

**TCP/11/16(528) – 17/02015/FLL – Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 metres north of Lambhill, Blairingone**

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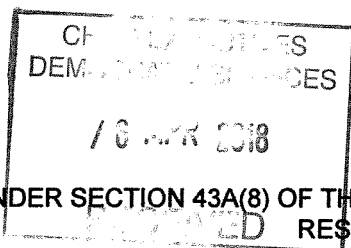
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**TCP/11/16(528) – 17/02015/FLL – Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 metres north of Lambhill, Blairingone**

**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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**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)**

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

17/02015/FLL

Site address

LAMBHILL, BLAIRINGONE, BY DOLLAR FK14 7NR

Description of proposed development

SITING OF STATIC CARAVAN FOR USE AS STAFF ACCOMMODATION FOR A TEMPORARY PERIOD (IN RETROSPECT) ON LAND 10M NORTH OF LAMBHILL, BLAIRINGONE.

Date of application

15 NOVEMBER 2017

Date of decision (if any)

11 JANUARY 2018

**Note.** This notice must be served on the planning authority 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) ☒
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 ☒
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 ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
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:

**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?                                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" 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:

THE ACCESS ROAD TO THE SITE IS OPERATIONAL WITH HGV'S ACCESSING ADJACENT BUSINESS LAND (CONTACT APPELLANT PRIOR TO SITE VISIT)

**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 may not have a further opportunity to add to your statement of review at a later date. 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.

\* SEE ATTACHED STATEMENT \*

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

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

**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.

DOC 1. DECISION LETTER 11 JANUARY 2018  
 DOC 2. REPORT OF HANDLING 17/02015/FLL  
 PLANNING APPLICATION DRAWINGS.

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 may also be available on the planning authority website.

**Checklist**

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

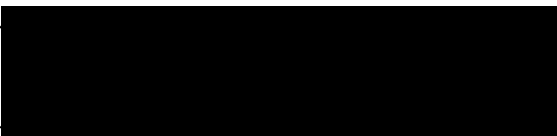
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

3/04/2018

## **Statement**

### **Notice of Review**

Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on Land 10 Metres North of Lambhill, Blairingone for Barnhill Estates.

Application Ref: 17/02015/FLL

### **Introduction**

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 11 January 2018 for the siting of a static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 Metres north of Lambhill, Blairingone. (Doc 1) The 2 reasons for refusal are outlined below and both relate to compliance with the Council's and the Perth and Kinross Local Development Plan's Housing in the Countryside Policy guidance:-

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.

The following statement will conclude that the proposal for the siting of a caravan lodge on the site for a temporary period of 3 years is acceptable in planning terms and it is emphasised that:-

- this temporary proposal should not be assessed as a permanent dwellinghouse under the Housing in the Countryside Policy Guidance.
- this temporary proposal will not have any wider impact on the character or appearance of the surrounding countryside.
- this temporary accommodation will not lead to the siting of a permanent dwellinghouse on the site.
- after the end of any temporary consent the application site will be grubbed up and the site will revert back to it's former use and condition.

- there were no objections to the proposal on any environmental grounds or from the main statutory consultees.

### Background to the proposal

This is a re-submitted application following refusal of a similar application under application reference 17/00737/FLL. The proposal is not for a permanent dwellinghouse which is implied in the above reasons for refusal, but for temporary accommodation for 3 years for a local worker employed at Lambhill Farm. The employee was previously housed in subsidised rented accommodation at Barnhill Farm, however this has been sold and there is no other available short-term accommodation on the applicant's landholding in the local area. The employee has applied to be put on the Council's housing waiting list. Securing accommodation through the Council can take some time however, and in the meantime this application for temporary accommodation at Lambhill was required as a temporary measure which would allow the employee to remain in the local area until permanent residential accommodation has been secured elsewhere in the local area, hopefully by getting a Council house.

### Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reasons for refusal which state that the proposal does not comply with the policy criteria where a dwellinghouse would be acceptable in the countryside, i.e. under Policy RD3 of the Perth and Kinross Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2014.

The reasons for refusal are re-stated below and the applicant's statement and argument against these reasons in support of the review.

