

Full Planning Application
at
Buteland Farm
Balerno
Edinburgh
EH14 7JJ

Development Quality Sub-Committee
of the Planning Committee

14 April 2004

Proposal: Build two new farm cottages
Applicant: Mr + Mrs Teague
Reference No: 03/02969/FUL

1 Purpose of report

To recommend that the application be **REFUSED** for the following reasons;

Reasons

1. There is no current justified need for the dwellings proposed within this countryside location, for the purposes of agriculture or other countryside activity. The proposals are therefore contrary to Policy 2.2 of the adopted Currie, Balerno Local Plan, Policy E5 of the Finalised Rural West Edinburgh Local Plan, Policy ENV16 of the adopted Structure Plan and Policy ENV3 of the draft Structure Plan.

2 Main report

Site description

Buteland Farm which extends to approximately 538 hectares is located about 3 miles to the south west of Balerno and was formally part of the estate of the Cockburn Farming Company.

The application site lies adjacent to the roadside to the south west of Buteland Farm at the junction with the road leading to Temple House, to the south of the A70 close to Buteland Hill.

Site history

There is a related application for a new farmhouse on another part of the property.

Development

The applicant seeks planning permission to build two two-storey dwellings with associated landscaping and parking. The style is fairly traditional and materials are roughcast, stove detailing and concrete tiles.

Consultations

Scottish Water

No objection

Transport

No objections

Environmental and Consumer Services

No objection subject to the following condition: -

- i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.

Archaeology

No objection subject to the following condition: -

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.

The Coal Authority

No objection

Representations

The application was advertised on 5 September 2003.

No representations have been received.

Policy

The application site lies within the adopted Currie, Balerno Local Plan area and the Finalised Rural West Edinburgh Local Plan Area. The area is designated as countryside.

Relevant Government Policy

NPPG 15 Rural Development
SPP3 Planning For Housing

Relevant Policies:

Policy ENV16 presumes against isolated development in the countryside except where essential for the operation of a countryside activity, and sets out criteria for exceptions to that approach.

Policy ENV3 says that development in the Countryside will only be allowed where it has an operational requirement for such a location.

Policy 2.2 states that no development in the countryside will be permitted for purposes other than agriculture, outdoor recreation or other purposes appropriate to a rural area.

Policy 2.3 states that high quality agricultural land will be protected from development, with development which is justified in terms of Countryside policy being restricted to land of lesser quality and to locations where there will be no adverse impact on rural amenity.

Policy 2.67 states that throughout the local plan area, the Council will seek to control and influence the design of the development, including alterations/additions and extensions to existing buildings to ensure that the appearance of existing buildings is not impaired or the amenity of their surroundings is not adversely affected.

Policy E5 restricts development in Green Belt and Countryside policy areas to protect their landscape qualities, rural character and amenity.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or Countryside must meet high standards of design and landscaping and meet criteria to safeguard local amenity.

Policy E7 states that permission will not be given for development which would result in irreversible damage to, or the permanent loss of, prime quality agricultural land.

3 Conclusions and Recommendations

Determining issues

The determining Issues are:

- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address the determining issues, the Committee needs to consider a) whether the principle of development is acceptable in this countryside location b) whether neighbouring residential amenities are safeguarded c) whether the form and design are acceptable and d) whether there are any road safety implications.

a) National, Strategic and Local Plan Policy all set out policies for the protection of the countryside. In general new development is only considered acceptable where it has an operational requirement for a location within the countryside. These policies do make an allowance for appropriate agricultural development where it is demonstrated that development is necessary for the purposes of agriculture.

This reports concludes:

- The proposed policy for Buteland Farm is agriculturally sound and viable. Despite this farm appraisal not including a full farm business

appraisal the proposed business model should be expected to operate effectively and efficiently.

- The labour profiles indicate that the business proposal at Buteland requires five full time employees.
- In view of the scale of the cattle enterprise it is essential that the accommodation is provided in close proximity to the steading for those working with cattle.

To assess the "SAC" report and whether new development is necessary for the purposes of agriculture in this case the Council engaged the service of an Agricultural and Rural Development Consultant, "Michelle McColl."

The independent report prepared on behalf of the Council concluded: -

1. *There is a dwellinghouse serving the unit and there is currently insufficient economic activity or operational need to merit a second house on-farm.*
2. *There are no costings or financial projections to determine whether any future enterprise could be viable or be able to sustain all or any part of the proposal before the authority.*
3. *There is no plan or time-line for development.*
4. *Even in the event of development of a successful enterprise the case for more than two residential presences has not yet been made.*

From the two reports it would appear that there is currently insufficient evidence to support new housing development in the countryside.

