

4(i)(a)

LRB-2024-04

LRB-2024-04 - 23/00775/FLL - Erection of a dwellinghouse and agricultural shed, land 150 metres north east of Meadowside, Middleton, Milnathort

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative: x

Yes
x No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning Authority
Application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the Local Review Body within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application) X
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer X
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions X
- 2. One or more hearing sessions
- 3. Site inspection X
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Should Members require further clarification.
Site Inspection to appreciate fully proposed landscape impacts (Refusal Reasons 1 & 2)

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | X
<input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X
<input type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: you will not have a further opportunity to add to your statement of review at a later date unless specifically requested to do so by the Local Review Body. 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see submitted Review Statement together with Appendices
 Reason for Review presented as s2.0 of Review Statement
 The proposals fully accord with the policies of the Development Plan, and the applicants have followed PKC Planning Guidance in formulating their proposals

As you will note from the guidance accompanying this form, you must not raise any matter which was not before the planning authority at the time the decision you are appealing against was made unless, you can demonstrate that the matter could not have been raised at that time or, that it not being raised was due to exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes
X No

If yes, you should explain in the box below, why you are raising new material, why it could not have been raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The applicants draw to the attention of the LRB:

Updated Phosphorus mitigation calculations to address SEPA comments (Appendix I)

Recent planning approvals for new farm dwellings on land at Kinross & Crieff, for development of sites which were not fully enclosed to all boundaries (see s9.14 – 9.16 of Review Statement and Appendix J).

List of documents and evidence

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.

Supplementary to the submitted application documents, are the following

- Cover Letter
- Review Form
- Refusal Notice
- LRB Review Statement
- Appendix A Summary of Case
- Appendix B Development Plan Policy & Guidance
- Appendix C SWOT Constraint Mapping
- Appendix D Photographs of Application Site
- Appendix E Photographs of Site in Landscape
- Appendix F Areas of Landscape strengthening
- Appendix G Hendersons response to Refusal Reason 3
- Appendix H Morris & Young Accountants Letter – viability
- Appendix I Updated Phosphorus mitigation calculations
- Appendix J Aerial view of similar approved farm dwelling sites

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It will also be published on the Council’s website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- X Full completion of all parts of this form
- X Statement of your reasons for requiring a review
- X All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the Local Review Body to review the application as set out on this form and in the supporting documents.

Signed

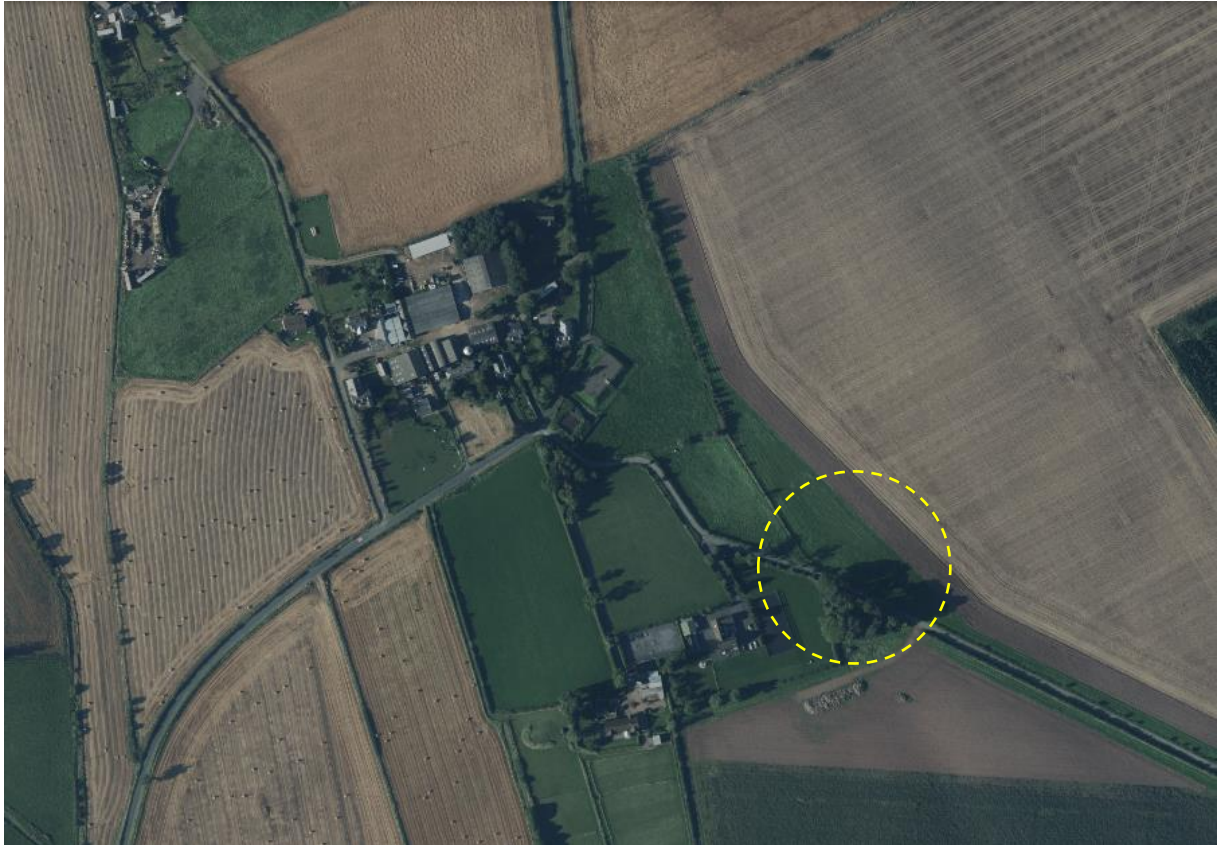
GM Dimeck

Date

20 January 2024

S43A(8) REVIEW OF PLANNING DECISION

ERECTION OF DWELLINGHOUSE AND AGRICULTURAL SHED
LAND 150M NORTH EAST OF MEADOWSIDE, MIDDLETON, MILNATHORT



WRITTEN SUBMISSION OF WS YOUNG & SON (APPLICANT) IN RESPECT OF
PLANNING REFUSAL 23/00775/FLL



JANUARY 2024

DOCUMENT ISSUE RECORD

Client	WS Young and Son	
Contact Details	c/o GD Planning Ltd Glen Blackler Glenalmond Perth PH1 3SF	
	Name	Title
Prepared By:	G Dimeck BTP MRTPI	Principal Planner GD Planning Ltd
Approved By:	G Dimeck BTP MRTPI	Director GD Planning Ltd
Date of Issue:	18 January 2024	

Issue	Date	Version
1	13 December 2023	Draft Internal Review
2	12 January 2024	Client Draft
3	18 January 2024	Finalised Statement



www.garrydimeckplanning.co.uk

DISCLAIMER

This Statement has been prepared for the use of **WS Young & Son** to support a submission to Perth & Kinross Council's Local Review Body and should not be reproduced in whole or part, nor relied upon by any third party, for any use whatsoever, without the express written authorisation of GD Planning Ltd. If any third party comes into possession of this report, they rely on it at their own risk. GD Planning Ltd accepts no duty or responsibility (including in negligence) to any such third party.

CONTENTS

1.0 Introduction	5
2.0 Reasons for Review.....	5
3.0 Process of Review.....	7
4.0 The Development Plan	7
5.0 Mawcarse Farm Holding.....	8
6.0 Constraints and process of site selection.....	9
7.0 Application Site & Landscape Impacts.....	10
8.0 Response to Refusal Reasons.....	12
9.0 Other Matters.....	17
10.0 Conclusion.....	19

Appendix A Key point summary of Case

Appendix B Development Plan Policy & Guidance

Appendix C SWOT Constraint Mapping

Appendix D Photographs of application site

Appendix E Photographs of site in landscape

Appendix F Areas of Landscape strengthening

Appendix G Henderson Response to Reason 3

Appendix H Morris & Young Accountants Letter - Viability

Appendix I 6xbed Phosphorus Mitigation Calculations

Appendix J Aerial view similar approved farm dwelling sites

1.0 INTRODUCTION AND NEED FOR THE DEVELOPMENT

1.1 The two elements of this application are directly related to each other. They comprise the erection of:

- an agricultural shed measuring 18m x 12m. The shed will function as a new isolation/animal welfare facility for the holding; &
- an essential worker dwelling.

1.2 The new investment will meet the operational needs of a long-established family farm business (WS Young & Sons Ltd) which has farmed land and livestock at Milnathort for more than 100 years.

1.3 Movement of cattle and sheep onto the holding has always been a key activity of the business, until experiencing significant financial loss from disease outbreak amongst its beef herd in 2018. That incident was traced to new cattle which were brought onto the farm to supplement the established herd. As a consequence, cattle operations at the holding were temporarily suspended, although a sheep flock was maintained.

1.4 The farm is now looking to resume the rearing of store cattle. The regular turnover of livestock is a characteristic when rearing store cattle. In a responsible way, the applicants have worked closely with their Veterinary advisor (Cameron & Greig Veterinary Surgeons of Milnathort). A risk assessment of management practice at the holding has been undertaken, and an animal health & welfare plan formulated. That 'best-practice' process has identified that, ahead of cattle re-introduction, a separate building as an isolation/quarantine facility is essential to improve bio-security on the holding. This will minimise the potential for disease transmission, and protect the business from future losses. At the same time, a regenerative approach to soil fertilisation through 'recycling' farm waste can reduce use of chemicals on arable ground, and deliver financial and environmental gains.

1.5 By necessity, any new isolation building must be sited away from the existing cattle shed and main grazing fields, minimising the likelihood of cross-infection with the main herd. This generates practical management challenges.

1.6 Livestock in a 'stand-alone' building require supervision. The new dwelling will be occupied by the stockman (Mr A Young) who is also a Partner in the farm business. He currently lives 'off-farm' and his home, and two 'on-farm' dwellings are not sufficiently close enough to the site of the isolation shed, to provide effective supervision for animal welfare and security reasons, or to respond in the event of a livestock emergency.

1.7 It will be shown that the optimal site on the holding, in both landscape and practical operational terms, is the application site; and that a labour justification does exist for that new dwelling.

1.8 It is the applicants firm view that the policies of the Development Plan provide support for agriculture, and should not be used to unreasonably inhibit investment, growth, and operational efficiency for an established, viable business.

2.0 REASON FOR REVIEW

2.1 The applicants have sought to constructively engage with the Council's Planning Service to deliver a development which is essential to future farm operations.

2.2 They have now submitted a pre-application enquiry and 2 x planning applications. In a responsible way the services of professional consultants have been commissioned, and at each stage, further information has been presented to address Officer concerns. Notwithstanding those further submissions, a Refusal has again been issued. Most worryingly, previous Officer support for the applicants independently prepared, labour justification evidence, has now been withdrawn. In these circumstances the applicants consider that they have no alternative but to take their proposals to review.

2.3 A copy of the recent Refusal Notice is submitted with this Review.

2.4 It is a concern to the applicant that in the planning balance, those refusal reasons:

- place undue reliance on a single part of supporting guidance to one Development Plan Policy (Refusal Reason 1);
- fail to take into account the extent to which the site relates to established landscape features immediately adjacent, which can absorb the proposed development (Refusal Reason 2);
- fail to reflect that the site benefits from 2 x established natural boundaries (Refusal Reason 2);
- asserts that development would appear incongruous, when it would closely relate to the pattern of built development at *Middleton* (Refusal Reason 2);
- give no weight to practical measures which could be delivered as part of a planning permission, and would strengthen landscape cover; contribute positively to the surrounding natural environment and deliver positive biodiversity benefits; and be consistent with Housing in the Countryside Guidance (Refusal Reason 2);
- fail to give sufficient weight to up-to-date Development Plan Policy (Refusal Reason 3);
- fail to give sufficient weight to the animal welfare justification presented by the applicant; his vet and professional farm advisor (Reason 3);
- give insufficient explanation or reason for departing from a previously held Planning Department view that the labour justification to support a worker dwelling was met (Refusal Reason 3); and
- fail to take a holistic view of the broad, sustainable objectives of the Development Plan as expressed through its policies. In particular, that this proposal can avoid development within a protected landscape; can deliver landscape improvement and biodiversity gains; can prevent the loss of more productive ground to permanent development; can improve farm operations, biosecurity & animal welfare sustaining an important local business; can deliver modern, low-energy use housing; and can realise carbon reductions by minimising daily travel movements for a key worker of the business.

2.5 This Review Statement will directly respond to the 3 reasons for refusal. It will set out why the application site is the appropriate location on the holding for the development; will show that the perceived landscape harm will not come about; and that farm operations provide a justification for a new dwelling.

2.6 A key point summary of the Applicant's case is set out as **Appendix A** to this Statement. In short, it is clear that perceived adverse impacts do not *significantly and demonstrably outweigh the benefits* which can be delivered by development.

3.0 PROCESS OF REVIEW

3.1 The applicant considers that a written process of Review together with Site Inspection would be an appropriate mechanism for appraisal of the issues raised in this case. This would enable the LRB Members to view the proposal in its local context; understand the landscape character and setting of both the site and the farm more fully; appreciate how the new buildings would be effectively integrated/assimilated; and note the lack of alternative 'contained' sites on the farm holding.

4.0 THE DEVELOPMENT PLAN

Statutory Requirements:

4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997, makes clear that Development Proposals are required to accord with the Development Plan unless *material considerations* indicate otherwise.

4.2 Section 37(2) of that Act requires a Planning Authority, when dealing with any planning application, to have regard to the provisions of the Development Plan, so far as material to the application, and to any *other material consideration*.

Case Law and Material Considerations:

4.3 In relation to interpretation of the Development Plan, Case law has determined that such documents must be read as a whole, with a focus on relevant objectives and policies which give effect to the broad sustainable development objectives which underpin the Plan (*Tesco Stores Limited v Dundee City Council* [2012] UKSC 13).

4.4 In taking a decision on any application, the Planning Authority is required to consider more than just conflict with any single policy before determining conflict with the Development Plan as a whole (*Cummins v L B Camden* [2001] EWHC Admin 1116).

