

## **Stirling Council**

Agenda Item No. 5

Planning & Regulation Panel

Date of

Meeting:

30 March 2021

Not Exempt

### **Erection Of Dwelling House And Garage At Land 80M North East Of Barloch, Stirling - Mr David Fotheringham - 20/00836/PPP – Hearing**

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#### **Purpose & Summary**

The proposal is being considered by Planning & Regulation Panel as the local ward Member, Councillor Earl, has referred the application to Panel to discuss the merits of the justification statement in compliance with Policy.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request has been made within timescales according to procedure in order to have the opportunity to address the Panel.

#### **Recommendations**

Planning & Regulation Panel is asked to:

1. refuse the application as the proposed development is considered contrary to Policy 2.10 of the Stirling Local Development Plan, as well as Supplementary Guidance: Housing in the Countryside, since insufficient evidence has been submitted to demonstrate a location need for a dwellinghouse at this location.

#### **Resource Implications**

Not applicable.

#### **Legal & Risk Implications**

Not applicable

#### **1. Background**

- 1.1. Not applicable.

## 2. Considerations

### **The Site**

- 2.1 The land is located approximately 80 metres north of Barloch Cottage and 130 metres from the farm buildings to the north and 120m North West from Mosslaird. The site is an unoccupied area of agricultural land, with trees bounding the proposed site to the north and west. Access is gained via a gate on Robertson's Lane. There is historical evidence of a building occupying this site in a 1897 historical map, however the site has now returned to a natural state with no evidence of the site being previously occupied by a building.

### **The Proposal**

- 2.2 The proposal seeks planning permission in principle for the erection of a dwellinghouse and detached garage.

### **Previous History**

- 2.3 19/00786/PPP – Erection of a dwellinghouse and detached garage – Withdrawn.

### **Consultations**

#### **Roads Development Control:**

- 2.4 No objection, subject to conditions.

### **Representations**

- 2.5 Thirteen representations have been made in relation to the proposed development. Twelve representations have been made in support of this application, and one objection has been received. A summary of the points raised in the objection has been summarised and addressed below:

2.5.1 Traffic impact on the existing road.

2.5.2 Response: Transportation Development Management has been consulted on this proposal and raised no objection to the proposal, subject to conditions.

2.5.3 Further applications being received as infill in the future.

2.5.4 Response: This application is assessed on its own individual merits, as will any future application will be.

### **Local Development Plan**

- 2.6 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application

- 2.7 Policy 2.10, Supplementary Guidance: Housing in the Countryside.

## **Other Planning Policy**

### **Assessment**

- 2.8 In connection with this application, the following documents have been submitted by the applicant, and their content is summarised in the following sections.
- 2.9 A planning statement has been submitted which provides a narrative of the site, as well as visuals.
- 2.10 A business case has been submitted, which seeks to justify the requirement for a dwellinghouse at this site. It states the current labour unit requirement is 20 hours per week, with 90% of the land used for hay and corn growing. This is expected to increase to 35 hours per week, due to a projected increase of the herd size to 50 and a total of 115 acres of land to be used for arable purposes.

### **Planning History**

- 2.11 As stated in Section 2.3, a previous application was submitted for the erection of a dwellinghouse and a detached garage at this location. This was a planning permission in principle which did not provide any evidence as to how it complied with Policy 2.10: Housing in the Countryside. As no evidence was forthcoming, it was advised that the applicant withdraw this application or the application would be refused. The applicant subsequently withdrew this application.

### **Principle of the Development**

- 2.12 In order for the principle of this proposal to be viewed as acceptable, the proposal must demonstrate compliance with Policy 2.10 of the Local Development Plan 2018, as well as the associated Supplementary Guidance: Housing in the Countryside.
- 2.13 Policy 2.10 and its supplementary guidance allows for the development of dwellinghouses in the countryside under certain criteria. Due to the distance between the proposed site and the neighbouring dwellinghouses, this site cannot be justified in terms of a cluster development. Similarly, due to the distance and gap between the proposed and the surrounding dwellinghouses, this cannot constitute as an infill circumstance. There is no dwellinghouse on site which can be replaced or renovated, nor are there any farm buildings which can be converted. Although there is historic evidence of a building being on site, there is no onsite evidence of this now, and thus does not constitute as a Brownfield site, as per PAN 72. As such, the proposal cannot be assessed under any of the above mentioned criteria. Policy 2.10 does however support the development of a single dwellinghouse if it is required for a specific purpose. This proposal, by way of the submitted documents, attempts to demonstrate compliance with this criteria under Policy 2.10.
- 2.14 Supplementary Guidance: Housing in the Countryside elaborates the criteria further, and states that if there is a genuine need for a worker to be housed in the vicinity for agricultural, horticultural or forestry reasons, or employed in an established rural business, then a dwellinghouse will be supported.
- 2.15 The planning statement submitted states that 25 hours per week is the current labour requirements. This is currently supplemented by additional work, such as a separate recycling business and a small scale caravan site. The future plans will see the agricultural labour hours increase by 10 hours per week over a 5 year period.