1. *The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.*
2. *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.*

Both reasons for refusal relate to similar criteria or situations where a permanent dwellinghouse would be acceptable in the countryside. The reasons for refusal above were based on the assessment outlined in the Planning Officer's Delegated Report, (Doc 2) where it stated that:-

*"However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.*

- (a) Building Groups,*
- (b) Infill sites.*
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*
- (d) Renovation or replacement of houses.*
- (e) Conversion or replacement of redundant non-domestic buildings.*
- (f) Development on rural brownfield land.*

*The site does not qualify under categories (a), (b), (d), (e) or (f).*

*The proposal for the temporary dwelling should be assessed under criterion (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. I therefore turn to the supplementary guidance that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3."*

In the conclusions section of the Report of Handling it is stated that:-

*"In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions."*

I understand that this may be an oversight in the drafting of the report, however, by concluding that the proposal is satisfactory and then recommending refusal is misleading and demonstrates a lack of clarity in the assessment process and doubtfulness in the determination of the application.

The temporary accommodation is a caravan not a dwellinghouse and falls within the definition of a caravan under the Caravan Sites and Control of Development Act 1960 where:-

*"it is essentially any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:-*

*(a) Any railway rolling stock which is for the time being on rails forming part of a system, or (b) Any tent"*

This temporary proposal should not have been assessed under the Development Plan's Housing in the Countryside policy. As a temporary proposal for staff accommodation, it is considered that provided the caravan lodge does not impact on the visual amenity or character of the area or pose any residential amenity concerns, it is acceptable in land use planning terms.

It is not unusual planning practice to allow temporary accommodation for staff within a business curtilage where this accommodation is deemed to be ancillary to the overall business use. This is a pragmatic approach which encourages and enables business growth. Perth and Kinross Council have approved temporary staff accommodation before on many occasions, and recently for example at Struan Inn, Struan under application reference 15/02143/FLL. In this case the siting of a static caravan for staff accommodation was approved for 3 years, with the application being assessed under Policy ED3 – Rural Business & Diversification of the Perth and Kinross Local Development Plan 2014 and not the Housing in the Countryside Policy guidance. It is considered therefore that the Review proposal as a temporary application should have been assessed under the same policy context as this proposal, and not under the Housing in the Countryside Policy guidance as a permanent dwellinghouse.

The chalet caravan is sited in a small clearing within woodland behind and to the north of the weighbridge at Lambhill. The Review site is backdropped by woodland immediately to the north. There will be no mature trees lost as a result of the proposal. The Review site is well screened and cannot be seen from any surrounding public roads or from the nearby village of Blairingone. As such, there will be no adverse visual impact as a result of the proposal outwith the Lambhill site to the wider countryside. Also, the siting of the caravan at this location will not have any detrimental impact on any neighbouring residential amenity. In the Report of Handling it was concluded that:-

*"I do not consider that the erection of this chalet caravan for a temporary period would conflict with the placemaking policies of the local plan."*

The Review proposal was also considered to be acceptable in terms of residential amenity, traffic and road safety and in terms of risk from old coal mining works.

### Conclusions

It is considered therefore for the reasons outlined above that the Review proposal, being ancillary to the business use is acceptable in planning terms for a temporary period of time under Perth and Kinross Local Development Plan 2014 Policy ED3 – Rural Business & Diversification and it is requested that the Notice of Review be upheld in accordance with Section 25 the Town and Country Planning (Scotland) Act 1997.



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/02015/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	14.01.2018	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Siting of static caravan for use as staff accommodation for a temporary period (in retrospect)

**LOCATION:** Land 10 Metres North Of Lambhill Blairingone

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 13 December 2107

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the siting of a residential caravan for a temporary period for three years. The agent confirms that there is a requirement to provide site security and accommodation at Lambhill until permanent housing is secured in the local area for the employee.

The chalet caravan is to be sited in woodland to the North of the weighbridge at lambhill. Access to the caravan will be through a field gate next to the weighbridge. The agent advises that a small amount of young regenerated trees and scrub will need to be cleared but there will be no loss of mature trees.