4.5 Put simply, it is rare that any proposal will meet all the policies of a Development Plan. Refusal should be expected only where adverse impacts *significantly and demonstrably outweigh the benefits* delivered by development, when assessed against Plan policies taken as a whole.

The Development Plan

4.6 The Development Plan is made up of National Planning Framework 4 (NPF4), and the Perth & Kinross Local Development Plan2 2019 (PKC LDP2).

4.7 The full range of Policies of the Development Plan, relevant to consideration of the application are set out at **Appendix B** of this Review Statement. The need to view the Development Plan and its Policies holistically is a statutory requirement and has been reinforced by the Scottish Government Chief Planner in his letter to stakeholders, when introducing NPF4 in February of last year:

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

4.8 The letter goes-on to identify that:

As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

4.9 In terms of the provision of farm worker housing it is clear that there are now some differences between LDP2 **Policy 19** with its supporting *Housing in the Countryside Guidance*, and more recent NPF4 **Policy 17a**. This will be examined more fully in the applicant's response to Refusal Reason 3 below. It is clear that both the Council's approach to assessment as set out in the Report of Handling, and the Refusal Reason do not reflect up-to-date Development Plan Policy.

5.0 MAWCARSE FARM HOLDING

5.1 *Mawcarse Farm* runs to 573acres. The holding is a mixed farm operation with arable crops together with livestock rearing & grazing (sheep & formerly store cattle). Full details of farm operations are set out in the Agricultural Justification Report prepared by Hendersons Chartered Surveyors, which supports the planning application. Hendersons are local specialist Agricultural Surveyors who know the holding well and have provided professional advice to the business through successive generations of Young family ownership of *Mawcarse Farm*.

5.2 Most of the holding lies to the south and east of the M90 motorway, with a single large field (57acres), detached from the main block, and lying to the north of the motorway at *Middleton*. That

parcel (Field 1) has been owned and managed by the business for more than 20 years, and is remote from the main farm buildings, being approximately 2.5 miles away by road. A Plan of the holding forms Appendix 1 of the Hendersons Agricultural Justification Report.

5.3 The holding has 2 x full-time workers only (Mr H Young & Mr A Young). Their parents, formerly active in the business and who retain a part-ownership, retired in 2018, (although some limited help can be called upon from Mr Young Snr at busy times). Mr H & Mr A Young have now taken majority control of the business and have responsibility for the day to day running of farm operations.

6.0 CONSTRAINTS AND THE PROCESS OF SITE SELECTION

6.1 For practical, operational reasons any new isolation shed should be sited away from the main farm buildings and grazing land. At the same time, an isolation shed should be conveniently accessible to farm workers, to respond to any livestock emergency.

6.2 To identify a site on the holding, the applicants examined land availability on the whole farm, effectively adopting the SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) which is recommended by the Councils Adopted *Placemaking* Guide. That Guide encourages a SWOT approach for all new development, and results are outlined below:

6.3 In terms of **STRENGTHS**:

- The farm is large, with many fields lying some distance away from the existing farm buildings. It also has a separate and detached land block (at *Middleton*).

6.4 In terms of **WEAKNESSES**:

- Most of the farm holding lies within a protected landscape (*Loch Leven & Lomond Hills Local Landscape Area*).
- 'Contained sites' which might accord with the Adopted *Housing in the Countryside Guide* checklist, (ie with potential to integrate buildings with the existing landform and avoid dominating the landscape), are limited.
- The field pattern is characterised by large, open parcels with few areas of established natural planting offering enclosure;
- A number of Core Paths are routed through the holding;
- land generally is low lying with some areas prone to flooding;
- there is direct connectivity to Loch Leven through open drainage ditches and watercourses; and
- both housing (*Mawcarse*) and the M90 motorway border the periphery of the holding, meaning much of the land is open to view.

6.5 In terms of OPPORTUNITIES:

- From survey (desk-top and site surveys), only 3x locations in the main land block, which might have potential to closely align with the recommended siting criteria of the Housing in the Countryside Guide can be identified (Field Parcels 4, 12 & 14). Attached at **Appendix C** to this Review Statement is a SWOT *Constraint Mapping* document which appraised each site. Those fields were subsequently discounted for the reasons summarised in the 'threats' section below.

6.6 In terms of THREATS:

- **Field 4** is located within the Loch Leven and Lomond Hills Local Landscape Area; has a *high risk* of surface water flooding (SEPA Flood Map); is dissected by a Core Path meaning sub-optimal bio-security (Path Ref: MTH/128 – Woodland & field edge path north-east of Kinross Community Woodland); and the field has direct connectivity with Loch Leven itself via an unnamed burn to the west;
- **Field 12** is also located within the *Loch Leven and Lomond Hills* Local Landscape Area; has a *high risk* of surface water flooding; is immediately adjacent to a Core Path (Path Ref: MTH/111 – Cycle route A911 north of Tarnhill Cottage towards Mawcarse & Arlary); which continues to the north, whilst to the south is another Core Path (Path Ref: MTH/127 A911 west of Orwell to Cycle route east of Arlary) meaning sub-optimal bio-security; and the field has direct connectivity with Loch Leven itself via the Camel Burn;
- **Field 14** is outside of the protected landscape. It is heavily tree'd; is immediately adjacent to the M90 slip road to the A91 & B996; has direct connectivity with Loch Leven itself via the *Maw Burn*; and is mid-way between 2 groups of housing with 15 dwellings lying within 400m. Prevailing winds have the potential to disperse noise and odour to nearby non-farm housing at *Mawcarse*. Development would result in the loss of good grazing ground, and extensive tree removal would be required to accommodate new buildings and track. Compensatory planting would result in the loss of further good grazing and arable ground for the holding.

6.7 From the results of the *Placemaking* SWOT exercise; and having regard to the stated aim of the *Housing in the Countryside Guidance* criteria for siting (ie to effectively integrate new dwellings in the landscape), it became clear that on the whole of the 573acre holding, **Field 1** presents the optimal opportunity.

- **Field 1** is outside of the protected landscape. Lies immediately to the east of the small settlement of *Middleton*. The field is large (57acres), and open. For the most part it is productive, but the western margin is poorly drained, despite the applicants investing heavily in land drainage works in recent years. The land is bound by hedging to its western edges, and by a post & wire fence with sporadic hedging bordering the U228 public road to its southern side. No Core Paths cross or are near to the field. Immediately adjacent is a woodland group.

7.0 THE APPLICATION SITE AND LANDSCAPE IMPACTS

7.1 Following the outcome of the SWOT exercise, the applicant then examined where in Field 1 new buildings might best be sited?

7.2 In the south-west corner of the field, adjacent to the road, are some mature trees. Immediately opposite, on the other side of the road, is an established copse of trees within the grounds of *Meadowside*. These form a visually prominent, and imposing feature in the wider landscape. Photographs of the application site itself form **Appendix D** to this Review Statement.

7.3 The applicant provisionally selected this corner of the field because the ground is less productive; so that buildings would be ‘read’ visually together with the established trees and hedging and, from a number of surrounding points, would be seen against a backdrop of man-made structures at *Middleton* (reservoir, houses and farm sheds), and more distant hills beyond. This corner of un-productive ground was also large enough to provide for new ‘structural’ planting, which could strengthen the sites landscape framework.



Fig 1 Field Parcel 1 & Application site

7.4 This siting strategy was then subject to field assessment to determine the extent to which that landscape framework might absorb the development, and to examine its wider prominence. This was important to ‘test’ whether buildings would appear *incongruous*. Photographs from a number of public vantage points surrounding the application site form **Appendix E** to this Review Statement. The results are summarised in Table 1 below.

7.5 From survey it is clear that a farm building and dwelling would be new features in the countryside and visible from some vantage points. However, their siting close to *Middleton*; in a position where established copse planting next to such buildings are a characteristic of this part of the countryside, and where tree screening and hills both provide a strong visual backdrop; all mean that the proposals would be consistent with the pattern of development locally; and that impacts on the landscape character of the area must be regarded as *limited* only.

Photo	VP Position & Direction	Likely Impacts
Photo 1	M90– 1.34km S of site looking NW	Backdrop of hills. Site obscured by existing copse in grounds of <i>Blinkbonny</i> .
Photo 2	M90– 1.32km SE of site looking NW	Site not visible due to terrain and intervening planting
Photo 3	C499 0.56km SW of site looking NE	Site viewed with buildings at <i>Meadowside & Blinkbonny</i> and existing copse
Photo 4	C499 0.22km W of site looking SE	Foreground hedging and copse site viewed with buildings at <i>Meadowside & Blinkbonny</i> , and trees and backdrop of hills
Photo 5	C499 0.63km N of site looking S	Site viewed against backdrop of copse. <i>Middleton</i> Buildings visible
Photo 6	C499 0.24km N of site looking SE	Site viewed against backdrop of copse, and together with buildings and man-made structures at <i>Middleton</i>
Photo 7	U228 0.33km SE of site looking NW	Site viewed with copse and against backdrop of planting, buildings and hills
Photo 8	C420 x0.76km SE of site looking W	Site viewed with copse and against backdrop of planting, buildings and hills
Photo 9	C420 0.72km E of site looking W	Foreground planting and site viewed with copse and against backdrop of planting, buildings and hills
Photo 10	C420 0.78km NE of site looking W	Site viewed with copse and against backdrop of planting, buildings and hills

Table 1 Summary of Visual assessment (**Appendix E**)

8.0 RESPONSE TO REFUSAL REASONS

Refusal Reasons 1

8.1 The proposal does not seek to sub-divide the field, but rather to accommodate the new buildings at the field edge, where existing natural features (hedge & trees) can help to assimilate the development.

8.2 Page 6 of the Council’s Adopted *Housing in the Countryside Guidance* (HIC) includes a checklist of 14 design & siting considerations which will fall to be considered with every new rural housing proposal.

8.3 Refusal reason 1 makes clear that only a single criterion is not met; namely that the site does not have, to all of its edges, *long-established boundaries and a level of enclosure provided by natural features*. In all other respects the proposal meets the specified guidance criteria.

8.4 In relation to Category 3 dwelling proposals (new houses in the open countryside including farm dwellings), the guidance sets out more specific advice for siting (p12). It lists 4 criteria for consideration: (i) blending sympathetically with landform; (ii) using existing trees and buildings to provide a backdrop; (iii) using identifiable sites with established boundaries; & (iv) ensuring a positive contribution can be made to the surrounding landscape. In this case only a single criterion is not met by the proposal at review.

8.5 The supporting text then makes clear (page 13) that applicants should demonstrate that:

the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Where an alternative site is chosen by the applicant the reasons for this need to be clearly set out and justified.

8.6 Guidance goes on to identify the importance of demonstrating that options have been considered across the entire farm holding (page 14); whilst a flow-chart makes clear that mitigation measures should be considered to minimise adverse impacts (p16).

8.7 It is clear that Reason 1 adopts only a selective interpretation of the Councils Housing in the Countryside Guide. The Guide does not preclude permission for sites which are not fully enclosed to all boundaries.

8.8 In summary, it can be seen that the applicant has followed advice set out in both the *Placemaking* Guide, and the *Housing in the Countryside* Guide. Options have been fully examined. The selected site is the best site on the farm, has long-established natural features to 2 x boundaries and *mitigation measures* which include new landscape features can form part of any proposal, and would accord with the provisions of the Development Plan.

Refusal Reasons 2

8.9 The applicants would contend that, in situations where there are no naturally 'contained' sites on a holding, it is not the purpose of the Housing in the Countryside Guidance to resist *essential* on-farm housing. In such cases, the Guidance is clear that applicants must demonstrate they have chosen the best possible option; siting should reflect the pattern and character of the landscape; and *mitigation measures* can be proposed to minimise adverse effects (flow-chart p16).

8.10 Through constraint mapping presented as **Appendix C**, this Review Statement demonstrates that this process has been followed, and every possible effort has been made to meet the siting criteria.

On the whole of the holding, the application site presents the *best possible option* in terms of landscape fit.

8.11 NPF4 **Policy 17a** does not require essential housing for farm workers to be located on sites that are naturally enclosed to all boundaries, but instead, to be suitably sited to be in keeping with the ‘character of the area’.

8.12 From site survey photographs (**Appendix E**) it is clear that at *Middleton*, and in the area surrounding, farm houses and cottages are typically ‘anchored’ in the landscape by their close proximity to established tree groups, but do not occupy sites which are naturally enclosed to all boundaries (ie *Birniehill, Colliston, Blairhead, Blairnathort, Blinkbonny, Bankhead Cottages, & Tannerhall*).

8.13 The applicants building design, and siting would also reflect the *traditional pattern and character of development* at *Middleton*, where a mix of farm sheds, detached housing, set in smaller field parcels with hedging and established tree groups, are all a distinct characteristic which contrasts with larger open fields to the south.

8.14 Accordingly, it does not follow, that without a natural boundary to the eastern edge of the application site a proposal that is contrary to the Development Plan would result, or that a new dwelling would be *incongruous*.

8.15 The applicant has demonstrated the extent to which the site:

- benefits from a backdrop of established tree planting, particularly when viewed from the east;
- is ‘anchored, visually, to the established tree group within the grounds of *Meadowside/Blinkbonny*, particularly when viewed from the north and east;
- is screened by terrain and natural features, particularly when viewed from the west and south;
- is seen in the landscape together with housing and other man-made structures at *Middleton*, particularly when viewed from the north, east & south;

8.16 The site is large enough to incorporate new planting to mitigate any *perceived* adverse impacts. These could include a new hedgerow to the field boundary (east), together with mixed-species deciduous planting to the rear (north) of the house, strengthening the landscape setting of the site; assimilating the new buildings more fully; and realising wider biodiversity and visual benefits.

8.17 The detail of such measures could be delivered by way of a condition on any planning approval, and an indication of where planting could take place on the site is indicated on **Appendix F** to this Review Statement.

8.18 Planning Circular 4/1998: *the use of conditions in planning permissions*, makes clear that:

Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable (para 2).

