

Planning Permission 11/00681/FUL
at
160 Woodhall Road
Edinburgh
EH13 0PJ

Development Management Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 11/00681/FUL, submitted by Mr + Mrs Pass. The application is for: **Removal of condition G09 from Planning Application A01191/96.**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The site is located to the north of Woodhall Road within a site surrounded by mature woodland with the Water of Leith located to the north. The application site comprises a single storey residential dwelling within a site of approximately 0.24 hectares. The dwelling house is located in a central position within the site with dry-dash roughcast walls and a red pantile roof. Vehicular access is by a private driveway from the east.

There are a number of small stone built cottages located to the south of the site along Woodhall Road.

The site is located within the Green Belt.

Site History

23 November 1994 – Outline planning application for the erection of a farm cottage refused. This was on a site on the southern part of the farm next to Torphin Holdings. The reasons for refusal were Structure Plan, Local Plan and Pentland Hills Regional Parks Policy (ref: A01899/94).

09 August 1995 – Outline planning permission granted for the erection of a house. This consent was subject to details of design and access. The occupancy of the dwelling was limited by legal agreement to a person solely or mainly employed or last employed in the locality in agriculture or a dependant of such a person. A derelict wooden cottage was to be demolished and the site restored prior to the commencement of any development to construct the house. This decision was taken following a Committee Site visit and was contrary to recommendation (ref: A00648/95).

24 July 1996 – Planning permission granted to erect a dwelling house and stables subject to conditions relating to the access road and tree removal/protection. The proposals did not comply with development plan policy but the principle of the development has been accepted and outline planning permission approved (ref: A01191/96).

26 April 2010 - Planning application withdrawn for the removal of condition G09 from application A01191/96 (ref: 10/00865/FUL).

There is a concurrent application for the deletion of the legal agreement in connection with the agricultural occupancy condition (ref: 11/00681/OBL).

Pre-Application Process

Pre application advice was given during the assessment of the planning application ref: 10/00565/FUL.

Description of the Proposal

The application seeks to remove condition G09 relating to consent reference A 01191 96, which states "the occupation of the dwelling being limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 275 of the Town and Country Planning (Scotland) Act 1972, or a dependant of such a person residing with him or her, or a widow or widower of such a person". (Reason: In view of the special circumstances displayed by the applicant in this particular case and in order that the planning authority may exercise appropriate control at the expiry of these special circumstances).

The effect of removal of this condition would permit the occupation of the accommodation by a person or persons who have no connection to agricultural employment within the locality.

Supporting Statement

The applicant has submitted supporting information in the form of a letter and a justification report from Michele McColl, an Agricultural & Rural Development Consultant.

The issues covered are:

- Current staff employed;
- Special circumstances cited in the reasoning behind the granting of the original planning consent;
- Changes and modernisation in farming practices;
- Inability to expand the cattle herd due to the size of the farm; and
- No requirement for a part-time domestic staff member.

The documents are available to view on the Planning and Building Standards Portal.

3. Officer's Assessment and Recommendation

Determining Issues

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 these determining issues, the Committee needs to consider whether:

(a) the principle of removing the agricultural occupancy condition is acceptable.

(b) the proposal will be in keeping with the character of the immediate area or the wider countryside location.

(a) The property is located within the Green Belt where there are restrictions on new development. Policy ENV 10 of the Edinburgh City Local Plan identifies that development necessary for the purposes of agriculture, including farm diversification may be permitted.

Planning applications for the deletion of a planning condition attached to a planning permission, restricting the occupancy of the dwelling to a person employed in agriculture, forestry or other rural enterprise, will be granted provided that it is demonstrated that the agricultural dwelling is no longer required, either by the holding or by other agricultural workers employed locally and attempts have been made to dispose the dwelling to persons who could occupy it in accord with the attached condition.

In this case, when the application was considered by Committee in 1996 following a site visit and the granting of outline planning consent, it was accepted that the special circumstances of the applicants warranted a departure from the development plan.

The special circumstances enabled the farm's main worker and his newly wed wife to reside in a separate dwelling house at the farm and allow his elderly aunt who was no longer able to work on the farm to continue living on her own in the main farmhouse. The additional house did not affect the number of people working the farm and was granted to allow the couple to have their own dwelling. The consent was duly conditioned with the agricultural occupancy condition with occupancy also controlled by a legal agreement.

The report produced by Michele McColl states that the house is no longer required for the provision of accommodation of employees of the farm as the applicants' aunt passed away five years ago and Mr and Mrs Pass have moved into the main farmhouse. The labour requirements for the farm alone at the time of processing planning consent ref A01191/96 were one full time worker – Mr Jonathon Pass and a part-time worker – accommodated within one of the cottages. A second part-time worker was accommodated within the second cottage and attended to domestic duties within the main farmhouse.

It is stated that the farm is currently not in a financial position to support two agricultural workers owing to changes in farming practices. The workable farmland has a present labour requirement equating to one full-time worker and one part-time worker. Agricultural profit has shown little net profit with future forecasts similarly pessimistic.

It is therefore judged that the applicant has adequately demonstrated that the special circumstances under which planning permission was granted no longer exist. There is no reasonable justification to restrict the occupancy of the house to persons employed or last employed in the locality in agriculture.

(b) The proposed use of the dwelling by persons not employed within agriculture will not conflict with surrounding area as the house lies within a group of dwellings adjacent to Woodhall Mains Farm.

In conclusion there is sufficient information to justify the removal of the agricultural occupancy condition and there would be no adverse impact on the character of the rural area.

