILMACOLM"/> |
| Post Code: | <input type="text" value="PA13 4TH"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="669951"/> | Easting | <input type="text" value="231844"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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 dwellinghouse for farm worker

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.

See attached Notice of Review Submission

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)

Notice of Review Submission

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/0046/IC

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

04/03/2019

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

26/04/2019

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

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

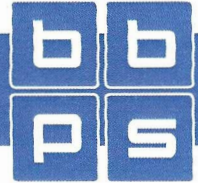
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 bryce boyd

Declaration Date: 12/07/2019



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

GROUNDS OF NOTICE OF REVIEW

**SUBMISSION AGAINST REFUSAL OF PLANNING PERMISSION BY
INVERCLYDE COUNCIL FOR ERECTION OF DWELLING HOUSE FOR
FARM WORKER AT CAIRNCURRAN FARM, AUCHENFOIL ROAD,
KILMACOLM.**

APPLICANT: ALEXANDER LAIRD

REF: 19/0046/IC

1.0 BACKGROUND

- 1.1 The Planning Application in respect of the above proposal was submitted to the Council in March 2019. The Application accompanied by a Labour Requirement Report prepared by the Scottish Agricultural College, the Report indicated that an additional dwelling to house a farm worker was required, for animal welfare purposes.

Production 1- Report by Scottish Agricultural College

2.0 REFUSAL NOTICE & OFFICER REPORT

- 2.1 On 26 April 2019, a Notice of Refusal of Refusal of Planning Permission was issued by Inverclyde Council indicating that the Planning Application had been refused for the following reason:

The proposed dwellinghouse is not justified by the operational needs of Cairncurran Farm. Accordingly, the proposal does not comply with the requirements of Policy RES7(d) of the adopted Inverclyde Local Development Plan or Policy 19(a) of the proposed Inverclyde Local Development Plan. There are no mitigating circumstances which justify the development in respect of Policy ENV2 of the adopted Inverclyde Local Development Plan and the proposal cannot be justified in respect of Policy 14(a) of the proposed Local Development Plan.

- 2.2 The manner in which the Planning Application was dealt with by the Planning Officials, leading to the refusal of planning permission, is detailed in the Report of Handling on the Application. A copy of the Report is attached.

Production 2 - Report of Handling

3.0 GROUNDS OF REVIEW

- 3.1 Section 37(2) of the Town and Country Planning (Scotland) Act 1997 provides that in determining an Application, regard shall be had to the development plan so far as material to the application and to any material considerations. Section 25(1) provides that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 In reaching a decision to refuse Planning Permission, the Planning Officials have indicated, in the reason for Refusal, that the development is not justified by the operational needs of Cairncurran Farm and that accordingly the proposal does not comply with Policy RES7(d) of the adopted Local Development Plan or Policy 19(a) of the proposed Inverclyde Local Development Plan.
- 3.3 The grounds of refusal clearly do not reflect the current status of the farming activity at Cairncurran Farm and do not take fully into account the detailed analysis presented in the Report by the Scottish Agricultural College, Production 1. Indeed, in the Head of Regeneration and Planning's assessment of the Application, contained in the Report of Handling, Production 2, much of the justification for the refusal of planning permission is based on the fact that in 2005, some fourteen years ago, a statement was made that there was no justification for an additional farm worker at that time.
- 3.4 The current Planning Application reflects the situation at the farm in 2019 and the existing cattle and sheep numbers at the farm.
- 3.5 In reaching a decision to refuse Planning Permission, the Head of Regeneration and Planning has placed far too much emphasis on historical matters and failed to properly examine the current Application which clearly demonstrates that the proposal is completely in conformity with both the existing and proposed Local Development Plans.

4.0 ANALYSIS OF APPLICATION AND REPORT OF HANDLING

- 4.1 As outlined above, the Planning Application was accompanied by a Report prepared by the Scottish Agricultural College, Production 1, which concluded that the labour requirement for the farm for the current stocking rate was 2.08 labour units. i.e. There was a clear and unambiguous requirement for an additional full time farm worker to be based at the farm and therefore the erection of the farm workers cottage was justified.