This is a retrospective application as the caravan has now been installed with ground works undertaken, new access formed, services installed and a concrete foundation plinth poured.

## **SITE HISTORY**

00/00259/FUL Approval of land restoration plan in accordance with a condition on planning permission PK/97/1665 (erect 2 agricultural buildings) and extension of time for completion of restoration works (PK/98/0374) at 16 October 2000 Application Refused

97/01345/FUL Erection of a general agricultural store on 3 October 1997 Application Withdrawn

97/01660/FUL Erection of 2 agricultural buildings at Lambhill/Broomhill Farms, Blairingone 3 April 1998 Application Permitted

99/00102/FUL Approval of land restoration plan in accordance with a condition on planning permission PK/97/1665 (erect 2 agricultural buildings) and extension of time to complete restoration of opencast coal extraction site (PK/88/0374MW) on 27 July 1999 Application Refused

12/00912/FLL Modification of existing consent (PK/97/1665) to allow change of use of agricultural shed for the processing and storage of biomass materials 8 May 2013 Application Withdrawn

12/01354/FLL Storage of waste wood material on concrete hardstanding in retrospect. 15 May 2013 Application Permitted

13/01174/FLL Change of use of agricultural shed for the processing and storage of biomass materials (in retrospect) 25 March 2015

16/01352/FLL Change of use of agricultural shed and yard to general storage and distribution (class 6) 23 February 2017 Application Withdrawn

17/00737/FLL Siting of static caravan for use as staff accommodation for a temporary period 14 June 2017 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy RD3 - Housing in the Countryside**

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

**Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

**Policy EP14 - Blairingone Ground Conditions**

Within Blairingone, applications for new development will require to be supported by an engineer's report into the stability of ground conditions with particular regard to old mine workings.

**OTHER POLICIES**

**Developer Contributions.**

**Housing in the Countryside Guide**

A revised Housing in the Countryside Policy 2012 was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

**CONSULTATION RESPONSES**

Transport Planning – No objection.

Scottish Water – No objection.

The Coal Authority – The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development at the site. It is noted that the applicant has submitted a Coal Mining Risk Assessment Report (July 2017, prepared by McGregor McMahon) in support of their application. Whilst the Report fails to acknowledge that the site falls within the boundaries of a former surface mine, it goes on to conclude that the site is at low risk of mining related ground instability. No further investigatory or mitigatory works are proposed. No objection is offered.

Fossoway Community Council – Object. The applicant bases his justification statement solely on the need for accommodation for an essential worker.

Planning has already refused the previous application on the premise that there is no essential need for a temporary dwelling to run the enterprise. The applicant has not submitted any additional information to lend support to this application.

## **REPRESENTATIONS**

The following points were raised in the 6 representation(s) received:

- Contrary to the development plans.
- Inappropriate landuse.
- Out of character with the area.
- Inappropriate housing density.
- Over-intensive development.
- Loss of trees.
- No identifiable need there is a number of rental properties within a short distance of the site. The applicant made his worker homeless by selling his home from under him.
- Need for residential accommodation as a base for security is wholly inappropriate in this location.
- No identifiable need for a security guard to be permanently on site for the operation of the business.
- Suspect that this is an attempt to get as residential planning permission via the back door.
- There has been no security incident reported to the police.

These issues are covered under the appraisal section of this report. However the following elements are best addressed at this stage under the following headings:-

- Applicant is currently operating a distribution activity without a valid planning consent – Planning application 12/01354/FLL was for “Storage of waste wood material on concrete hardstanding in retrospect” (this relates to the lower pad at Lambhill). Although the description does not explicitly state that a ‘change of use’ was being applied for, this is inherent in the application as the site was previously used for agriculture and forestry. The approval of the application allows the lower pad to be used for storage or distribution. This use is therefore lawful.
- The applicant has a history of planning infractions – It is acknowledged that there has been a history of planning infractions on the site which has resulted in the use of enforcement powers under the planning Act. From undertaking the site visit it is apparent that further work has been undertaken without the benefit of planning consent on the site relating to this application. This is a matter that will require to be passed to the enforcement team to investigate and pursue as necessary.

### **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

- (a) Building Groups,
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

The site does not qualify under categories (a), (b), (d), (e) or (f).

