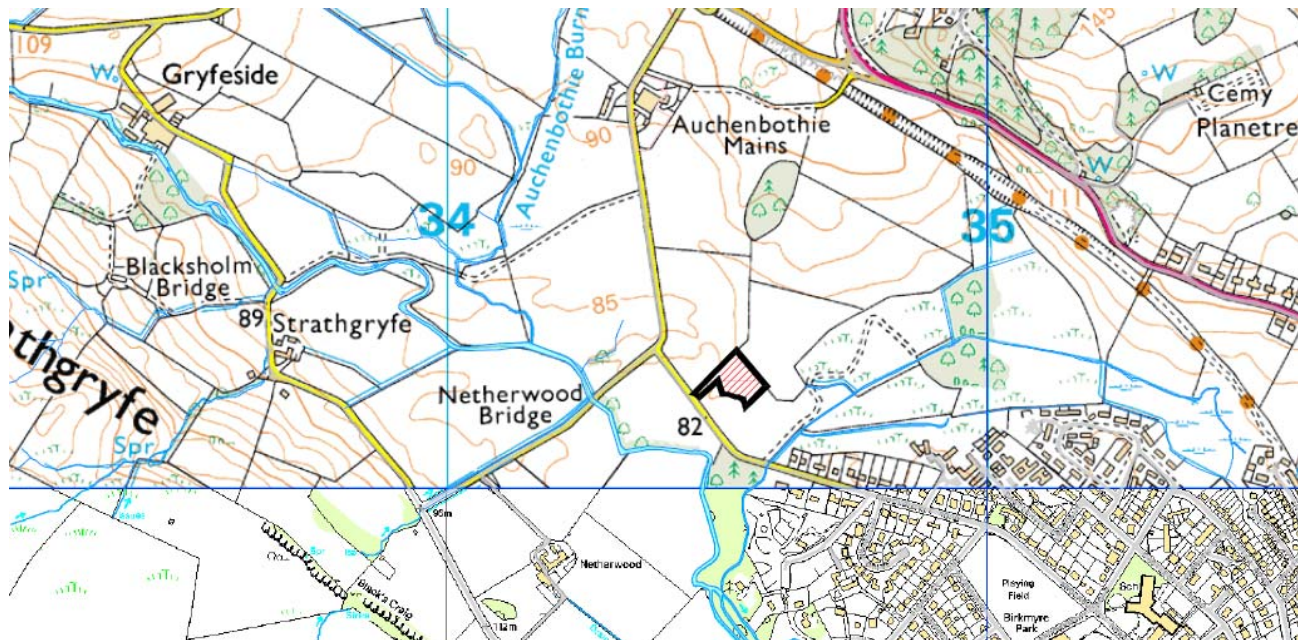

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| Report To: | The Planning Board | Date: | 7th March 2012 |
| Report By: | Head of Regeneration and Planning | Report No: | 11/0353/IC Plan 03/12 |
| Contact Officer: | Guy Phillips | Contact No: | 01475 712422 |
| Subject: | Erection of farm workers cottage and cow shed at Auchenbothie Farms, Kilmacolm | | |

SITE DESCRIPTION

The site is part of a field used for open grazing to the north east of Knockbuckle Road and approximately 130m west of the edge of Kilmacolm. A grassed track access from a field gate connects the site to Knockbuckle Road.



PROPOSAL

It is proposed to erect a house for a farm worker and a 300 square metre cow shed clad in dark green profiled metal sheeting. The proposed house is of one and a half storey building finished in wet dash render with a dark grey slate roof. Windows have white uPVC frames and are of sash and case proportion with smooth black render surrounding bands.



LOCAL PLAN POLICIES

Local Plan Policy DS8 - Green Belt

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

Local Plan Policy DS10 - Countryside

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;
- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

Local Plan Policy H4 - Proposals for Development in the Green Belt and Countryside

Proposals for new dwellings in the 'Green Belt' and 'Countryside' identified on the Proposals Map, will be supported only if the proposed development is for a single or small group of dwellings, falls within one of the following categories and is acceptable with reference to the Planning Practice Advice Note No. 5 regarding detailed guidance in relation to siting and design:

- (a) demolition and replacement of existing occupied dwelling houses which cannot otherwise be brought up to modern standards and where the new building reflects the scale and character of the existing one to be replaced; or
- (b) the conversion of existing buildings (see also Policy H18); or
- (c) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where they will be located adjacent to those businesses or activities (the applicant will be required to enter into Section 75 Agreements regarding occupancy criteria) (See also Policy H19); or
- (d) the sub-division of an existing dwelling house (or houses) for the provision of one or more additional units where any new build element is clearly ancillary to the overall finished building; or
- (e) the re-use or redevelopment of large redundant institutions (see also Policy H17); or
- (f) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Plan and where the Council is satisfied that the housing is essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit the Council's support.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes. In this instance the applicable PPAN is No5 "Design & siting of new houses in the countryside".