- 4.2 The Report goes on to confirm that the applicant's younger son John, has been working part-time at the farm for many years, and in fact commenced this part-time work when the farm acquired the extra land in 2008. Over the years this work has increased and substantially so since 2017 when his father underwent a triple bypass operation. These part time duties as outlined above have substantially increased and the additional dwellinghouse is required to accommodate John and his wife, Ashley at the farm in order that John is available on a 24 hour basis to deal with the animals.
- 4.3 The justification for the refusal of Planning Permission outlined in the Head of Regeneration and Planning's Report of Planning on the application is all based on historic facts relating to the situation at the farm in 2005. At that time permission was granted on Appeal for a Certificate of Lawful Use to be granted for the non restrictive use of a farm worker's cottage at the farm.
- 4.4 The analysis and facts outlined in the Report of Handling almost exclusively relate to the situation pertaining in 2005 and not to the current application or the current status and size of the operations at Cairncurran Farm in 2019.
- 4.5 It is perhaps useful at this point to compare the differences in the scale of operations at Cairncurran Farm between 2005 and 2019.
- 4.6 In 2005, the farm had a total holding of 64 hectares of owned and rented land, including seasonal land. In terms of livestock, there were approximately 40 cattle and 140 ewes.
- 4.7 By 2019, the total holding of the farm has now increased to 119 hectares, including seasonal land. In terms of livestock there are now 86 cattle and 230 ewes.
- 4.8 As can clearly be seen from the above figures there has been a substantial increase in both the size of the farm holding and numbers of livestock at the farm during the past fourteen years and it is unfortunate that these facts have been ignored in the analysis of the current Application outlined in the Report of Handling, Production 2, which constantly harps back to the situation pertaining in 2005 and not those relating to the current Application.
- 4.9 The Report of Handling refers to a letter dated 1 November 2005 which the Applicant submitted to the Council in which it was indicated that the economics at the farm were such that it could only support one person. This letter related to the situation which existed at the farm some fourteen years ago and not to the current Planning Application nor the current operations at the farm, all of which are outlined above. It is clear that in 2005 the farm did not justify a farm workers cottage, however this current Application relates to the operations at the farm in 2019 where the stock numbers continue to grow.
- 4.10 The Report of Handling then goes on to indicate that the house granted planning permission in 1974 could have been utilised as a farm worker's cottage had not the restriction on agricultural occupancy been lifted in 2005 by the issuing of the Certificate of Lawful Use. Again this harps back to the situation some fourteen years ago and not the merits and clear justification submitted in respect of the current Application.

- 4.11 It is also worth stating, in respect of this analysis by the Head of Regeneration and Planning, that the house granted planning permission in 1974 is owned by the applicant's older son Andrew Laird who is a full time stockman in another farm in the area in which he has a financial interest. Andrew purchased the House shortly after the planning restriction on the property was lifted in 2006. It was only after the planning restriction was lifted that Building Societies were willing to release funds to finance the purchase of the property.
- 4.12 This statement by the Head of Planning, that "The house granted planning permission in 1974 could also have been utilised for such purposes had it been occupied correctly" which attempts to justify the refusal of planning permission is therefore completely inaccurate [REDACTED]
- 4.13 The fact is that the house is occupied by a person fully employed in the agricultural sector and that person is working in another farm in the locality. It is therefore not an option for that property to be utilised in the manner suggested by the Head of Regeneration and Planning.
- 4.14 The Report of Handling additionally, in attempting to justify the refusal of planning permission, states, " I am not, however, satisfied that a case for an additional worker living at the farm has been made. Approximately 38% of the land permanently farmed in connection with the farm business is land remote from the site. Animal welfare issues, seeking to minimise stock losses and matters relating to safety and security of the farming unit can all be administered through the occupancy of the farmhouse without the need for an additional house at the farm."
- 4.15 This analysis and dismissal of the justification of requirement for an additional on site farm worker by the Head of Regeneration and Planning appears to be based on a superficial and shallow analysis of the facts of the current farm business at Cairncurran farm.
- 4.16 The fact that some 40 hectares of the farm unit is not adjacent to the farm buildings is not uncommon in farms throughout Scotland. The remote farm land is used for summer grazing and additionally to provide silage for the farm unit. The cattle and sheep are moved about on a regular basis between the various fields during to summer months to ensure that there is not over grazing in any particular area. While it is perhaps not ideal for the farm unit that a percentage of the fields are indeed remote from the farm buildings, this in itself, however, means that more labour units are used up in unproductive travel time.
- 4.17 Turning to the issue of animal welfare, stock losses and safety and security at the farm unit, the Head of Regeneration and Planning provides absolutely no justification for his dismissal of this element in the analysis of the Planning Application. It has to be asked 'on what basis this statement is made?'
- 4.18 In regard to animal welfare, the facts are that livestock require specialist supervision from qualified individuals at all times of the year who are experienced in both livestock management and husbandry. This requirement has to be available on a 24 hour basis, it is not a 9-5 operation on a farm.

Having an additional worker based at the farm on a 24 hour basis will ensure that someone is always available to control and deal with all animal welfare issues as they arise.