It is recommended that the Committee approves this application to remove the agricultural occupancy condition, as requested by the applicant.

REASON FOR DECISION

In conclusion there is sufficient information to justify the removal of the agricultural occupancy condition and there would be no adverse impact on the character of the rural area.

John Bury
Head of Planning

Contact/tel	Daniel Lodge on 0131 529 3901
Ward affected	A08 - Colinton/Fairmilehead
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Green Belt
Date registered	14 March 2011
Drawing numbers/ Scheme	01, 02 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517.
Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 529 4229 or 529 4273. Alternatively, you may e-mail gillian.ferrier@edinburgh.gov.uk or jack.dunn@edinburgh.gov.uk

Appendix A



Application Type Planning Permission
Application Address: 160 Woodhall Road
Edinburgh
EH13 0PJ

Proposal: Removal of condition G09 from Planning application
A01191/96.

Reference No: 11/00681/FUL

Consultations, Representations and Planning Policy

Consultations

Representations

No representations have been received.

Planning Policy

The Edinburgh City Local Plan identifies the site as falling within the Green Belt.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Relevant Non-Statutory Guidelines

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Appendix B



Application Type Planning Permission
Application 160 Woodhall Road
Address: Edinburgh
EH13 0PJ

Proposal: Removal of condition G09 from Planning application
A01191/96.

Reference No: 11/00681/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**.

Conditions

Reasons

End

Appendix C

• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

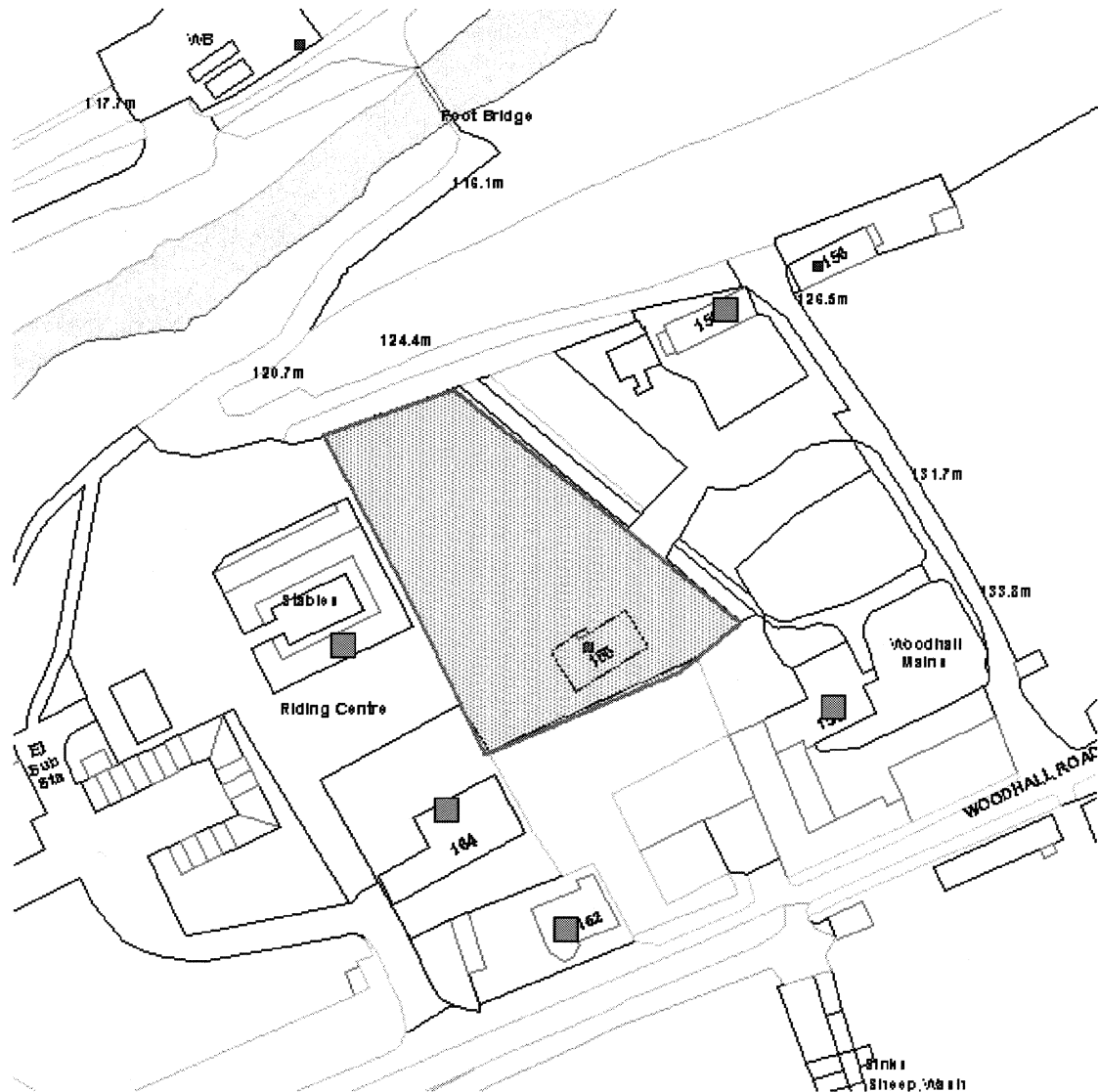
CITY DEVELOPMENT

Application Type
Proposal:

Planning Permission
Removal of condition G09 from Planning application
A01191/96.

Reference No:

11/00681/FUL



Location Plan

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