CONSULTATIONS

Head of Environmental and Commercial Services - No objections subject to conditions regarding surface water run off, site entrance visibility splay, driveway surfacing and corner radii.

Head of Safer and Inclusive Communities - No objections subject to conditions regarding the control of Japanese Knotweed, unrecorded contamination and import of materials. Advisory notes are recommended on external lighting, site drainage, CDM Regulations, septic tanks, seagulls, food safety and health and safety at work.

PUBLICITY

The application was advertised in the Greenock Telegraph on 23rd December 2011 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

Objections have been received from Kilmacolm Community Council and Kilmacolm Civic Trust. The objectors are concerned that:-

Agricultural need

- There is no pre-existing house or farm building or structures on the site.
- No convincing case has been presented for the proposal.
- The proposal fails to satisfy the requirements of Local Plan policies H4 and H18.
- The application should be the subject of a labour justification report.
- The house may not be for an agricultural worker.

Implications for the Green Belt

- There have been a number of planning applications for residential development in the Green Belt around Kilmacolm. All have been refused by the Council and the decisions upheld at appeal. There have also been submissions to the Council to revise the Local Plan to take sites out of the Green Belt in the countryside around the village. These include a 2.19ha site on the north side of Knockbuckle Road adjacent to the application site.
- The Council's Main Issues report, published last year, advises that there is no requirement for Green Belt land to be released for housing in the Kilmacolm and Quarriers Village countryside.
- An attempt to have land to the north of Knockbuckle Road taken out of the Green Belt was rejected by the Reporter in his Inquiry Report on the Inverclyde Local Plan in 2004.
- A precedent would be set.

ASSESSMENT

The material considerations in the determination of this planning application are, the Local Plan, the Council's PPAN 5 "Design & Siting of Houses in The Countryside", the consultation responses the written representations and the supporting information submitted with the planning application.

Submitted with the planning application are a Labour Requirement Report, a Supporting Statement and maps showing the extent of the applicant's ownership and tenant interests around Kilmacolm. Most is not in his ownership; 250ha is farmed with only 18ha in the applicant's ownership. The leased land is in 2 main ownerships, 90ha of which has been tenanted for 27 years.

The applicant's supporting statement advises that his family have farmed the land at Auchenbothie since 1984 but have been involved in farming for a period, extending over three generations. On commencing farming at Auchenbothie in 1984 the applicant's father moved into the farmhouse at Auchenbothie Mains as a tenant. He resided there until his death in 1991. The tenancy was continued with a farm worker taking the place of the applicant's late father. In 2006 the applicant received notice that the tenancy of the house at Auchenbothie Mains was to be terminated due to the owner seeking to convert the steading into 7 houses. The farm worker left the rented house in 2008. Loss of the tenanted house was accompanied by the loss of farm buildings comprising cattle sheds, cattle handling facilities, sheep pens and a feed store. The applicant has 350 cattle and in excess of 580 sheep and lambs. Caring to the requirements of these animals has proven difficult since the loss of the tenanted house and associated farm buildings; he now only has access to a small hay shed. Currently limited numbers of sheep and cattle (30-40) are kept at Auchenbothie throughout the year; the majority is wintered at Midhouse Farm, Kilbarchan.

The applicant seeks a permanent farm cottage for animal welfare purposes and the continued efficient running of the farm. The Labour Report concludes that farming activities generate a requirement for 4.08 labour units; at present the farm is operated by the applicant and a part time

worker with casual workers employed during busy periods. Animal welfare is considered to be compromised due to the loss of the tenanted farmhouse with high losses of calves and lambs. Proper supervision of animals at Auchenbothie is difficult during poor winter weather and the constant travelling between Auchenbothie and Midhouse is particularly time consuming during periods of lambing and calving. Farm security may be improved by a presence on site, although vandalism and security issues are less than in many areas.

Policy DS8 of the Local Plan presumes against development in the designated Green Belt. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in policy DS10 can be satisfied. Policy DS10 advises that development in the countryside (including the Green Belt) will be permitted only where it can be supported with reference to a range of criteria. In this instance the relevant criteria are (a) it is required for the purposes of agriculture and (j) it complies with other relevant policies of the Local Plan. Other relevant policies are H4 and DC1 (with referral to PPA5).