8.19 The purpose of Development Plan Policy and its supporting Planning Guidance is to ensure that *essential* rural housing is integrated into the landscape in a way which reflects the pattern and character of the area.

8.20 In summary, the applicant shows that, in this case, the proposals is appropriately sited, can contribute positively to the quality of the surrounding built and natural environment, reflecting its character; and the objectives of Development Plan Policies **NPF4 Policy 4**; & **LDP2 Policies 1 Placemaking**; **39 Landscapes**, **41 Biodiversity** & **42 Green Infrastructure** would be realised.

Refusal Reasons 3

8.21 This reason has applied the wrong policy ‘test’ to conclude that the proposal is contrary to the Development Plan.

8.22 The relevant ‘test’ is now set by recent NPF4 **Policy 17a (v)** of the Development Plan, which requires a broad appraisal of whole-farm operations when assessing *essential need* for a new dwelling. The Policy makes clear that support for an appropriately designed new dwelling is provided where it:

Is demonstrated to be necessary to support the sustainable management of a viable rural business or craft, and there is an essential need for a worker (including those taking a majority control of a farm business) to live permanently at, or near their place of work.

8.23 The 2020 HiTC Guide specifies that for farm worker dwellings, applicants must provide evidence from an ‘independent expert’, of an *essential need* based on *animal welfare reasons*. However, the Guide also goes on to state that:

The appraisal should be based on labour hours for the existing fam operation and must clearly set out the proportion of labour hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.

8.24 The selective interpretation of the Guide, and the ‘narrow’ focus to assessment applied in the Report of Handling, directly conflicts with NPF4 **Policy 17a(v)** which, as the more recent policy of the Development Plan, must now be accorded priority in decision-taking.

8.25 The applicants have employed the services of an 'independent expert' who has appropriately appraised all the farm activities and its labour requirements. Mr EC Henderson is a Senior Partner at Hendersons Surveyors; has been a member of the Royal Institute of Chartered Surveyors for more than 30 years and has appeared as an expert witness in a number of legal and professional forums in relation to Agricultural matters and disputes in Scotland. He fully satisfies the requirement under the HitC Guide for evidence of essential need to be provided by an 'independent expert' (p 14).

8.26 His independent expert assessment, when applying standard industry approaches to appraisal, clearly demonstrates that the whole-farm, agricultural activities at *Mawcarse*, generate a labour requirement of 3.64 labour units.

8.27 At **Appendix G** of this Statement Mr Henderson sets out his response to Refusal Reason 3 and in particular, the approach to assessment of the labour requirements of the holding, as applied in the Report of Handling. He finds that:

- fundamentally, the wrong policy test has been applied to assess the labour requirements of the holding;
- when determining an *essential need* for new housing on a farm, the decision-taker is required to consider more than simply the element of farm operations relating to animal welfare activities. This is made clear by NPF4 **Policy 17a(v)**;
- In accordance with standard labour matrix applied nationally, animal welfare and whole-farm operations, fully justify an *essential need* for an additional dwelling on the holding;
- That need cannot be met by family members who are now retired from daily farm operations. Due to their age and the nature of livestock management, they cannot be regarded as substantively contributing to any operational labour need for the holding;
- by law the livestock will require daily checks;
- the nature of the livestock housed (young, high-energy stock in confined space) mean that more supervision is required;
- the applicants own experience with livestock on the holding; together with industry-wide foot & mouth outbreaks, highlight the importance of good biosecurity practice on the farm;
- for an isolation building, a location 'remote' from the main herd is good practice, and is supported by Veterinary advisors;

8.28 The applicants have identified that the resumption of beef cattle rearing operations at the holding is an important part of sustaining a viable, long-term future for the business. An essential element of that operation is a new livestock isolation building to achieve effective biosecurity.

8.29 To find support under NPF4 **Policy 17a(v)** any new *essential* housing need must relate to a *viable rural business*. At **Appendix H**, is a letter from the applicants Accountants (Morris & Young Chartered Accountants), confirming that the farm business is financially sound and economically viable, returning a year-end profit in 2023.

8.30 In response to Refusal Reason 3, it is clearly demonstrated that farm operations provide a justified labour need for a new dwelling; that the proposals are necessary to support the sustainable management of a viable rural business; and there is an essential requirement for the stockman to live permanently at their place of work. Accordingly, the proposals fully accord with the provisions of the Development Plan (**Policies PKCLDP2 19 & NPF4 17a(v)**).

9.0 OTHER MATTERS

9.1 The applicant presents the following supplementary comments:

Existing on-farm housing:

9.2 The business owns only 2 x houses. One is occupied by Mr H Young (Partner), and one is the historic farmhouse which is occupied by Mr & Mrs Young Snr (Retired). There are no other vacant dwellings on the holding, or buildings suitable for conversion, that could meet the need for a new on-farm dwelling.

9.3 The Report of Handling states that:

It is also noted that one of the properties is occupied by retired farmers who could move off site to 'free up' some permanent accommodation – if there was pressure on accommodation.

9.4 In 2024, it is no longer necessary for the older generation to vacate their homes to satisfy an unmet need for essential worker housing. New NPF4 (**Policy 17a(vi)**) introduced, for the first time, specific support to the farming community, for the development of new-build homes in rural areas which are linked to the retirement and succession of viable farm holdings; thereby enabling the next generation to sustain an important sector of the rural economy.

SEPA Holding Objection:

9.5 Attached at **Appendix I** are updated phosphorus mitigation calculations based on the internal layout plans. These were submitted to the Planning Officer as part of the Revised Design Statement, before the application was determined. The calculations demonstrate that 125% phosphorus reduction to the Loch Leven Catchment Area, as required by LDP2 **Policy 46b**, can be achieved (note:

calculations meet SEPA expectations – ie based on 6bed layout + allowance for potential use of loft-storage areas as bedroom accommodation).

Agricultural Building Finishing Materials:

9.6 The new agricultural building would be sited to the north-east of the nearest dwelling at *Middleton*. Prevailing winds are from the south-west, meaning that any noise and odours associated with use would be effectively dispersed away from neighbours.

9.7 The building will not be intensively used for livestock. Its primary use will be as an isolation facility for livestock brought onto the holding; and as a lambing shed. When not housing live-stock it will be used as a general, dry-store.

9.8 Ventilation of the building is provided by ridge vents to the roof, and the large, full-height double door opening to the north-east elevation. These face the new house and away from neighbours. Metal profile sheets to roof and walls (colour slate blue) are specified on the submitted plans as a finishing material.

9.9 The building would effectively turn its back on the nearest neighbour to the west, and is effectively screened avoiding detriment to neighbour amenity. It is unclear what additional measures are envisaged by the Report of Handling?

9.10 The proposals satisfy the objectives of Development Plan Policies **NPF4 Policy 14**; & **LDP2 Policies 1 Placemaking**; are realised.

Road and Access:

9.11 An open drainage ditch runs along the western, & south-western edges of the application site. This is already culverted at a point where the existing field takes access direct from the U228 public road. That access will be used as the site entrance and, other than hard-surfacing and surface water collection and drainage, it is not anticipated that it will require upgrade, as it is regularly used by large farm machinery (tractor, trailer, bailer, combine etc). Such measures can be delivered by planning condition and would ensure that the requirements of Development Plan Policies **NPF4 Policy 13** and **LDP2 Policy 60B Transport Standards and Accessibility** are satisfied.

Natural Heritage and Biodiversity:

9.12 It is noted that the Council's Biodiversity Officer does not raise objection. The landscape mitigation measures referred to above can be achieved through an appropriately worded planning

condition, and can deliver further, positive biodiversity gains. Such measures would satisfy the objectives of Development Plan Policies **NPF4 Policy 3**; **LDP2 Policy 41 Biodiversity**

Private Water:

9.13 There are no private water interest/facilities on the application site, and none would be impacted by development works proposed.

Recent Permissions for similar developments:

9.14 Whilst each site must be dealt with on their own individual merits, the applicant considers that recent planning approvals nearby must be brought to the attention of the LRB, because the parallels with their own case are so similar. Both applications are for new farm worker dwellings and relied on the same Development Plan Policies when granting planning approval:

- 23/01607/IPL – Erection of dwellinghouse (in principle) on land north of Chance Inn Farm Kinross KY13 0LE. **Conditionally Approved 20 November 2023**
- 23/00623/IPL – Erection of dwellinghouse (in principle) on land north-west of Pittentian Farm Crieff. **Conditionally Approved 16 June 2023**

9.15 Attached as **Appendix J** are aerial images depicting both sites. These clearly show that neither site is fully enclosed with natural planting to all boundaries; both have open fields to north and east; both developments will rely on new planting delivered by planning condition, to provide full ‘containment’.

9.16 The LRB should also note that the labour justification which enabled Planning Officer for the dwelling on land north of Chance Inn, related solely to an arable farm operation.

10.0 CONCLUSION

10.1 The applicant has shown that a new isolation unit for the farm is *essential* to improve bio-security, and sustain the business moving forward. A location away from existing sheds and grazing ground on the holding is an operational necessity.

10.2 This application demonstrates that the business is viable, and there is an *essential need* for a new on-farm dwelling. Its location adjacent to the new isolation unit is necessary to respond to emergency, provide animal supervision and effective security.

10.3 This Review Statement demonstrates that every effort was been made to meet the siting criteria for all proposal, as set out in the *Housing in the Countryside Guide*, and the reasons for the proposed site selection has been clearly set out and justified.

10.4 Applying *placemaking* principles, it is shown that the land owned by the business at *Middleton* is the best site on the holding for the location of the development; that the landscape has the capacity to effectively absorb the new buildings; and that siting and design will reflect the traditional pattern and character of the area. The Guidance is clear, that mitigation measures to minimise any adverse impacts, can form an integral part of any development proposal, and this Review Statement indicates how such measures at the site could be delivered by planning condition.

10.5 The development is necessary to support the sustainable management of a viable rural business which has farmed at *Mawcarse* and *Middleton* for 100years. Approval will allow the next generation of the family to deliver business efficiencies through improved livestock welfare management on the holding. Accordingly, it is respectfully requested that planning permission be granted.

Appendix A

Key point summary of case:



Figs 1 & 2 Location of application site

A comprehensive Review Statement has been prepared to directly respond to the reasons for refusal.

To assist Members a brief summary of the applicant's case is presented here.

The Farm

- *Mawcarse Farm* runs to 573 acres
- The applicant's family have farmed the holding for 100 years through 3 generations;
- Most of the land is in a ring-fence to the south of the M90 Motorway;

- A single land block is held at *Middleton* and runs to 57 acres. The applicants have owned and farmed this ground for more than 20 years;
- The farm is a mixed livestock & arable holding. Store cattle were reared and a sheep flock maintained. A disease outbreak in 2018 resulted in a temporary suspension of beef cattle operations. It is now proposed to resume activities.
- Most of the farm is within a protected landscape (*Loch Leven & Lomond Hills* Local Landscape Area)
- Most of the fields are large and open with few small parcels

The Proposal

- Is for a new agricultural building which will serve as a livestock isolation unit for the business;
- The isolation unit is needed to avoid mixing diseased stock with the main herd and flock;
- Previously stock losses have followed when new animals are brought-in;
- A new farm dwelling will be occupied by the stock-man who is currently in rented accommodation away from the farm.;
- Siting is on the *Middleton* land block – away from the main farm activities.

Justification for Dwelling

- The dwelling is needed to supervise stock, respond to emergencies, and provide security;
- The Livestock Management Plan for the farm sets out the approach to stock rearing and the good-practice measures for managing disease from imported livestock (See Appendix 2 of submitted Agricultural Justification Report)
- A professionally prepared Agricultural Justification Report by Hendersons Surveyors, demonstrates that there is a labour justification for an additional on-farm dwelling
- Cameron & Greig Veterinary Surgeons for the business identify a welfare and bio-security need for the isolation facility and support its provision as good farm practice (See Appendix 3 of submitted Agricultural Justification Report)
- Morris & Young Chartered Accountants for the business confirm that the holding is viable (Appendix H)

Refusal Reason 1

The proposal does not sub-divide the 57acre field but utilises one corner where existing trees and hedging, and a strong natural backdrop can help to integrate the development.

Of the many criteria set out in the Council's *Housing in the Countryside* Guide for the siting of new dwellings, the proposals fail to meet only a single criterion.

The applicant shows that the Guide does not require, in all cases, new 'economic need' housing to be on sites which have established landscaping to all boundaries. The Guide does expect mitigation measures to be incorporated to minimise adverse impacts (p16).

The Guidance does require, in all cases, applicants to demonstrate that:

- the site chosen is the best possible option in terms of fit with the landscape, and reflects the traditional pattern and character of the area;
- every effort has been made to meet the siting criteria; and
- where an alternative site is chosen its need is clearly set out and justified.

The applicant explains the need to site a livestock isolation building away from existing stock/sheds and grazing land. This represents 'good practice' and is supported by the farms Veterinary Advisors.

Refusal Reason 2

NPF4 **Policy 17a** does not require essential housing for farm workers to be located on sites that are naturally enclosed to all boundaries, but instead, to be suitably sited to be in keeping with the 'character of the area'.

Approach to identification of site

The applicant shows (**Appendix C**) that the whole of the holding was reviewed to identify sites which could meet the natural 'containment' siting expectations of the *Housing in the Countryside* Guidance;

- SWOT analysis, was applied in accordance with Adopted PKC *Placemaking* Guide;
- 2 sites only exist within the protected landscape. 1 x is crossed by a Core Path; 1 x is subject to a high risk of surface water flooding;
- 1 site exists adjacent to the M90 motorway but would require significant tree removal to accommodate buildings and access track;
- Compensatory planting would be extensive and would utilise productive arable ground

Selected Site

Every effort was made to meet the siting criteria. The application site is the best site because it:

- Is not in a protected landscape

- Is a triangular shaped plot with planting to 2 x sides
- would use the less productive part of the field,
- is not isolated but is visually seen with housing and other man-made structures at *Middleton*
- has a back-drop of mature trees

Photo Survey

The photo survey at **Appendix E** demonstrates that the site:

- is screened from the M90 by terrain and intervening planting
- is screened from the west by an established copse
- when viewed from the east would be seen against a backdrop of planting and buildings
- would not appear isolated because of its relationship to buildings at *Middleton*

The exercise clearly demonstrates that the site does have a landscape framework which can absorb the development; would blend sympathetically with land form; uses a backdrop of trees, buildings and natural features; and would reflect the traditional pattern and character of development at *Middleton*.