- 2.16 As per the business plan, the agricultural business is a 90/10 split between arable and livestock farming, respectively. The business case does not differentiate the labour hours required for the arable and livestock elements of the business. However, given the nature of arable farming, it is generally not considered to require an onsite presence and is generally not used as justification for a dwellinghouse in the countryside for a locational need. As such, further justification and evidence was requested, by way of a SAC report submission from the agent. This is intended to detail the labour hour split between the arable and livestock element, and provide evidence that a dwellinghouse is justified in this context. However, this was not forthcoming, as the agent believes that sufficient justification has been provided by way of the submitted business plan. As stated above, the level of detail and the required breakdown of labour unit requirement is not provided within the business plan, and therefore cannot be used to justify the requirement for a dwellinghouse at this location.
- 2.17 The farm currently operates 25 labour hours per week, and according to the submitted business plan, will only increase by 10 hours over the course of a 5 year period. This is due to the herd size increasing to 50, from the current 25, and the arable land increasing to 115 acres in total. The farm is successfully operating without a dwellinghouse present on site. The settlements of Stirling and Gargunnock are both located less than a 10 minute drive from the site. Therefore, given the close proximity of the neighbouring settlements, and the residential opportunities present within, it is considered that this would not be an unreasonable distance to travel to work.
- 2.18 As such, given the insufficient evidence of the onsite labour unit requirements of the farm and the proximity of the farm to established settlements, it is not considered that this proposal sufficient demonstrates a location need for a dwellinghouse.
- 2.19 The business case states that the total labour requirements of the farm are supplemented by two separate businesses operating at the site, a recycling business and a caravan site. The recycling business is intended to remain stable over the course of 5 years, but the caravan site is to be expanded to include holiday lets and pods. The business case argues that due to the increase of this business in the future, it contributes towards the justification of a dwellinghouse on a locational need.
- 2.20 The tourist business's future expansion is subject to the approval of a further planning application, which will be assessed on its own individual merits. However, as consent has not been given, it cannot be used as a contribution to the labour requirement of the farm. Furthermore, it does not contribute to the functionality of the farm, can operate independently of the farm, does not require an on-site presence and as such, cannot be used towards the justification for this proposal. The recycling business requires 15 hours labour per week, and is not expected to grow over the next five years. As this element is operating successfully currently, it demonstrates that on-site presence is not required, and again, should not be used towards the justification for a dwellinghouse for an agricultural worker.
- 2.21 Therefore, based on the above, it is deemed that the principle of a dwellinghouse at this site is not supported, as insufficient evidence has been forthcoming to justify the requirement of a dwellinghouse for an agricultural worker.

## **Roads**

2.22 Transportation Development Management has been consulted on the proposal. There was no objection to the principle raised, however if approved, conditions should be implemented relating to vehicular access arrangements, visibility splays, internal parking arrangements and waste pick-up points. Transportation Development Management have said that consideration should be given to the provision of a passing place to allow two vehicles to pass safely if they should meet. Furthermore, consideration should also be given to upgrading the access where the private access track meets the public road to provide an improved carriageway surface.