- 4.19 During the spring lambing and calving period, over a period of approximately 6 weeks the animals have to be checked every two hours and this can not realistically be undertaken by one person, especially during the overnight periods.
- 4.20 Although this period is the most intensive, the welfare work with the animals is spread throughout the year as the animals have to be checked regularly and this applies especially to the young animals as they develop and grow during the summer months.
- 4.21 The figures used in the Labour Requirement Report also tend not to illustrate the true scale of the number of animals which have to be looked after at the farm during the course of the year. The figures shown in the report only relate to the adult animals and do not take into account the new born animals which are located at the farm until approximately eight months after birth. The true scale of the animals to be looked after at the farm is, therefore, approximately 160 cattle and 480 sheep.
- 4.22 Additionally, during their early months at the farm the young animals have to be registered and a series of vaccinations on all of the animals undertaken when illnesses are most prevalent and, again, animals do not respect normal working hours when they decide to become unwell.
- 4.23 Bearing in mind the above, it is, to say the least astonishing, that the Head of Regeneration and Planning has dismissed the issue of animal welfare in respect of justifying the need for an additional full time farm worker to be living at the site on a full-time basis.
- 4.24 Safety and security is also of major concern at the farm, where safety and security of equipment machinery and the livestock themselves is always an issue, especially where neighbouring farms have experienced thefts in recent years. Theft of livestock and equipment is a growing problem for the agricultural community. Again, the presence of an additional worker at the farm being housed in the proposed cottage will assist greatly in dealing with such matters.
- 4.25 In examining the publicity and consultations undertaken in respect of the proposal, it should be noted that the Application was advertised in the Greenock Telegraph and that no objections were submitted by members of the public nor were any objections lodged by either Kilmacolm Community Council or Kilmacolm Civic Trust.
- 4.26 It is further noted that Environmental Health offered no objections to the proposal and that the Roads Officials also offered no objections to the proposal.

- 4.27 Additionally, in the assessment of the application, it is stated that the design of the proposed dwelling is completely acceptable in terms of all of the Local Development Plan Policies as is the siting which meets all of the guidance.
- 4.28 The refusal of planning permission therefore rests on the very narrow view taken by the Head of Regeneration and Planning that the proposal is not justified by the operational needs of the farm, a decision that appears to be wholly based the operation at the farm some fifteen years ago.
- 4.29 As detailed above, it is clear from the Report from the Scottish Agricultural College, Production 1, that the proposed dwelling is justified by the operational needs of the farm and the reasoning used by the Officer to refuse planning permission is based on historic factors which bear absolutely no relevance to this current Application.

5.0 CONCLUSIONS

- 5.1 In reaching the decision to refuse Planning Permission, the Head of Regeneration and Planning has not properly addressed and considered the facts relating to this current Application and has allowed himself to be influenced by historical factors, not relevant to the current application, to justify the reason for refusal.
- 5.2 The proposal is supported by a Labour Requirement Report prepared by the Scottish Agricultural College which concludes that there is a labour requirement for the current farm operations which justify the provision of an additional farm workers dwelling
- 5.3 As the proposal is justified by the operational needs of the farm, the proposal is therefore entirely in conformity with the Local Development Plan policies and the proposed dwelling is entirely appropriate, to support the agricultural community in the rural area of Inverclyde.
- 5.4 The design and setting of the proposed dwelling is also entirely in conformity with all of the Local Development Plan Policies and Guidance.
- 5.5 No objections to the proposal has been received from the either the Roads or Environmental Services sections of the Council nor from the local community, the Community Council nor the Civic Trust.
- 5.6 For all of the reasons detailed above it is requested that the Local Review Body overturn the decision of the Planning Officials and grant planning permission for the erection of a dwellinghouse for a farm worker at Cairncurran Farm, Auchenfoil Road, Kilmacolm.

PRODUCTION 1

Report by Scottish Agricultural College



Labour Requirement Report

A & I Laird
Cairncurran Farm
Kilmacolm
Renfrewshire
PA13 4TH

Business Reference Number: 128996

Main Location Code: 90/734/0025

Prepared by: SAC Consulting

Contact:

Gillian McMillan
SAC Consulting
John F Niven Building
Auchincruive
AYR
KA6 5HW

Tel: 01292 525252

Email: Gillian.McMillan@sac.co.uk

January 2019

This report has been prepared exclusively for the use of the above client, on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk. No responsibility or liability is accepted for any interpretation made by any party that may be made of the contents of this report.

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1. Introduction

This farming enterprise of A & I Laird extends to approximately 106.4 ha (262.91 acres). The owned and main land area of the business is at Cairncurran Farm, which extends to 57.33 ha (141.66 acres) with a further 40.32 ha (99.63 acres) of ground at Coldstream Farm. The 21.95 ha (53.62 acres) of seasonal land (the land area used to calculate the labour requirement excludes this seasonal land) is also located at Coldstream Farm and Auchenofoyle Farm. The permanent and seasonal land at Coldstream Farm and Auchenofoyle Farm (14 miles away from Cairncurran) is used for grazing.

It is run as an LFA beef and sheep unit. The current herd comprises 73 suckler cows plus young stock and 3 stock bulls. The beef enterprise produces top continental crossbred cattle for sale with male offspring sold as stores through United Auctions in Stirling, and females are either retained for replacements or sold store.