Landscape & Biodiversity Benefits

The applicant indicates where new planting, as *mitigation*, could be delivered on the site to strengthen the existing landscape framework and deliver biodiversity gains. Such action is consistent with the *Housing in the Countryside* Guidance (flow-chart p 16).

Delivery of new landscaping on the site could appropriately be delivered by planning condition, in accordance with Circular Guidance (Circular 4/98).

Refusal Reason 3

The applicant shows that this reason has applied the wrong policy 'test' to conclude that the proposal is contrary to the Development Plan.

The applicant has employed the services of an 'independent expert' (Henderson Surveyors) as recommended by the *Housing in the Countryside* Guide.

That 'Expert' has applied the standard industry approach to appraisal.

In this case, whole farm agricultural activities generate a labour requirement of 3.64 labour units. This provides a justification for a new dwelling as there are only 2 houses on the farm.

Any new housing must be essential to the sustainable management of a viable rural business; and it should be necessary to live at or near the place of work.

Expert assessment demonstrates that the businesses is viable (**Appendix H**); the isolation building is needed to support the resumption of store cattle rearing as part of the sustainable management of the holding; an isolation building needs to be away from other livestock buildings; close supervision of young livestock is essential; and existing dwellings on the farm are too far from the site of the new isolation building to provide that supervision.

Recent Permissions for similar developments:

The applicant shows that other proposals for farm worker dwellings have recently gained approval where sites have not been fully contained by natural planting.; and where arable farming activities only have been accepted as providing an essential housing need

The Development Plan

NPF4 now forms part of the Development Plan. Where there is a difference between Policies of new NPF4 and PKC LDP2, then whichever of them is the later in date, is to prevail. In this case that means any assessment of need should be based on 2023 NPF4 (**Policy 17a(v)**).

The applicant has shown that he has closely followed the advice set out in both the Councils *Housing in the Countryside* and *Placemaking* Guides.

The provision of a new livestock isolation building and dwelling can sustain the viability of a rural farm business that has farmed at Milnathort for more than 100 years. They can improve bio-security, enhance animal welfare, and minimise the likelihood of disease transmission.

The selected site is the best option in both practical farm management, and landscape terms. Siting will reflect the pattern and character of the area, and additional planting can be delivered to mitigate visual impacts and enhance biodiversity.

The applicant has shown that the proposals accord with the Development Plan, and there are no adverse impacts which *significantly and demonstrably outweigh* the benefits which can be delivered by the development. Accordingly, planning permission should be granted.

The Development Plan

The Development Plan is made up of National Planning Framework 4 (NPF4), and the Perth & Kinross Local Development Plan 2019 (PKC LDP2). It is rare that any development proposal will satisfy all relevant policies of an adopted Development Plan.

A balanced approach to assessment is required when reaching a planning application decision, entailing a holistic appraisal of the broad sustainable development objectives which underpin the Development Plan.

Put simply, refusal should be expected only where adverse impacts *significantly and demonstrably outweigh the benefits*, when assessed against Development Plan policies taken as a whole.

In this case, the following Development Plan policies are met:

NPF4 (February 2023)

Policy 1 Tackling the climate and nature crises: Nature recovery and restoration can be delivered as an integral part of the proposal.

Policy 2 Climate mitigation and adaptation: A site with a good southerly aspect offers potential to minimise lifecycle greenhouse gas emissions at design stage.

Policy 3 Biodiversity: Positive mitigation measures together with the delivery of new landscaping can reverse biodiversity loss.

Policy 4 Natural Places: Hedgerow introduction can strengthen natural assets and reinforce nature networks.

Policy 6 Forestry woodland and trees: Development can occur without giving rise to tree loss

Policy 7 Historic assets and places: Site development avoids adverse impacts on any heritage asset

Policy 13 Sustainable Transport: The new dwelling will minimise travel movements for one of the key workers of the farm

Policy 14 Design, quality and place: The application demonstrates that a thoughtful response to place can be delivered at detailed design stage

Policy 16 Quality Homes: An energy efficient, adaptable, quality custom-build dwelling to meet the needs of the farm holding can be delivered.

Policy 17 Rural Homes: a single home can satisfy an essential need for a worker to live at their place of work, whilst supporting the sustainable management of a viable rural business.

Policy 22 Flood Risk and water management: The site is not at risk of flooding and sustainable urban drainage measures can be delivered.

Policy 29 Rural Development: A proposal which can sustain the important contribution of the farm business to the local rural economy, for the long-term, will be delivered.

LDP2(2020)

Policy 1A: requires positive change to the quality of the built and natural environment, in particular character and amenity – the proposals can achieve this objective.

Policy 1B: sets out a range of *placemaking* criteria (listed a-j) which must be met. This includes ensuring that site topography, views, skylines and landscape character are respected - the proposals can achieve this objective.

Policy 19: supports the provision of operational needs housing where appropriately sited - the proposals achieve this objective.

Policy 32: All new buildings should ensure that at least 10% of the carbon reduction emissions set by Building Standards can be met through low and zero-carbon generating technology - the proposals can achieve this objective.

Policy 39: Development should only be permitted within Local Landscape Areas where it will not have a significant adverse impact on their special character or qualities. By avoiding land on the holding within a LLA the proposals achieve these objectives.

Policy 40: Proposals should protect trees and tree groups – the proposals achieve these objectives.

Policy 41: Proposals should protect and enhance both protected and non-protected wildlife, from the impacts of development will be sought – the proposals achieve these objectives.

Policy 42: All new development is required to contribute to the provision of green infrastructure– the proposals can achieve these objectives.

Policy 46: Total phosphorus from built development must not exceed the current level permitted by discharge consents for Kinross & Milnathort WWTW and built development within the rural area of the Loch Leven catchment area - the proposals can achieve these objectives.

Policy 53: Private drainage systems should avoid adverse effects on the natural and built environment; and surface water should be managed by means of sustainable urban drainage - the proposals can achieve these objectives.

Policy 60: Development proposals should satisfy Transport standards in terms of access; visibility & off-street parking and cycle provision - the proposals can achieve these objectives.

Placemaking Guide (March 2020) underpinning LDP2 Policy 1

What is Placemaking?

When assessing a potential new development, there are many stages within the process, regardless of the size or type of application. To demonstrate that you have considered all the issues that apply to a

proposal, you need to provide evidence that you have understood the local context and engaged with key stakeholders.

Preparing the Development Proposal

Identify aims & objectives

Whether it is an extension on a house or a strategic development site, there are always aims and objectives for any new development. It is important that you establish these from the outset through an examination of the site or proposal. A quick analysis of the Strengths, Weaknesses, Opportunities & Threats (SWOT) is a valuable way of demonstrating that you have considered the issues that are important to a development.

Example of SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none">• Enclosed woodland setting.• Good potential vehicular access.• Established open space.• Good footpath connections.• Walking distance of centre.	<ul style="list-style-type: none">• Narrow access points.• Sloping site with levels that have been cut and filled.• Adjacent to industrial unit.• Impact on local amenity space.
Opportunities	Threats
<ul style="list-style-type: none">• South facing site.• Attractive views out into surrounding countryside.• Good recreational facilities including open space and footpaths.• Sloping site that could create attractive design.• Mixed tenure site.	<ul style="list-style-type: none">• Loss of mature trees.• Loss of habitat for endangered species.• Loss of open space.• Expensive design due to slope.

Category 3 - New Houses in the Open Countryside

Usually the most sustainable option for new houses in the countryside will be within existing small settlements or building groups, or the re-use of existing buildings or sites. In some cases, however, there will be a genuine need for a new house or houses in the open countryside and proposals for these will be considered favourably where they fall into at least one of the following categories:

3.1 Existing Gardens

3.2 Houses in Areas of Flood Risk

3.3 Economic Activity

3.4 Houses for Local People

3.5 Houses for Sustainable Living

More guidance on each of these categories is given below. In addition to the specific criteria under each section, the following general siting criteria will apply in all cases together with the For All Proposals criteria on pages 4 & 5.

Siting Criteria

Proposals for a new house falling within Category 3 will, with the exception of 3.1 Existing Gardens, require to demonstrate that it meets all of the following criteria when viewed from surrounding vantage points:

- It blends sympathetically with land form.
- It uses existing trees, buildings, slopes or other natural features to provide a backdrop.
- It uses an identifiable site (except in the case of proposals for new country estates) with long established boundaries which separates the site naturally from the surrounding ground. For example a dry-stone dyke, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site. The sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable.
- It will make a positive contribution to the surrounding landscape.

Page 12

3.1 Existing Gardens:

a) Proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

b) Proposals for a new house or houses within a walled garden will be supported providing that development will not affect the integrity of the structure or the garden and will, where appropriate, assist in the preservation of the wall. Development may not be appropriate, however, if the walled garden is within a historically sensitive area, such as a Garden and Designed Landscape or is a Listed Building. Not all of the siting criteria will apply to proposals under this section; proposals will require to blend sympathetically with land form, and must not have a detrimental impact on the surrounding landscape.

3.2 Houses in areas of Flood Risk:

a) Proposals for the relocation of an occupied house from within an identified flood risk area to the best and nearest alternative site will be supported. The flooding risk must relate to the house itself and not only to garden ground. The flood risk house must be demolished, the site made good, and any ad-hoc protection

measures associated with the at-risk property removed within one month of the occupation of the replacement house. If any additional ad-hoc protection measures are in or on the banks of a watercourse advice should be sought from SEPA on the opportunities for restoration and any regulatory requirements.

3.3 Economic Activity

In the past conditions have been used to restrict the occupancy of houses in the open countryside to agriculture workers or others associated with a rural business. In some cases this has allowed a proposal to go ahead which may otherwise have not fully complied with the Siting Criteria on page 12. Scottish Planning Policy now directs against the use of occupancy restrictions. As a result, more emphasis is now placed on the siting and design of houses in the open countryside; if a proposed house is in a good location and of a high quality design appropriate to that location, there will not normally be a need to restrict who occupies the house.

In all cases applicants must demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Where an alternative site is chosen by the applicant the reasons for this need to be clearly set out and justified. Applicants must also provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement.

Page 13

Consideration of the various site options will normally be best done at [pre-application stage](#) in order that early agreement can be reached as to the preferred site. Work carried out by the applicant at this stage can then form the basis of a planning statement for any subsequent planning application. Applicants may be asked to display their entire landholding in order for the assessment to be completed. More advice on the siting of houses in rural areas can be found in the Council's Placemaking Guide.

New house to support an existing business

Farm workers – Applicants must provide evidence that a new house is essential to the continued operation of the farm for animal welfare reasons. Evidence should be in the form of a business appraisal, prepared by an independent expert, which demonstrates that the farm is financially sound and economically viable. The appraisal should be based on labour hours for the existing farming operation and must clearly set out the proportion of labour hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.

Non-farming business – Where a new house is to be associated with an existing non-farming business, applicants must be able to satisfactorily demonstrate that the provision of a house is essential to the continued operation of the business. This will normally be through the submission of a business plan, prepared by an independent expert, which demonstrates that the business is financially sound and economically viable, that it genuinely contributes to the local economy and that there is a need for an additional worker to live on-site.

In considering proposals for new housing to support an existing rural business, the following will be taken into account:

- Changes in the business over the last 5 years – applicants may be required to confirm whether any houses or buildings associated with the business have been sold off which could instead have been renovated or converted to provide accommodation.
- Distance of the house from animals or livestock – it will generally be appropriate for a farm workers house to be located close to livestock for animal welfare reasons. Some other non-farming businesses, for example, a kennels or equestrian business may also require workers to live on-site. In line with Scottish Planning Policy the occupancy of the house will not normally be restricted. It must be recognised by the applicant, however, that should they subsequently seek to sell the house on the open market, the proximity to animals or livestock may increase the risk of complaints being raised by future occupants and this could in turn restrict the operation of the business.
- Whether the size of the house is appropriate – if the new house is to provide a second residential unit for the farm or business rather than being the main house, the scale should reflect this.
- Whilst each application has to be considered on its own merits it may, in some cases, be appropriate to consider the likelihood of further applications for new housing, for example, arising from the subdivision of a farming unit.

Page 14

Applications for new houses to support an existing business will be assessed in accordance with the flowchart on page 16. Given the particular importance of siting and design for new houses under this section of the policy, applications in Principle will not normally be acceptable.