The proposal for the temporary dwelling should be assessed under criterion (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. I therefore turn to the supplementary guidance that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

From my review it does not meet 3.1 Existing Gardens, 3.2 Flood Risk or 3.4 Houses for Local People or 3.5 to pilot projects creating eco-friendly houses where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

Category 3.3 can provide for housing where there is a clear agricultural need or other rural business justification for key worker accommodation. In support of the application the agent has submitted supporting information and stipulates the following:-

*The employee was previously housed in subsidised rented accommodation at Bamhill Farm, however this has been sold and there is no other available accommodation on the applicant's land holding in the local area. The employee has applied to be put on the Council waiting list. Securing accommodation through the Council, however is expected to be timely and in the meantime this application for temporary accommodation at Lambhill is needed and would allow the employee to remain in the local area until permanent residential accommodation has been secured.*

*The employee works over 2000 hours per year for the applicant which is above the recognised required labour justification for a permanent dwellinghouse under the Council's housing in the countryside guidance. The application is not for a permanent dwellinghouse but the siting of a static caravan on the site for a period of three years until the employee can secure permanent housing in the local area, hopefully through Perth and Kinross Council's waiting list. The siting of the caravan does not impact on the residential amenity of any neighbouring residences and is physically contained within its landscape setting and will not have any adverse impact to the wider countryside.*

However this need for a residential unit on the site is not supported by robust evidence.

- There is no evidence to support the functional test that a resident worker is required on site for the proper functioning of the enterprise/business.
- There is no evidence to support that there is a security requirement for the on-site presence of a residential unit that cannot be catered for in another way. From my site inspection there appeared to be a number of security measures that have already been deployed and further could likely be deployed if security is the main reasoning behind the application for residential accommodation.

Taking the above into account and based on the information presented there is no essential need for a temporary dwelling to run the enterprise.

### **Design and Layout**

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.

Placemaking policies confirm that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

If the principle of the development was accepted I do not consider that the erection of this chalet caravan for a temporary period would conflict with the placemaking policies of the local plan.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. I do not consider the small loss of young trees to be detrimental to the wider landscape setting. However, the formation of a residential curtilage in this location is not considered to be appropriate taking account of criterion within Policy RD3.

### **Residential Amenity**

There are no residential amenity concerns.

### **Roads and Access**

There are no road or access concerns.

### **Drainage and Flooding**

The site is not in an area subject to river flooding. Disposal of foul flows can be dealt with by conditional control and disposal of surface water could also be dealt with by condition utilising a sustainable urban drainage to comply with policy EP3C.

### **Blairingone Ground Conditions**

Policy EP14 confirms that within Blairingone new development will require to be supported by an engineer's report into the stability of ground conditions with particular regard to old mine workings.

A Coal Mining Risk Assessment Report (July 2017, prepared by McGregor

McMahon) in support of their application has been submitted. The Coal Authority has been consulted on the application and do not object to the application. There is no conflict with Policy EP14.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this temporary application in this instance.

### **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of

the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.

### **Justification**

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

### **Informatives**

None

### **Procedural Notes**

Pass this case to the Council's Enforcement Officer to open up an enforcement case associated with the unauthorised works.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/02015/1

17/02015/2

17/02015/3

17/02015/4

17/02015/5

17/02015/6

17/02015/7

17/02015/8

17/02015/9

**Date of Report 10.01.2017**

## **PERTH AND KINROSS COUNCIL**

Barnhill Estates  
c/o Mark Williamson  
34 Hermitage Drive  
Perth  
PH1 2SY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 11th January 2018

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Number: 17/02015/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 15th November 2017 for permission for **Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) Land 10 Metres North Of Lambhill Blairingone** for the reasons undernoted.

  
Interim Development Quality Manager

#### **Reasons for Refusal**

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.