The sheep flock consists of 203 breeding ewes, 28 gimmers, approximately 267 lambs, and 7 stock tups. The sheep enterprise focuses on prime lamb production.

A & I Laird plan to erect a dwelling-house at Cairncurran Farm. Alexander Laird and his wife Isabella currently live in the farmhouse and their son John Laird is currently renting a house off farm in the local town approximately 6 miles away. An extra dwelling-house is required to accommodate John and his wife Ashley, allowing them to stay on site permanently.

The class of land at Cairncurran is classed as 4₁ and Coldstream Farm as 5₂ according to the James Hutton Institute (formerly the MacAulay Institute for Soil Research). Land classified as 3₂ to 4₂ is capable of being used to grow a moderate range of crops including cereals (primarily barley), forage crops and grass. However, grass becomes predominant in the rotation in Class 4₂. The climate is less favourable than on prime land, slopes up to 15 degrees are included and many soils exhibit drainage limitations. Land classified as 5₁ to 5₃ has the potential for use as improved grassland. A range of different limitation types, either operating singly or in combination, can restrict the land capability to this class. These limitations include climate, slope, wetness, and often a heterogeneous pattern of conditions that render even occasional cultivation unsuitable.

Land of this classification is not considered to be prime agricultural land, which is most frequently described as land within class 1 and 2. The proposed site of the new dwelling-house (which is class 4₁ land) will therefore not involve the loss of any prime agricultural land. All the land at Cairncurran, and the seasonal land, is down to grass leys and is used for grazing and growing silage.

The calculated labour requirement for this business is 2 full time farm workers. There are no buildings suitable for renovation on this site.

The data used has been provided by the Laird family and combined with standard labour requirements for agricultural and horticultural activities, agreed by SGRPID, DEFRA and DARDNI, as outlined in the report of the UK Farm Classification Working Party.

2. Business Policy

A & I Laird run a grassland farm concentrating on cattle and sheep production. The farming enterprises consist of a commercial herd of continental cross cows, a flock of Texel Mule ewes and a small flock of Blackface ewes.

A & I Laird is a partnership comprising Alexander (70) and his wife Isabella (68). The labour required to run this busy unit is currently provided by Alexander Laird part-time, Isabella Laird working part-time solely on keeping records and paperwork up-to-date and John Laird (38) working part time between the farm and as a self-employed fencing contractor. Due to undergoing a triple bypass in 2017, Alexander Laird has reduced the physical labour he contributes to the farm business. Since 2017 he has only been able to carry out light duties, predominantly sheep work. To ease the reliance on Alexander, John has increased his time at Cairncurran to reduce the additional costs of taking on a permanent full-time farm worker to carry out stock work and tractor work. The objective of the business is to increase John's workload on farm to full-time, reducing part-time fencing work and by erecting an additional dwelling-house on the farm John can be on site permanently, which is vital during lambing and calving season.

First cut silage is carried out on 36 ha (88.96 acres), with all of the silage chopped and baled.

The cattle enterprise at Cairncurran comprises 73 Simmental cross cows which are bred to Charolais and Limousin bulls. The calves are sold as stores, when the market is favourable, through Stirling Markets (United Auctions). The business has got the option to increase cow numbers once suitable labour is in place and resides at Cairncurran, as the land can carry more stock than it does currently. The cattle are all in-wintered from the end of October to the beginning of May, with cows being turned out to grass as they calve. The cows are housed in a cubicle shed with scraped passages, and then moved onto straw bedding prior to calving. The calves are also housed on straw-bedded courts.

The sheep system focuses on finished lamb production. The business runs 134 Texel Mule ewes which are bred to the Texel ram. The business also runs 69 Blackface ewes which are bred to the Suffolk or Bluefaced Leicester ram to produce Mule ewe lamb replacements for the flock. Lambing commences in March with lambs being sold finished in the autumn and winter months. All the Mule ewes are lambled and wintered inside a shed, and the Blackface ewes are lambled outside. The business usually buys in Blackface gimmers annually.

2.1 Farm Structure

| <u>Land</u> | <u>Hectares</u> |
|-------------------------------|-----------------|
| Grazing area (PGRS) | 61.65 ha |
| Grass silage area (PGRS) | 36 ha |
| (Seasonal land not included.) | |

2.2 Livestock

Crossbred Cattle

| | <u>Number</u> |
|--------------|---------------|
| Suckler Cows | 73 |
| Calves | 10 |
| Bull | 3 |

Sheep

| | <u>Number</u> |
|---------------|---------------|
| Breeding Ewes | 203 |
| Gimmers | 28 |
| Lambs | 267 |
| Stock Rams | 7 |

3. Labour Requirement

The labour requirement of the farming unit is calculated as follows:

3.1 Land

| | <u>Area (ha)</u> | <u>Hours/Annum</u> | <u>Total</u> |
|------------------------------------|------------------|--------------------|--------------|
| Grazing Area | 61.65 | 3.1 | 191.12 |
| Grass Silage (1 st cut) | 36 | 12 | 432 |

(Seasonal land not included.)