I am satisfied the proposed cow shed is of a design typical of such structures in the countryside and can be justified as required for the purposes of agriculture; the need for a house is less clear cut. While I recognise this as a genuine agricultural business, the farm is not in an isolated area and could be readily accessed from accommodation in Kilmacolm or Bridge of Weir. I do, nevertheless, accept that the currently working conditions are unsatisfactory. The need to transport animals on a regular basis to and from Kilbarchan and the consequential under utilisation of the land is neither practical nor economically efficient. Although the majority of the land farmed by the applicant is leased, the length of tenancy and location indicate the continuation in the long term of agricultural operations. In support the development of a farmhouse and associated cattle shed offers the opportunity to consolidate the business and contribute to ensuring the long term potential of farming around Kilmacolm.

In accordance with criterion (c) of Local Plan Policy H4, the applicant has advised that he would be prepared to enter into a Section 75 Agreement restricting the occupancy of the farm workers cottage to a person employed and working on the farm; in contradiction recent advice from the Scottish Government's Chief Planner is that occupancy restrictions are rarely appropriate. As an alternative to satisfying the intent of criterion (c) the option remains to impose a condition to similar effect on the planning permission. Circular 9/1998 advises that "conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission." It goes to inform "In many parts of Scotland planning policies impose strict controls on new residential development in the open countryside. There may, however, be circumstances where permission is granted to allow a house to be built to accommodate a worker engaged in *bona fide* agricultural or forestry employment on a site where residential development would not normally be permitted. In these circumstances, it will often be necessary to impose an agricultural or forestry worker occupancy condition. Planning authorities will wish to take care to frame agricultural occupancy conditions in such a way as to ensure that their purpose is clear. In particular, they will wish to ensure that the condition does not have the effect of preventing future occupation by retired agricultural workers or the dependants of the agricultural occupant. Where an agricultural occupancy condition has been imposed, it will not be appropriate to remove it on a subsequent application unless it is shown that circumstances have materially changed and that the agricultural need which justified the approval of the house in the first instance no longer exists." Indeed, the annex to Circular 9/1998 provides a model planning condition to be applied in such circumstances.

On balance and in taking into account all of the above, subject to the imposition of an occupancy condition I consider that the proposal satisfies criterion (a) of policy DS10 and the intent of criterion (c) of Policy H4.

Accepting the principle of development, it now rests to consider the design of the buildings. The proposed house design accords with the guidance in PPA5 "Design & Siting of Houses in the Countryside". Policy DC1 indicates support for planning applications which accord with the design

principles established in the PPAN. The scale of the farmhouse, the proposed design and the use of materials all comply. The agricultural building, positioned directly adjacent to the farmhouse, is typical of more recently constructed agricultural buildings.

The consultation responses present no impediment to planning permission being granted and while I note the objections received, Green Belt policy is not in place to prevent the development of housing where there is a clear connection to an established farming operation. Indeed the granting of planning permission for farmhouses neither sets a precedent for allowing other housing in the Green Belt nor should be linked to proposals for housing land release through the Development Plan process.

RECOMMENDATION

That the application be granted subject to conditions.

1. Occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or to a widow or widower of such a person and to any dependants.
2. That prior to the occupation of the house, the cow shed hereby approved shall be constructed and in use for the sheltering of cattle and/or sheep.
3. The external walls of the house shall be finished in wet dash render. Development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
4. The basecourse of the house shall be finished in smooth cement render.
5. Land drainage shall be provided to prevent water run-off to public roads. Details shall be submitted to and approved in writing by the Head of Regeneration and Planning prior to completion of the development. Development thereafter shall proceed in accordance with the approved details unless the Planning Authority gives its prior written approval to any alternatives.
6. A visibility splay of 2.5m x 120m shall be provided at the site entrance.
7. That a junction corner radii of 6m shall be provided at the entrance to the site.
8. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
9. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority.
10. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.

Reasons

1. To ensure that the approval of planning permission is in compliance with DS10 and H4 of the Inverclyde Local Plan.
2. To support the sustainable and effective use of the farm unit prior to the occupation of a house on site.
3. To comply with the design guidance detailed in the Council's Planning Practice Advice Note No. 5 (Design and Siting of Houses in the Countryside).
4. To comply with the design guidance detailed in the Council's Planning Practice Advice Note No. 5 (Design and Siting of Houses in the Countryside).
5. To ensure that any water run off from the development does not impact on road safety.
6. To ensure that drivers leaving the site have clear visibility when entering the public road.
7. To ensure that vehicles entering and exiting the site may do so safely.
8. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
9. To ensure that all contamination issues are recorded and dealt with appropriately.
10. To protect receptors from the harmful effects of imported contamination.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Inverclyde Council PPAN5
5. Consultation responses
6. Written representations
7. The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
8. Scottish Government's Chief Planner's letter 4th November 2011



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