Workers' accommodation for new country estates

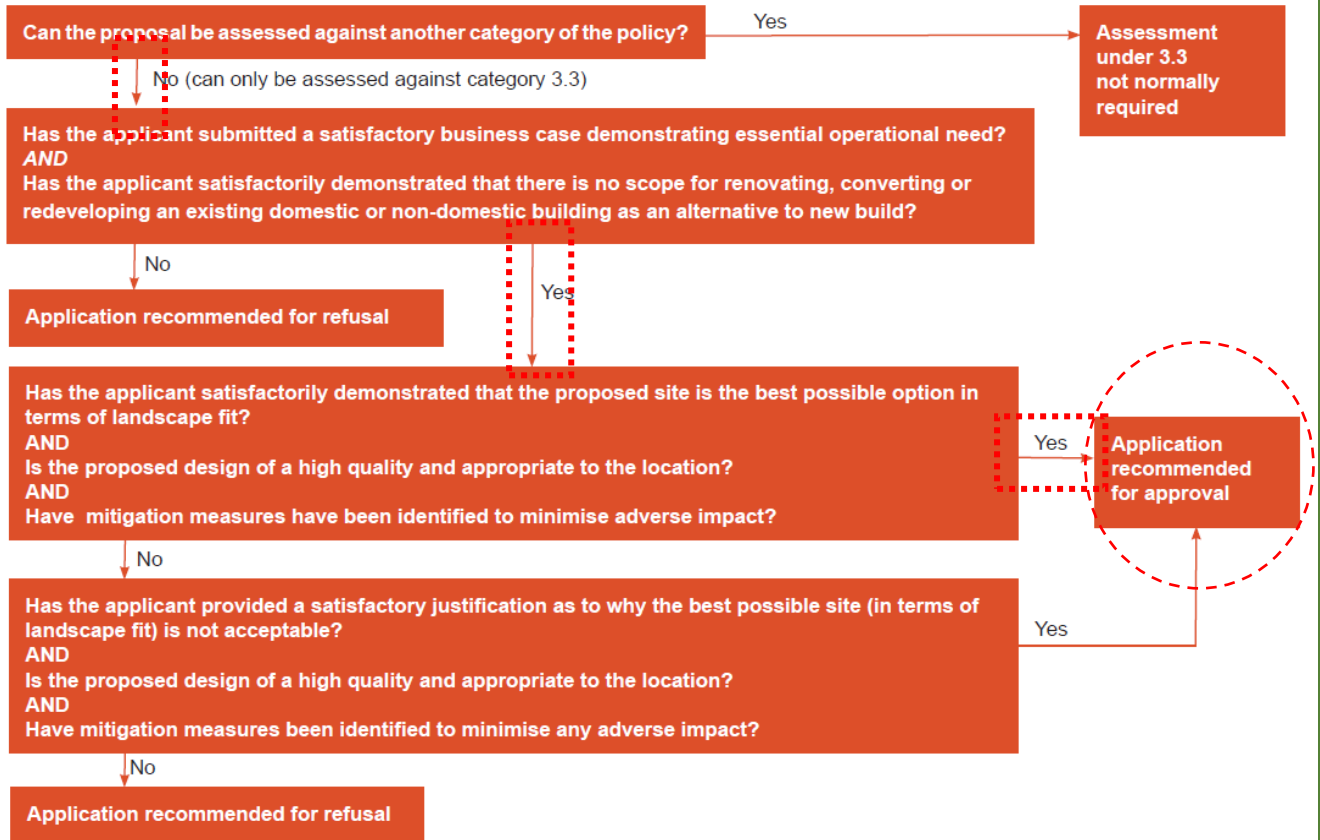
Proposals for new country estates with a main house and accommodation for workers may be permitted where they are of outstanding architectural quality and create a new designed landscape. In addition they must demonstrate that they will bring associated employment and long-term economic benefits to communities in the surrounding area.

New house to support a new or expanded business

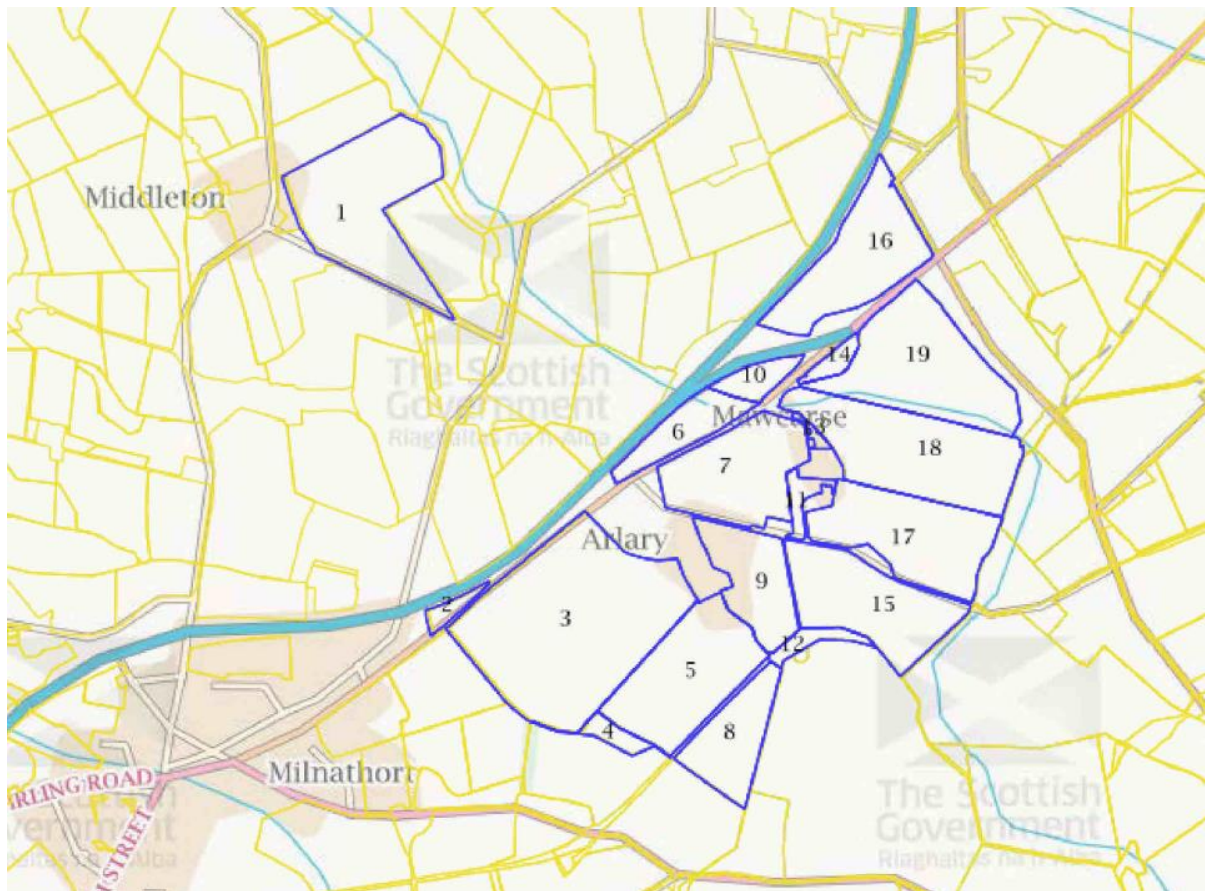
Where the house is to be associated with an expanded or proposed economic activity, construction of the house will not be permitted in advance of the development or expansion of the business. The Council wishes to encourage the expansion of existing businesses and the creation of new ones in line with Policy 8: Rural Business and Diversification. There must be reasonable certainty, however, that the business will succeed before allowing a new house to be built in the countryside. Providing that the need for on-site accommodation is demonstrated it may be appropriate to allow some form of temporary accommodation, such as a mobile home, for a set period of time. Once the new or expanded business is established and can be demonstrated to be financially sound and economically viable, a planning application can be made to replace the temporary accommodation with a permanent house.

Page 15

Assessing proposals relating to an existing business

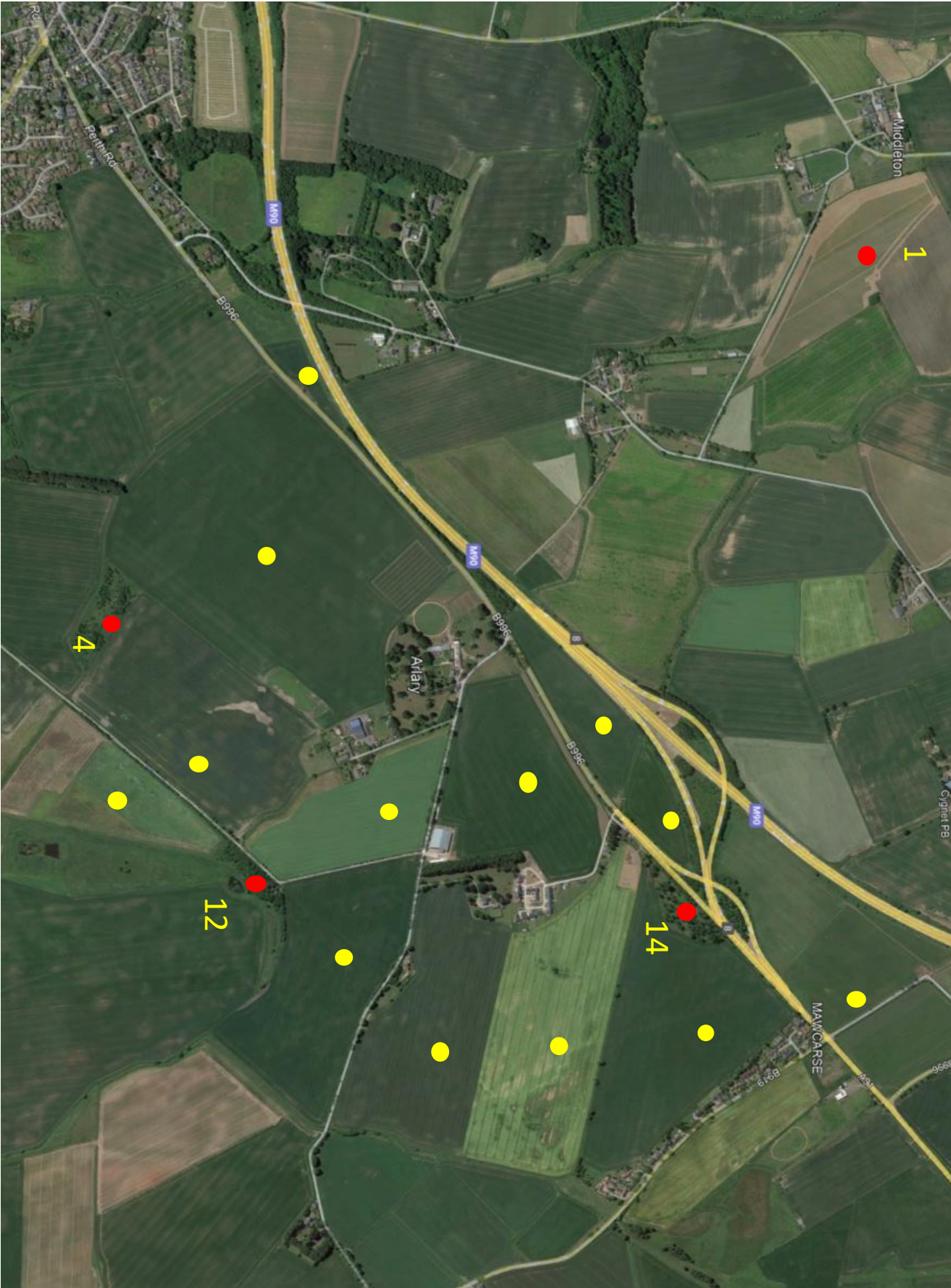


Mawcarse Farm Milnathort – SWOT Constraint Mapping



Map of Farm Holding

Id	Location	LPID	Area (ha)
1	488/0024	NO/12797/06808	23.19
2	488/0024	NO/13086/05332	1.31
3	488/0024	NO/13541/05286	41.41
4	488/0024	NO/13698/04872	1.84
5	488/0024	NO/13958/05093	18.41
6	488/0024	NO/13987/06019	6.28
7	488/0024	NO/14147/05802	15.91
8	488/0024	NO/14170/04872	9.49
9	488/0024	NO/14216/05452	10.43
10	488/0024	NO/14239/06208	2.96
11	488/0024	NO/14386/05761	1.84
12	488/0024	NO/14422/05223	1.95
13	488/0024	NO/14443/05990	0.53
14	488/0024	NO/14468/06248	1.58
15	488/0024	NO/14611/05380	16.79
16	488/0024	NO/14621/06640	16.42
17	488/0024	NO/14762/05613	17.79
18	488/0024	NO/14783/05932	22.50
19	488/0024	NO/14851/06243	21.76
Total Area:			232.39

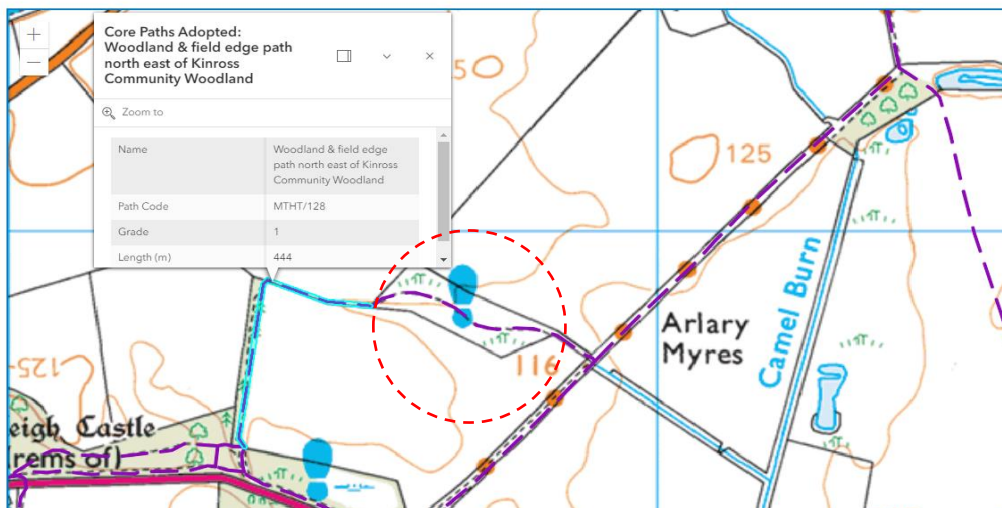


Mawcarse Farm Field Plan – Aerial View

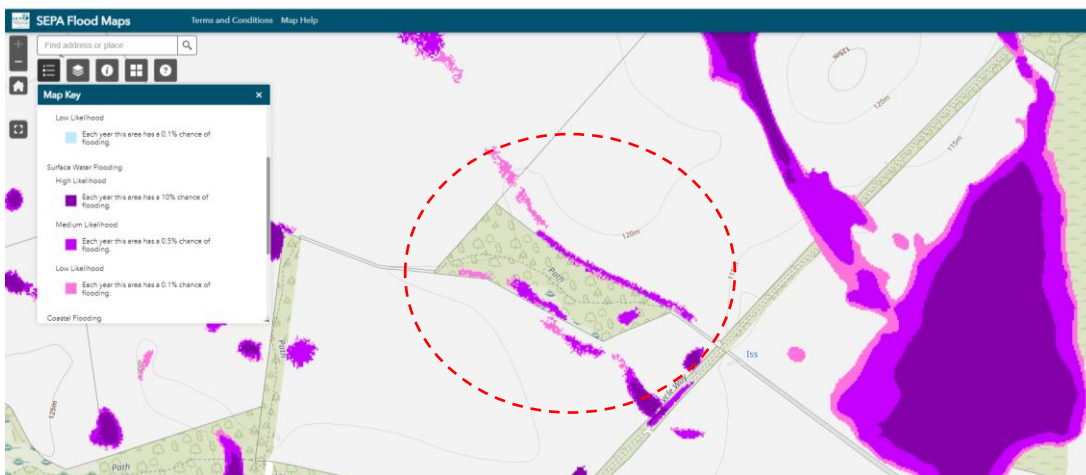
Field No 4 – Protected Landscape. Close to grazing fields. Core Path through the middle of field Parcel (PKC Core Path Map) + High risk of surface water flooding (SEPA Flood Map). Potential inter-connectivity with Loch Leven through un-named burn to west; Open, flat landscape- visually prominent.