Sub Total **623.12**

3.2 Livestock

| | <u>Number</u> | <u>Hours/Annum</u> | <u>Total</u> |
|---------------|---------------|--------------------|--------------|
| Bulls | 3 | 12 | 36 |
| Suckler Cows | 73 | 26 | 1,898 |
| Calves | 10 | 12 | 120 |
| Breeding Ewes | 203 | 3.7 | 751.1 |
| Gimmers | 28 | 3.1 | 86.8 |
| Stock Rams | 7 | 3.7 | 25.9 |
| Lambs | 267 | 1.55* | 413.9 |

Sub Total **3,331.65**

* The hours per annum for looking after the lambs have been halved as they are only on farm for 6 months.

3.3 Farm Administration

Maintaining statutory records relating to new cross-compliance measures, movements and traceability, veterinary health records and other quality assurance records now constitute approximately 10% of the time involved in managing a livestock farm. No allocation of labour for this bookwork has been included.

3.4 Total **3954.77**

SGRPID's Standard Man Year **1,900.00**

Calculated labour requirement = **2.08** labour units.

4. Additional Comments

4.1 The Site

The proposed site for the dwelling is in field NS/31814/70003 on ground that is currently used to store silage bales. The farm steading is split in two by the public road, the site proposed for the dwelling sits next to the current farmhouse and a section of the steading, adjacent to the public road with the other section of the steading across the road – this site is beneficial for security purposes. This will allow John to be constantly present on farm as well as during crucial times of the year such as lambing and calving. The proposed site is a central point for the holding as the proposed dwelling will be on one side of the road with the farm steading on the opposite side.

The proposed site of the dwelling will not involve the loss of prime agricultural land or cause damage to features of environmental interest. The dwelling will be accessed from the existing road.

4.2 Animal Welfare

Livestock require specialist supervision from suitably qualified individuals who are experienced in both livestock management and husbandry. This care and attention is best delivered by someone living on-site.

It is essential that there is someone present on the unit in order to ensure animal welfare legislation and cross-compliance measures are being met.

Locating a dwelling-house on farm will allow enough accommodation for a farm worker, John Laird, as well as Alexander Laird and Isabella Laird. This will ensure that someone is always on-hand to control any animal welfare issues when they arise, and particularly during unsociable hours. The livestock on this farm are checked twice daily – at daybreak and dusk. This is the time that most livestock will start to give birth and as a result, most problems will arise during or after this time.

The livestock at Cairncurran are of a high value and having a skilled stockperson residing on-farm will help to minimise stock losses and maximise livestock welfare.

4.3 Security & Safety

Cairncurran Farm is in close proximity to the town of Kilmacolm (around a 3-mile drive away). Greenock town centre is also only 7 miles away. Farms in the area, including neighbouring farms, have had machinery and equipment stolen in recent years. There is always a great potential for security and safety problems on the farm.

This includes livestock worrying by dogs and livestock straying onto public roads due to gates being left open by walkers. Other significant issues include trespassing and fly-tipping.

Having an additional dwelling on-site will help to mitigate any potential issues arising from these occurrences.

4.4 Alternative Accommodation

Alexander Laird and his wife Isabella Laird live in the farmhouse and their son John Laird lives in rented accommodation off farm. An extra dwelling-house is required to accommodate John and his wife Ashley.

There are no buildings available for renovation as the sheds are modern and are used for housing cattle and sheep. The limited traditional outbuildings are used for general-purpose storage and do not lend themselves to renovation.

There are no affordable family houses available in close proximity of the farm which offers suitable access to the unit. The farm worker will often tend to calving cows and lambing ewes at unsociable hours of the day as well as other husbandry tasks, so it is vital that a farm worker is on-site and can provide assistance to cows and ewes quickly.

5. Conclusion

In conclusion, Cairncurran is currently running 203 breeding ewes and 73 suckler cows. There is the option of increasing stocking rates in the future once a full-time farm worker is on-site. The labour required for the current stocking rate is 2.08 labour units.

A new dwelling-house is required as the farmhouse is occupied by Alexander and Isabella. John, who will become a full-time farm worker, living on-site is essential for animal welfare purposes.

Up until now the business has been relying on Alexander Laird; however, due to Alexander's health, the business plans to take on John permanently. John will be full time on the farm to carry out all farm work with Alexander working alongside to tend to the less strenuous tasks and Isabella will continue with the business's paperwork. A suitable dwelling-house on the farm will help achieve this and benefit the business long term.