On the 11 February 2004, the applicant submitted a further supporting statement by Langley-Taylor, which attempts to address those points raised by Michele McColl. This report includes the SAC and Michelle McColl reports as appendices and is available in the Group Rooms

This information includes financial projections, a time line for development and an assessment of current planning guidance and policy.

The report sets out an investment and development plan for the proposed agricultural unit. It concludes that there is a case to support the proposed development, and that the development falls within planning guidelines and substantial economic benefits for Scottish Agricultural. However, neither the initial submission or the second supporting statement shows an existing operational requirement for the construction of permanent dwellings for farm workers accommodation.

While all of the investments detailed may well amount to a reasonable case for allowing domestic accommodation, to serve any future established agricultural business, there is no existing justification for new housing in the countryside.

If planning permission is granted at this time, the risk is that should the applicants aims to establish a viable agricultural business not come to function, additional housing in the countryside would have been allowed unnecessarily. If it is demonstrated that there is a proven need for accommodation in addition to Temple House to enable the business to be established, temporary arrangements could be considered.

b) The setting of the house within this countryside location is not considered to give rise to any significant effect on the amenity of any neighbouring property.

c) The design of the proposals is of acceptable standard

d) There will be no adverse effect on road safety

Further Assessment

The application was continued on 14 April 2004 for the applicant to comment further on the issues of a business plan and use of temporary accommodation and for the draft Scottish Planning Policy (SPP) on Planning for Rural Development to be reported on.

The applicants have submitted a further supporting statement which includes comments on the two issues raised by Committee and is circulated with the Committee papers. In terms of the two issues raised by Committee, Planning's response to this latest statement is as follows:

1. Business Plan. The Council's consultants reference to the absence of costings or financial projections was valid, as such information was not submitted with the applicants first consultants' report. Their second report, by Langley-Taylor, contains an appendix "SAC Whole Farm Gross Margin Budget for Buteland Farm", which comprises the Business Plan.
2. Having considered the Langley-Taylor report, the Council's consultant remained of the view that there was a secure case for rejecting the proposal.
3. Temporary Accommodation. The applicants refer to the disbenefits of using temporary accommodation. These are significantly outweighed by the risk of allowing irreversible development in the countryside before the farm business is fully established. As an alternative to temporary accommodation, farm labour could be housed in nearby villages. The Council's consultant notes that concerns about staffing and handling cattle would normally be met by travel-to-work labour. It should be noted that both Kirknewton and Balerno are within six minutes drive of the development.

With regard to the factory analogy, the equivalent here of a factory would be the farm. Omitting one of the units would not overcome the issue of the principle of new development in the countryside.

The SPP on Planning of Rural Development is referred to in the Policy Section above. On the 1 April 2004, the Planning Committee considered a report on the SPP which is at draft consultation stage, and agreed to respond with numerous concerns on its content and applicability in the Lothian area. The report is circulated with the Committee papers and contains the following summary section:

"The attractive environment and close proximity of Edinburgh leads to pressures in the Rural West Edinburgh Local Plan (RWELP) countryside. The need for a different type of policy to address these pressures, as opposed to the issues facing more remote areas of countryside, is acknowledged in the draft SPP. However, the specific approaches advocated fail to differentiate enough between these different types of rural area. The SPP needs to give clearer guidance on the treatment of rural areas within commuting distance."

The closing date for responses to the consultation exercise on the draft SPP was 23 April and Work on analysing responses has recently begun, and it is hoped to publish the SPP in the autumn. It remains to be seen what changes are made to it and whether these are minor or major. In due course, its provisions should be reflected in development plans and in this respect, the public local plan inquiry into the Finalised Rural West Edinburgh Local Plan is due to begin in November 2004.

In these circumstances, little weight should be attached to the draft SPP at this time and decisions on applications should be consistent with the Planning Committee's response to that consultation document.

In conclusion, the relevant policies of the approved adopted and finalised development plans should prevail. The proposals would result in permanent new development in the countryside which would be contrary to these policies and set a dangerous precedent.

There are no material considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application, for the reasons stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Steven Black on 0131 529 3904 (FAX 529 3716)

Ward affected 01 -Balerno

Local Plan Currie Balerno

**Statutory Development
Plan Provision** Countryside

File

Date registered 20 August 2003

**Drawing numbers/
Scheme** 02,03