Field No4 – aerial view



Field No4 - PKC Core Path Map extract



Field No4 – SEPA Flood Map extract

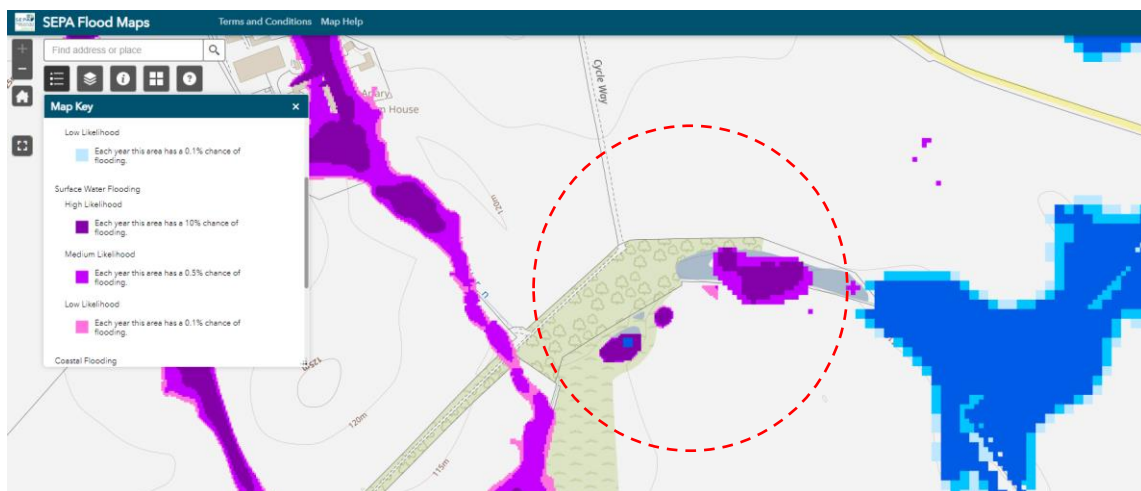
Field No12 – Protected Landscape. Close to grazing fields. Core Path adjoining; to the north and south (PKC Core Path Map) + Part at High risk of surface water flooding (SEPA Flood Map). Potential inter-connectivity with Loch Leven via Camel Burn. Open, flat landscape- visually prominent.



Field No12 – aerial view



Field No12 - PKC Core Path Map extract



Field No12 - SEPA Flood Map extract

Field No 14 – Grazing field. Significant tree cover. In close proximity to, & visually prominent from, M90; A91 & B996. Close proximity to a number of dwellings. Connectivity with Loch Leven via Maw Burn, Views across site to Loch Leven protected landscape



Field No14– aerial view dwellings within 400m

Field No1 – Remote from Grazing fields. Established natural landscape feature adjacent. Undulating terrain surrounding. Visual backdrop of Middleton Farm buildings and dwellings