PRODUCTION 2

Report of Handling

REPORT OF HANDLING

Report By: James McColl

Report No: 19/0046/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 26th April 2019

Subject: Erection of dwellinghouse for farm worker at
Cairncurran Farm, Auchenfoil Road, Kilmacolm

SITE DESCRIPTION

The application site extends to 965 square metres and forms part of Cairncurran Farm, Kilmacolm. It is located on the eastern side of the B788 road between Kilmacolm and Greenock and is largely used for agricultural storage. The application site adjoins the farm steading to the south with open fields lying to the north, east and across the road to the west. The site is defined by a post and wire fence together with a drystone wall to the road frontage.

Cairncurran Farm spans both sides of the road, with the main part of the steading on the eastern side. A shed together with a neighbouring house which was originally erected for an agricultural worker lie to the western side of the road.

PROPOSAL

It is proposed to construct a new dwellinghouse which the applicant indicates will be for an agricultural worker. The new dwelling will be one and a half storey, finished externally in wetcast render and a slate roof, and will feature two dormer windows and entrance porch to the front elevation. A roof light window will be located to the rear. Window frames will be white uPVC with smooth render banding around the window openings. The house will have an external footprint of around 112 square metres and it is indicated that it will have two bedrooms to the ground floor and a store and playroom to the upper floor. The upper floor could, however, be utilised as two bedrooms forming a four bedroom house.

The applicant has submitted a Labour Requirement Report prepared by SAC Consulting in support of the application.

DEVELOPMENT PLAN POLICIES

Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

Policy RES7 - Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(d) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or

(e) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes

Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 6 - Low and Zero Carbon Generating Technology

All new buildings* will be required to include low and zero carbon generating technology

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or equivalent exceptions set out in later versions of the handbook.

Policy 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 16 - Contaminated Land

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

Policy 19 - Individual and Small Scale Housing Development in the Green Belt and Countryside

Proposals for individual and small scale housing development in the Green Belt and Countryside will only be supported in the following circumstances:

- where the dwelling(s) is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years;
- where the dwelling(s) is an integral and ancillary part of a development that would bring significant economic benefits to Inverclyde;
- demolition and replacement of a habitable dwelling which cannot otherwise be brought up to current building standards, and where the proposed dwelling is similar in scale to the existing dwelling;
- sub-division of an existing dwelling to create one or more additional dwellings, but only where any extensions are clearly ancillary to the existing building; or
- conversion of redundant stone or brick built non-residential buildings, where the proposal is supported by proof that the existing building is no longer needed for its original purpose, and a structural survey indicating that the building can be converted in its current form, with any new build element clearly ancillary to the existing building.

In all instances, dwellings are required to be designed and located to respect their Green Belt/Countryside location.

Proposed Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

CONSULTATIONS

Head of Service – Roads and Transportation – No objections. A number of points are noted as follows:

- Parking should be provided in accordance with the National Guidelines:

| | |
|--------------|------------------|
| 1 bedroom | 1 parking space |
| 2-3 bedrooms | 2 parking spaces |
| 4 bedrooms | 3 parking spaces |

The application is for 1nr 2 bedroom dwellings with 3nr parking spaces. This meets the requirements outlined above.

- The parking spaces shall be a minimum of 2.5m by 5.0m which these spaces do meet.
- Access shall have a minimum gradient of 10%.
- The access shall be a minimum of 5.0m wide for a distance of 6.0m from the edge of the road.
- The access shall be paved for a minimum distance of 2.0m to prevent loose material being spilled on to the road.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 75m x 1.05m. This shall be agreed with Roads Service.
- All surface water shall be contained within the site.

Head of Environmental and Public Protection (Env. Health) – No objections. Conditions in respect of ground contamination, bin provision, external lighting and compliance with the building regulations are recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 15th March 2019.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The Kilmacolm Civic Trust offers no objection.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the proposed Inverclyde Local Development Plan, adopted and proposed Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside", the visual impact of the proposed development, the consultation responses, the planning history of the site and the applicant's supporting documentation.

The application site is located in the Green Belt and Policy SDS8 of the adopted Local Development Plan advises there will be a presumption against the spread of the built up area into the Green Belt. Policy RES7 advises on the development of new dwellings in the Green Belt. This proposal is for a single dwellinghouse which does not adjoin the urban area and Policy RES7 sets out the categories that such development require to fall within. The proposal does not involve the demolition and replacement of a habitable dwelling which cannot otherwise be brought up to acceptable building standards (category (a)), it does not involve the sub-division of an existing dwellinghouse (category (b)) and it does not involve the conversion of an existing redundant building (category (c)). The proposal does not form part of a larger integrated project (category (e)). The final category for assessment is category (d). This category supports proposals where they are justified by the operational needs of a farm or other business or activity which are inherently rural in nature and the applicant has made a business case to the satisfaction of the Council. To establish this, an assessment of the operational needs of the farm which the new dwellinghouse will support requires to be undertaken noting that Policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances.