## **3. Implications**

### **Equalities Impact**

3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### **Fairer Scotland Duty**

3.2 This section is not applicable.

### **Climate Change, Sustainability and Environmental Impact**

3.3 An Environmental Impact Assessment is not required.

### **Other Policy Implications**

3.4 All relevant policies have been set out in Section 2.

### **Consultations**

3.5 As set out in Section 2.

## **4. Background Papers**

4.1 Planning Application file 20/00836/PPP. File can be viewed online at: [View Application.](#)

4.2 List of determining plans:

<b>Stirling Council Plan No.</b>	<b>Name</b>	<b>Ref on Plan</b>
01	Location Plan	

## **5. Appendices**

5.1 Appendix 1 – Location of Development.

Author(s)

Name	Designation	Telephone Number/E-mail
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Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	3 March 2021

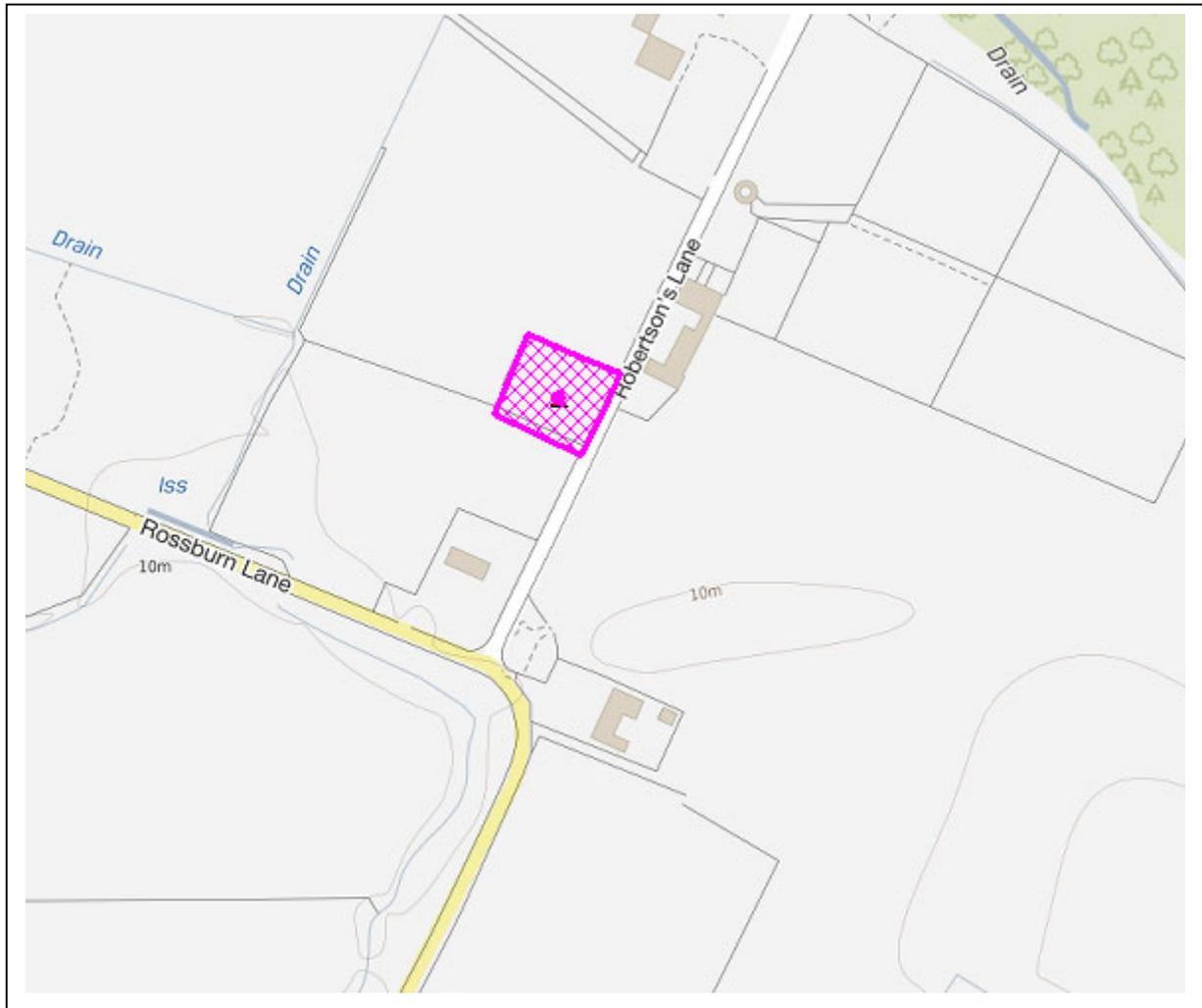
Approved by

Name	Designation	Date
Drew Leslie	Senior Manager – Infrastructure	3 March 2021

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Cllr Alasdair MacPherson Cllr Danny Gibson
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Wards affected:	Ward 1 Trossachs & Teith
Key Priorities:	N/A
Key Priority Considerations:	N/A
Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan)	N/A

Location of Development



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