Field No1– aerial view

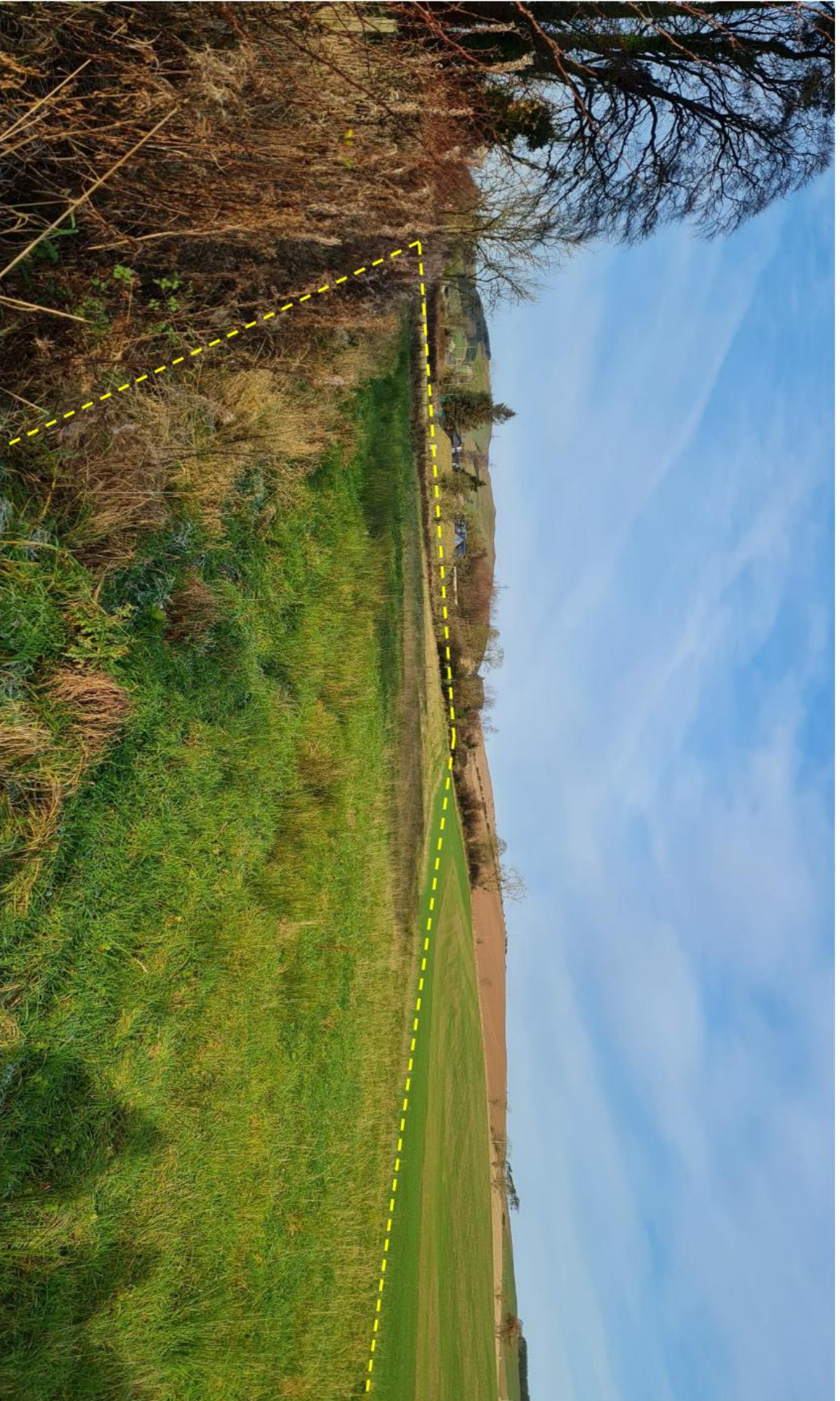
Appendix D

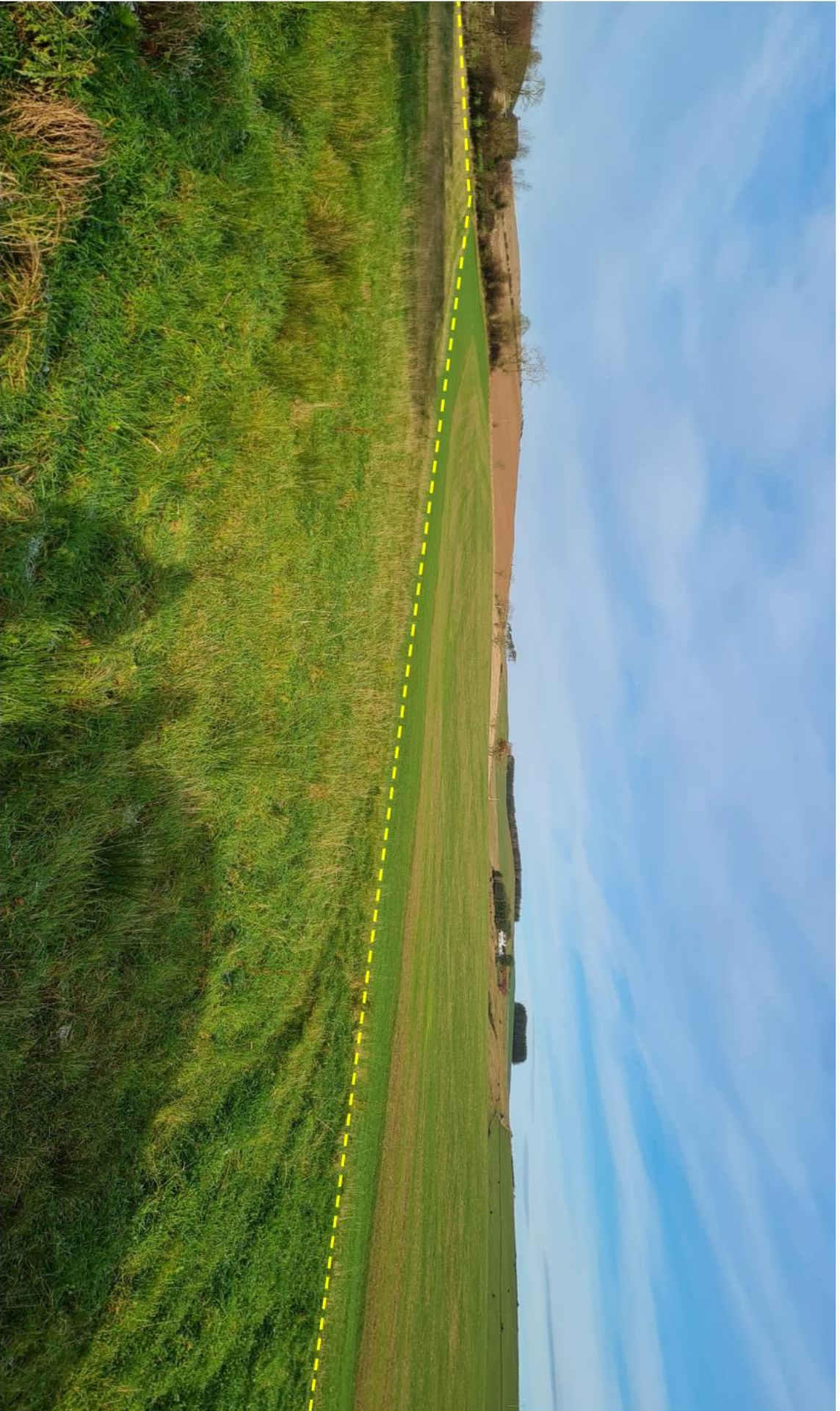
Photos of Application Site



Application Site ★ and Photo Positions 1- 4



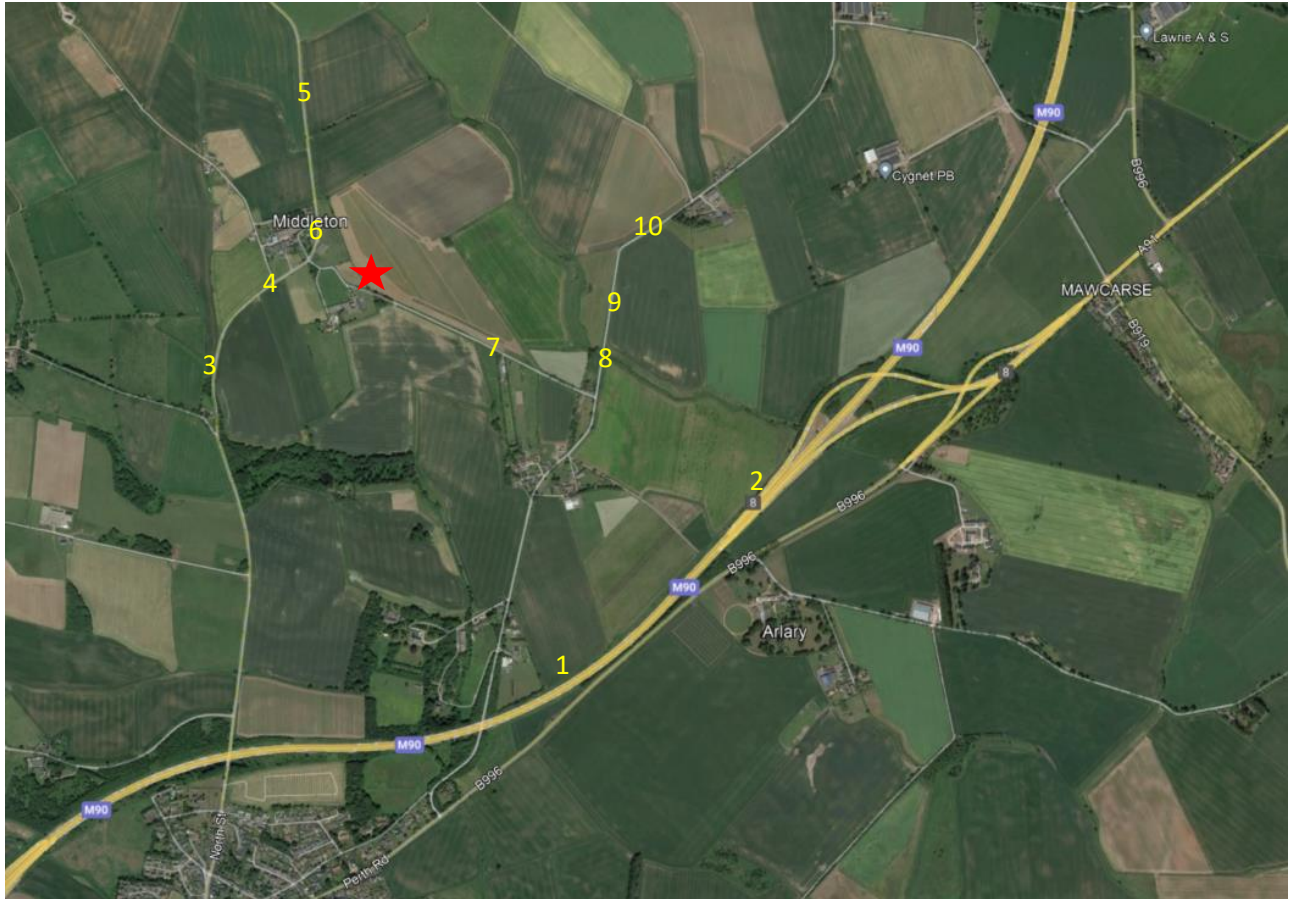






Appendix E

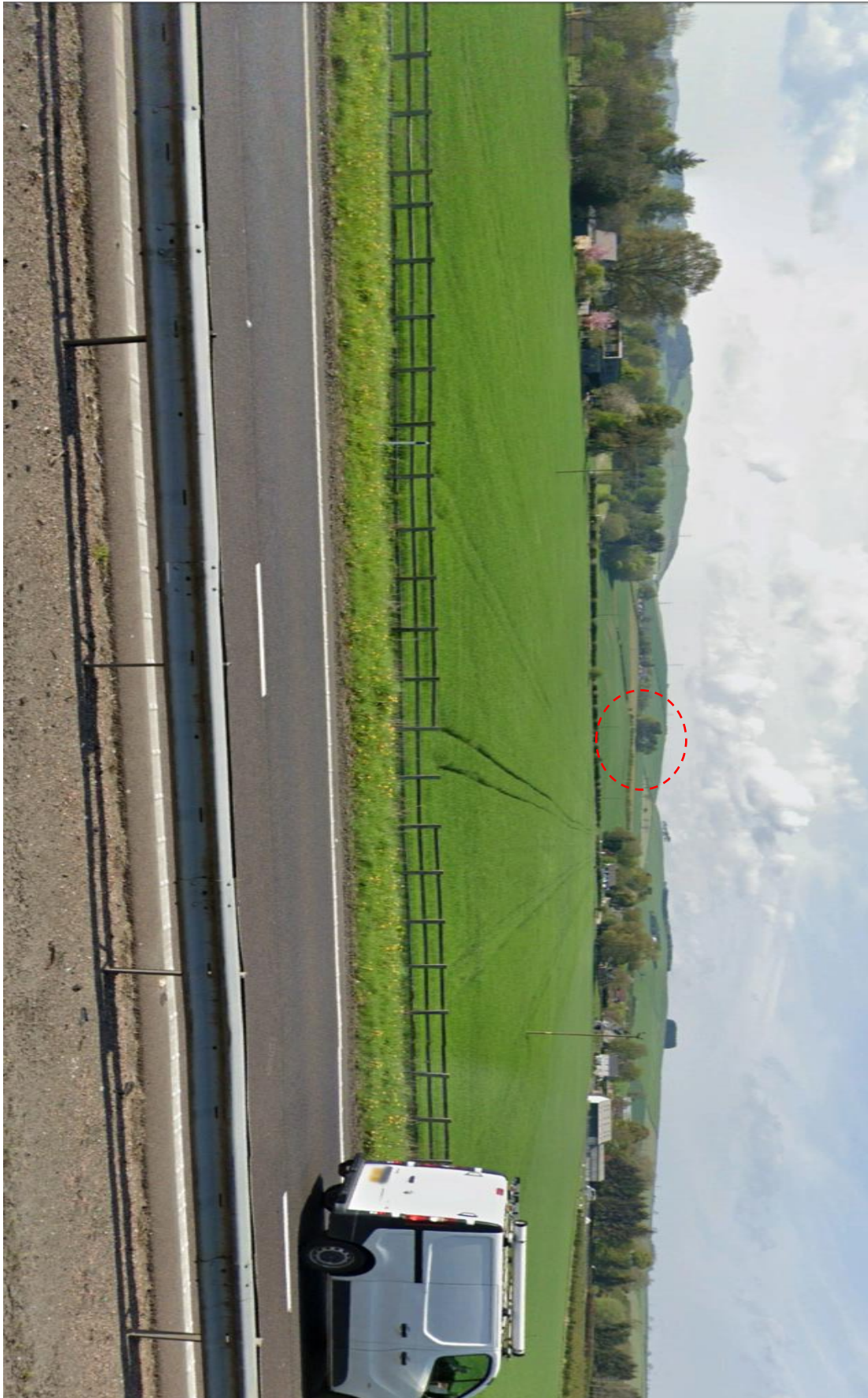
Photo Survey – Setting of Application Site



Application Site ★ and Photo Positions 1- 10

See Table 1 of Review Statement for analysis of Viewpoints

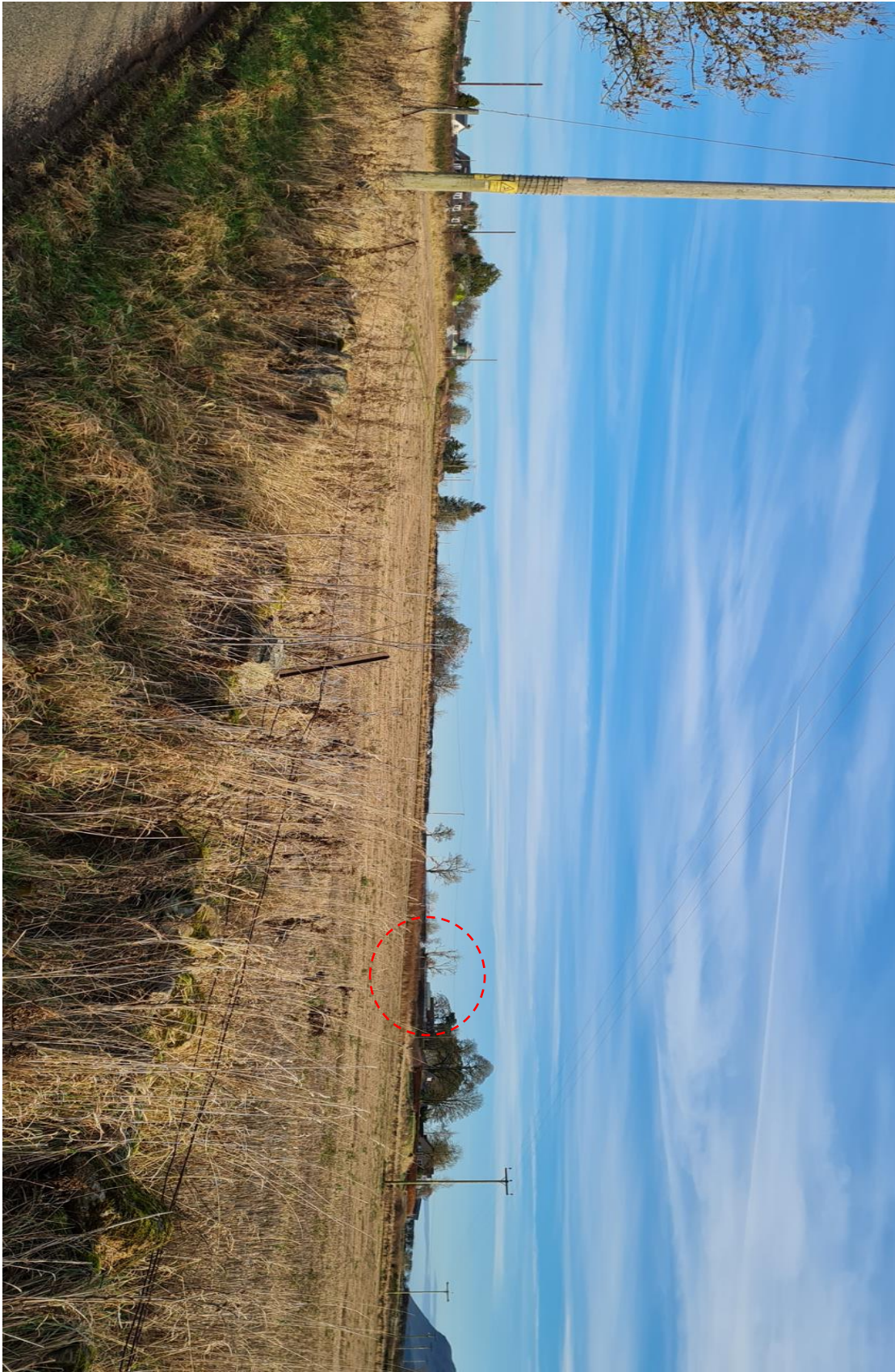
VP1 M90 motorway South of site



VP2 M90 Motorway South-East of site



VP3 C499 South of Middleton & South-West of site



VP4 C499 Middleton west of site



VP5 C449 North of Middleton and site



VP6 C499 Middleton North of site



VP7 U228 South of site



VP8 C420 South-East of site



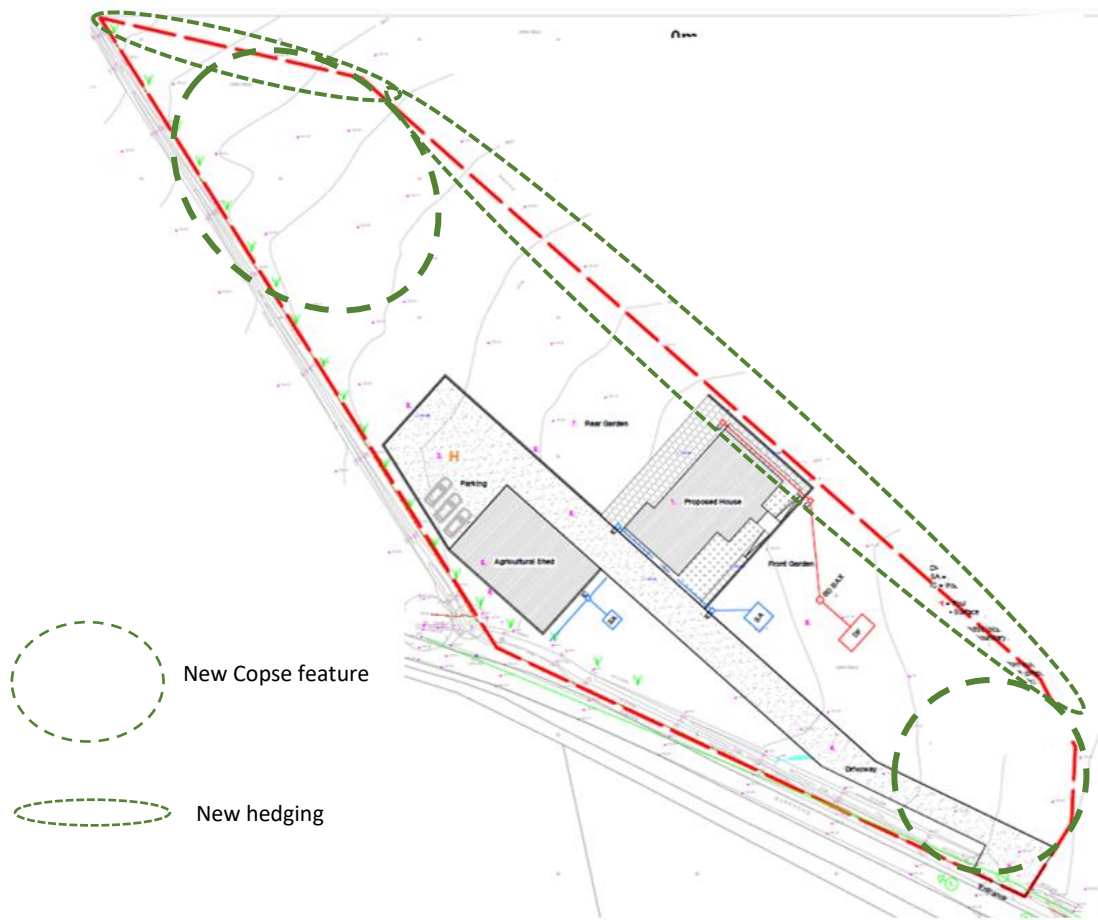
VP9 C420 East of site



VP10 C420 North-East of site



Areas of Potential Landscape Strengthening





SUPPLEMENTAL OBSERVATIONS

in respect to

Application Reference: 23/00775/FLL

Description: Erection of a Dwellinghouse and Agricultural Shed

Location: Land 150 metres north-east of Meadowside, Middleton, Milnathort

prepared by

**E C Hendersons BSc. (Hons) MRICS
Hendersons Chartered Surveyors
East Netherton
Milnathort
Kinross
KY13 0SB**

as at

January 2024

on behalf of

**Mr & Mrs A Young (Applicant)
Mawcarse Farm
Milnathort
Kinross
KY13 9SJ**

Regulated by RICS

**Hendersons Chartered Surveyors
East Netherton, Milnathort, Kinross KY13 0SB**

1. BACKGROUND

- These supplemental observations should be read in conjunction with the Agricultural Justification Report (April 2023) which was submitted along with the Applicants' Application.
- Delegated Report by Perth & Kinross Council Planning department dated 7th July 2023.
- Decision Notice by Perth & Kinross Council Planning Department dated 24th October 2023.