Policy 14 of the proposed Local Development Plan advises that development in the Green Belt and Countryside will only be permitted, with reference to a range of criteria, if it is appropriately designed, located, and landscaped. Criterion (a) relates to works associated with agriculture. Policy 19 advises on individual and small scale housing development in the Green Belt and Countryside and sets out the circumstances that such development will be supported. These circumstances largely follow that of the adopted Plan with category (a) relating to proposals where a dwelling is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years.

The primary determining factor in this case is, therefore, whether the operational needs of the existing farm provides justification for the provision of a new dwelling. In considering this, it is first important to understand the planning history of Cairncurran Farm. In this respect, planning permission was granted in June 1974 for the erection of an agricultural worker's house at the Farm (planning permission 438/74). Condition 3 of this permission restricted the occupancy of the house to being "only by a person or his dependents employed locally full-time in agriculture". In 2005, the applicant submitted an application for a Certificate of Lawful Use (initially application CL/05/010 which was withdrawn and replaced by application CL/05/18) on the basis that there has been a

continuous breach of condition 3 for a period in excess of 10 years, thus rendering the occupancy by a non-agricultural worker lawful. The Certificate of Lawful Use was granted on appeal. In a letter dated 1st November 2005, the applicant set out that the economics of the farm were such that it could only support one person. The applicant went on to reiterate that there is no prospect of Cairncurran Farm requiring two full-time people to work the farm. In conclusion to the letter it was repeated that there was no prospect of employing an agricultural worker in the future.

Given that there was previously an agricultural workers house at Cairncurran Farm and given the applicant's robust position at the time of the previous application for a Certificate of Lawful Use, it rests to consider what circumstances have now occurred which the applicant considers justifies a further, third house at Cairncurran Farm for an agricultural worker.

The report by the SAC Consulting sets out full details of the farming enterprise at Cairncurran Farm inclusive of cropping and livestock numbers together with the number of man hours required for the business to operate. This is based on 57.33 ha at Cairncurran Farm and a further 40.32 ha of land near Beith. A further 21.95 of seasonal land is not included in the labour requirement calculation. Based on criteria set by the Scottish Government Rural Payment and Inspections Directorate the number of labour units required by the business equates to two full-time workers (2.08 labour units).

In addition to advising on labour units, the SAC Consulting report advises that circumstances are such that the applicant has reduced physical labour on the farm and carries out light duties relating to sheep work. The applicant's son has increased his time at the farm and the objective of the business to increase this workload further to full-time and the proposed house would allow him to live on site permanently which is vital during lambing and calving season. SAC Consulting further advises that accommodation for the applicant and his wife, together with a farm worker, will ensure that there is always someone on and to control any animal welfare issues when they arise. It is further noted that a skilled stockperson residing on the farm will help minimise stock losses. The additional dwelling will also mitigate against any issues arising in respect of safety and security. Finally, it is advised that there are no buildings on site available for renovation or conversion and no other suitable houses in close proximity of the farm.

On the basis of the submitted information I accept the method by which SAC Consulting calculates the labour requirements. Whilst the farming business may have evolved contrary to the applicant's expectations in 2005, I am not, however, satisfied that a case for an additional worker living permanently on the farm has been made. Approximately 38% of the land permanently farmed in connection with the business is land remote from the site. Animal welfare issues, seeking to minimise stock losses and matters relating to the safety and security of the farming unit can all be administered through the occupancy of the farmhouse without the need for an additional house on the farm. The house granted planning permission in 1974 could also have been utilised for such purposes had it been occupied correctly in accordance with the planning permission granted at the time. Should an additional on-site worker be required and justified during the peak lambing and calving season, a separate application for such seasonal or temporary accommodation could be considered.

Accordingly, it cannot be held that the proposal has been justified by the operational needs of the Farm and a satisfactory business case has not been made. The proposal therefore fails to comply with the requirements of Policy RES7(d) of the adopted Plan or Policy 19(a) of the proposed Plan. On this basis I conclude that, with respect to Policy ENV2 of the adopted Plan, there are no mitigating circumstances which can justify the development in this instance. The proposal also cannot be justified in respect of Policy 14(a) of the proposed Plan.

Notwithstanding the above, it is nevertheless appropriate to further consider the general design and siting of the new buildings within this rural location. PAAN8 (adopted and proposed) provides advice on the siting and design of the new houses in the countryside. Whilst there are some minor variances from the guidance with respect to design overall, I am satisfied that the design of the dwelling would be appropriate with reference to PAAN8 and the design follows that of other rural

dwellings where justified. Considering siting, the new dwelling would not be prominent on the skyline nor would it unacceptably break the landform from the principle viewpoints. PAAN8 favours sites adjacent to or within groups of other buildings. The proposed house is situated immediately adjacent to the existing steading and I consider that this requirement of the guidance is thus met.