2. OBSERVATIONS

- The Housing in the Countryside Supplemental Guidance (March 2020) and Housing in the Countryside (HITCG) reference the preparation of Report by an "Independent Expert". The determination of Operational need for the agricultural unit of 'Mawcarse' has not been questioned. 'Operational need' is a long-established exception to support rural housing by basic reason homes are needed for operational reasons.
- There is NO differentiation between livestock or arable enterprises in HITCG and equally in NPF4 Policy 17. If the Farm Unit demonstrates a need against independent parameters, ie labour units this supports the justification.
- To differentiate between arable or livestock, with respect, by non-qualified parties, ie outwith 'Independent Expert' is a concerning precedent by the Planning Authority. Such an application to differentiate fails to recognise the challenges of both farming systems but critically the treatment of the Farm Unit as a whole. For example:
 - a) The livestock enterprise will by law require daily (every 24 hour checks).
 - b) To work with stock the safe operation conventionally necessitates at least two people, eg administration of nasal spray for BVD prevention (even with animals in a 'crush' you need two people to administer).
 - c) Bed animals. This is a smaller enterprise and will need bedding by hand. You need two people to safely implement.
- The Labour Classification Report was at pains to emphasise the importance of biosecurity which informed to the positioning of the shed and then the associated operational need for the dwelling. There are few, if any, points on the farm which have the landscape framework necessary to absorb buildings. The farm itself is predominantly flat and open in nature with the impact of public access defined routes through the farm and other road arteries adjoining or bisecting areas. The site as currently chosen is the only area that is distinct from the main farm and with the service availability. That is an optimal position for a separate building to house livestock to aid in the application of biosecurity; animal welfare and good practice.

Separate professional Opinion was provided by Cameron & Greig (Veterinary Surgeons) emphasising, based on farm history, the need for a standalone building. It is of some concern that this appears to have been overlooked by the Planning Authority. Foot and Mouth reminded the UK agricultural and governing bodies of the importance of biosecurity practices. It could be said that the recent Covid pandemic again emphasised the need for containment measures and good practice. In this agricultural context, that is what informed biosecurity protocols; health and welfare regimes along with the management of stock. This has been highlighted in the supplemental veterinary recommendation which supported the positioning of the standalone agricultural shed and therefore by reason of operational requirement the associated dwelling for this established business.

- Perth & Kinross Council's own Countryside Policy recognises the positioning of agricultural dwellings close to and adjoining livestock buildings. In essence to compare it in human terms. What you are doing is placing a group of adolescences in a confined space and feeding them to their optimal capabilities to encourage growth. They are therefore by definition full of energy, occasionally can be aggressive and therefore that necessitates careful management not only for the welfare of the animal on a daily basis but in applying such routine procedures such as bedding or vaccines require more than one person to be in attendance. The labour to support the Farm Unit needs viewed as a whole and not sub-divided. Stock require a 365 day attendance requirement by law. The animals are housed and sadly problems can occur at any point in a 24hour cycle.
- Labour is currently provided by the owners of the business. We are advised this Farm has now been farmed by the Young family for 100 years as of 2024. The sons are Hamish, who lives at Mawcarse Cottage and Alistair (The Applicant) – he currently has to reside off Farm. Mr and Mrs Young (father and mother) reside at Mawcarse Farmhouse. I have annexed a plan of what is now the **Building Group** at Mawcarse. The properties occupied by family at Mawcarse are highlighted. With respect these are properties within a Building Group and should **NOT** be construed or advanced as being on farm accommodation. To accommodate, as has been justified by the labour requirements matrix, a co-owner of this long-standing business, requires an on farm property (for the applicant). Given the evolution of rural housing in the area this will in fact now be the only on farm property if granted. For operational reasons this site specific dwelling is justifiably required and compliant with National and Local planning Policy/guidance
- Mr & Mrs Young are retired. Mr Young is in his 70's. His continued interest in the farm where he was born and raised is understandable. His interest should not be construed as providing meaningful labour. You certainly would not have a 70 year old working with cattle for risk of serious injury. Operational requirement is fulfilled by the two sons and the labour profile justified the same for Mawcarse (2.62 labour units) and for the business (3.64 labour units). It is advocated that Perth and Kinross should support their long-established businesses not undermine them by frustrating this clear operational requirement.

CONCLUSION

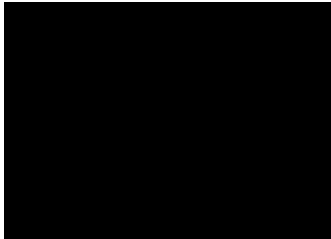
It has been demonstrated that there is a justified labour requirement in accordance with the standard labour matrix applied Nationally and independently prepared.

This Application and supporting statements demonstrate the need for residential accommodation on the farm on the basis of an essential need linked to the continued operation of the farm for animal welfare reasons and in the context of whole farm operation.

The operational required dwelling may in fact now be the only dwelling located on the farm in comparison to existing accommodation as located within or adjoining an established building group at Mawcarse.

The proposal is therefore compliant to Section 3 of the Council's Housing in the Countryside Guide 2020; Policy 19 (Housing 2 in the Countryside) of the adopted Perth and Kinross Council's Local Development Plan 2 (2019) along with Policy 17 of National Planning Framework (February 2023). There is demonstrated operational need for animal welfare and the operation of this long-established family farming business to support the granting of consent for a dwelling.

Yours sincerely



**E C HENDERSON BSc (Hons) MRICS
For Hendersons Chartered Surveyors**

Dated: 18 January 2024

APPENDIX ONE

Mawcarse Building Group with properties highlighted as occupied
by Mr & Mrs W Young and Mr H Young

1/2024

N

IpharMed Services Pvt Limited

mawcarse house

Image © 2023 Airbus

Google Earth

1985

Imagery Date: 5/29/2023 56°14'17.05" N 3°22'50.22" W elev 0 m eye alt 1.04 km

MORRIS
&
YOUNG

CHARTERED ACCOUNTANTS

Our Ref. 1992D/CL

Your Ref.

19 December 2023

To whom it may concern

Dear Sirs

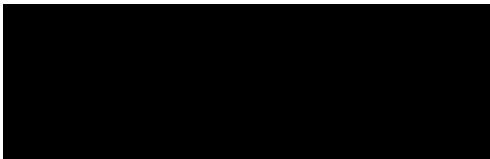
Mr Alistair Young, partner in W S Young & Son

We have acted as Accountants for the above business for a period exceeding 20 years.

We know the business well and can confirm that over the year to 30 November 2022 the business was economically viable and made a year-end profit.

We trust that this information is enough for your purposes but please do not hesitate to contact us should you require any further information.

Yours faithfully



6 Atholl Crescent Perth PH1 5JN Telephone 01738 626257 Fax 01738 630845

E-mail info@morrisandyoung.co.uk Website: www.morrisandyoung.co.uk

Partners PETER YOUNG, B.A., C.A., ALEXANDER J. FYFE, M.A.A.T., C.A., DChA., TRACY BORLAND, F.C.C.A., C.I.P.F.A. (AFFIL)

Associates ANNE LITTLE, B.A., F.C.C.A., SHONA McDONALD, A.C.C.A., EMMA McGREGOR, A.C.C.A.

Registered to carry on audit work and regulated for a range of investment business activities
by the Institute of Chartered Accountants of Scotland.

Appendix I Phosphorus mitigation calculations

Phosphorous Discharge Calculations	
Background	
Average amount of water per person per day	= 150 litres
Primary treatment (septic tank – standard discharge – as a mean)	= 10 mg P/litre
Daily discharge of phosphorous (per person) from primary treatment	= 1,500 mg P
Klargester BAX (package treatment plant – as a mean)	= 2 mg P/litre
Daily discharge of phosphorous (per person) from Klargester BAX	= 300 mg P
Proposed Development	
6 Bedroom House (additional 2No P.E allowed to account for 8 bedroom house given 2No attic storage rooms for avoidance of doubt following SEPA comments and as email to Andy Baxter 21 st June 2023)	= 10 P.E
Secondary treatment to be installed (Klargester BAX)	= 2mg P/litre
Daily discharge of phosphorous = 300 mg P x 10 P.E	= 3,000 mg P / day
Phosphorous Mitigation	
Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development = 125% x 3,000 mg P / day	= 3,750 mg P / day
Mitigation is proposed by upgrading the old style septic tank for 1 Mawcarse Cottage, which is an existing 3 bedroom property to a secondary treatment plant.	
3 Bedroom House	= 5 P.E
Existing discharge (old style primary system) = 750 litres x 10mg P/litre	= 7,500 mg P / day
Discharge after upgrade to 2mg/l P = 300 mg P x 5 P.E (Klargester BAX)	= 1,500 mg P / day
Mitigation offered is 7500 – 1,500	= 6,000 mg P / day
Mitigation In excess of requirements	

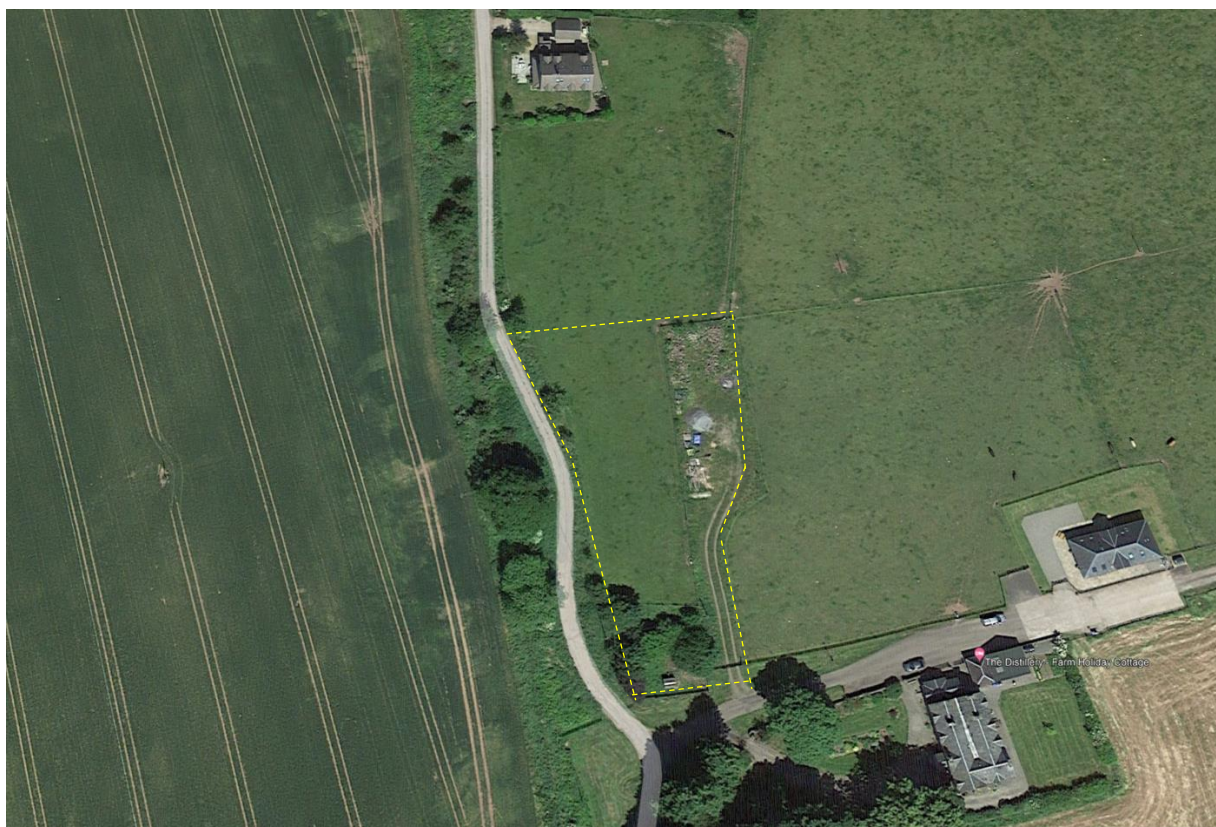
Appendix J Recently Approved Farm Dwelling Sites

23/01607/IPL Land north of Chance Inn Farm Kinross – Conditionally Approved 20 November 2023



- Application Site Boundary shown
- Large field with natural boundary to western edge only
- Flat, open Landscape
- Prominent when viewed from M90 and nearby roads

23/00623/IPL Land north-west of Pittentian Farm Crieff – Conditionally Approved 16 June 2023



- Application Site Boundary shown
- Large field with natural boundary to western & southern edge only
- Protected Landscape (*Upper Strathearn Local Landscape Area*)
- Visible from public roads and Core Path



WS Young And Son
c/o Lothian Built Environment Services
Keith Hogg
24 Seaforth Terrace
Bonnyrigg
EH19 2PF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **24th October 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00775/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th May 2023 for Planning Permission for **Erection of a dwellinghouse and agricultural shed Land 150 Metres North East Of Meadowside Middleton Milnathort.**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The site is not an identifiable site with long established boundaries which separates the site naturally from the surrounding land. It proposes the sub-division of a wider field, with new landscaping/boundary treatments. The proposed dwelling is therefore contrary to the specific requirements of Section 3 of the Council's Housing in the Countryside Guide 2020 and Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Council's Local Development Plan 2 (2019). These policies require acceptable proposals linked to economic need to take place within identifiable sites that have existing and long-established boundaries.
2. As the site does not have an established landscape framework which can absorb the development proposed, it will result in an incongruous development on a site with no natural boundaries. Accordingly, the proposal (both the shed and dwelling) is contrary to Policy 1A of the adopted Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
3. It has not been demonstrated that there is a justified labour need for further residential accommodation on the farm on the basis of an essential need linked to the continued operation of the farm for animal welfare reasons. The proposal is therefore contrary to Section 3 of the Council's Housing in the Countryside Guide 2020 and Policy 19 (Housing

in the Countryside) of the adopted Perth and Kinross Council's Local Development Plan 2 (2019), which both require there to be evidenced animal welfare reasons for the new dwelling.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Notes

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the drainage calculations.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page.

Plan Reference

- 01
- 02
- 03
- 04
- 05
- 06
- 07
- 08
- 09
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18