Matters relating to low and zero carbon generating technology (Policy 6 of the proposed Plan) and contaminated land (Policy 16 of the proposed Plan) can be addressed by condition if required. I also find no conflict with the requirements of Policy 1 of the proposed Plan.

Considering the consultation responses, I note that the Head of Service – Roads and Transportation offers no objections to the proposal. The applicant has advised that he considers that the required visibility splay can be met. Given this, together with the fact that the applicant is in control of all the land required to provide the visibility splay, this matter can be addressed by condition if required. I concur with the Head of Environmental and Public Protection (Env Health) it would be prudent to attach a condition in respect of ground contamination in the event that planning permission was to be granted. Matters relating to bin provision and external lighting could be addressed by advisory note and matters in respect of compliance with eh building regulations are addressed via the requirement for a building warrant.

There is potential for archaeology to be uncovered during the works at this location. The requirement for an archaeological watching brief could be applied to any permission if required.

In conclusion, the erection of a further dwellinghouse would result in three dwellinghouses at Cairncurran Farm. The proposal is not justified by the operational needs of the Farm and a satisfactory business case has not been made. Accordingly, the proposal cannot be held to comply with the requirements of Policy RES7(d) of the adopted Plan or Policy 19(a) of the proposed Plan. On this basis I conclude that, with respect to Policy ENV2 of the adopted Plan, there are no mitigating circumstances which can justify the development in this instance. The proposal also cannot be justified in respect of Policy 14(a) of the proposed Plan. Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations which suggest that a departure from the Inverclyde Local Development Plan (both adopted and proposed) can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused for the following reasons:

1. The proposed dwellinghouse is not justified by the operational needs of Cairncurran Farm. Accordingly, the proposal does not comply with the requirements of Policy RES7(d) of the adopted Inverclyde Local Development Plan or Policy 19(a) of the proposed Inverclyde Local Development Plan. There are no mitigating circumstances which justify the development in respect of Policy ENV2 of the adopted Inverclyde Local Development Plan and the proposal also cannot be justified in respect of Policy 14(a) of the proposed Inverclyde Local Development Plan.

Signed:



James McColl
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

**9. SUGGESTED CONDITIONS AND ADVISORY
NOTES SHOULD PLANNING PERMISSION BE
GRANTED ON REVIEW**

**ERECTION OF DWELLINGHOUSE FOR FARM WORKER:
CAIRNCURRAN FARM, AUCHENFOIL ROAD, KILMACOLM (19/0046/IC)**

Suggested conditions and advisory notes should planning permission be granted on review

Suggested Conditions:

1. That the development to which this permission relates must be begun within three years from the date of this permission.
2. That prior to the commencement of works on site, samples of all external materials and paving to be used in construction shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by the Planning Authority.
3. That prior to the commencement of development on site, a plan shall be submitted to and agreed in writing by the Planning Authority demonstrating a minimum visibility splay of 2.4 metres by 75 metres by 1.05 metres is provided at the vehicular access to the public road for the dwellinghouse hereby permitted. The visibility splay shall be prior to the occupation and use of the dwellinghouse hereby permitted and shall be retained at all times thereafter to the satisfaction of the Planning Authority.
4. That the vehicular access for the dwellinghouse hereby permitted shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway.
5. That the vehicular access for the dwellinghouse hereby permitted shall be a minimum width of 5 metres for a distance of 6 metres from the edge of the road.
6. That the three off-street parking spaces indicated on approved drawing 01 PL shall be formed and made available for use prior to the occupation of the replacement house hereby permitted. They shall then remain unobstructed and available for use at all times thereafter to the satisfaction of the Planning Authority.
7. That all surface water shall be contained within the site both during construction and at all times thereafter. Drainage arrangements showing how this will be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
8. That the presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
9. An archaeological watching brief, to be carried out by a suitably qualified organisation, shall be implemented during all ground disturbances. The organisation shall be afforded access at all reasonable times to allow them to observe works in progress and record items of interest and finds. A method statement for the watching brief will be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
2. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
3. In the interests of road safety.
4. To prevent deleterious material being carried onto the carriageway.
5. In the interests of road safety.
6. To ensure suitable parking provision for the dwellinghouse hereby permitted, in the interests of road safety.
7. To prevent surface water run-off from the site.
8. To ensure that any contamination issues are recorded and dealt with appropriately.
9. To allow for recording and recovery of antiquity.

Suggested Advisory Notes:

1. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
2. The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.
3. Site Drainage: Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
4. Surface Water: Any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property/land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
5. On site sewage treatment: Should the premises be served by an on site sewage treatment plant, it will be necessary to ensure that the capacity of the plant is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.