#### **Justification**

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

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan Reference**

**17/02015/1**

**17/02015/2**

**17/02015/3**

**17/02015/4**

**17/02015/5**

**17/02015/6**

**17/02015/7**

**17/02015/8**

**17/02015/9**

# LOCATION PLAN

Lambhill Site  
Blairingone  
By Dollar  
FK14 7NB

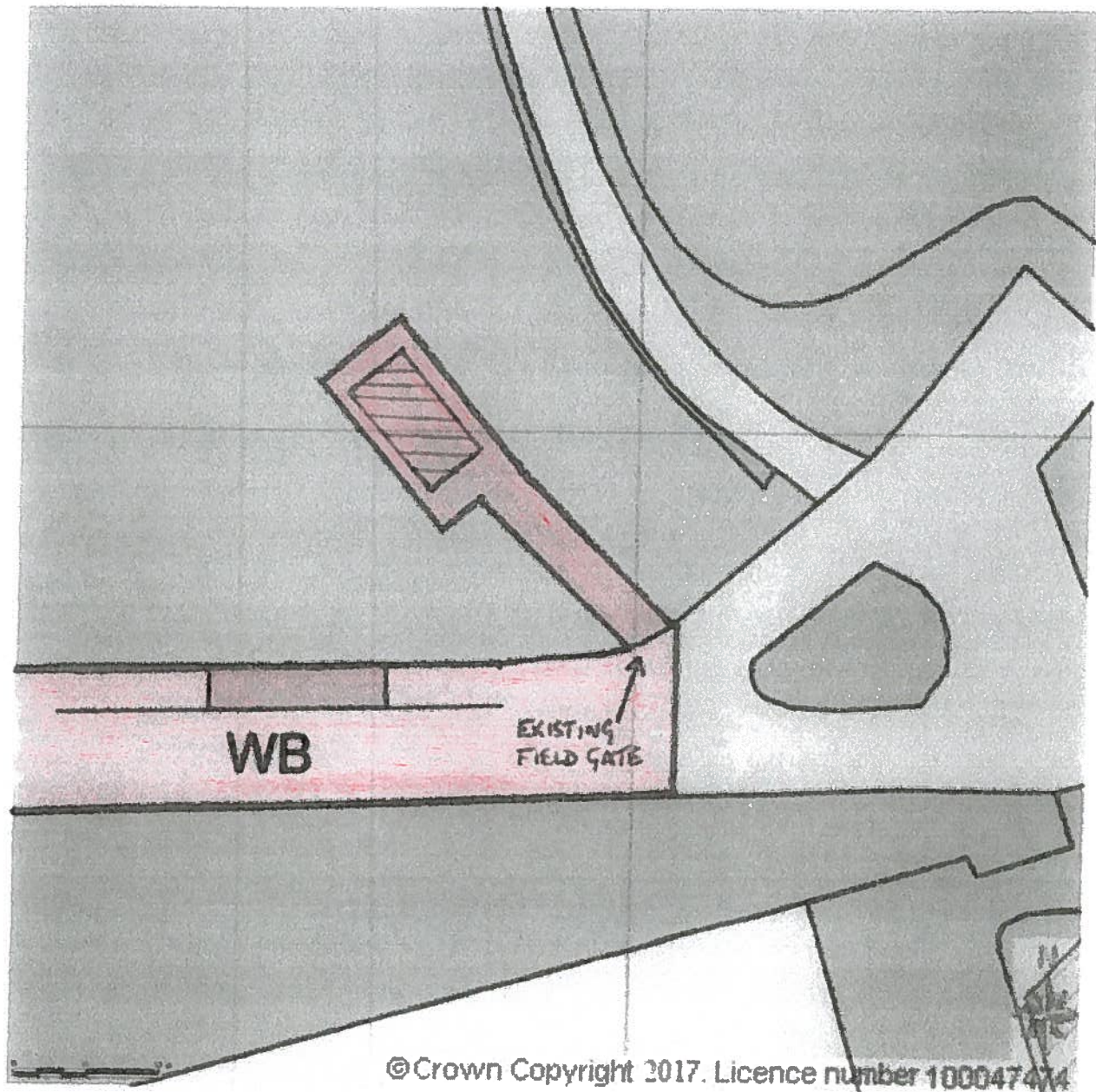


Promap

Ordnance Survey © Crown Copyright 2002. All rights reserved.  
This map is made available for use on a non-exclusive basis.

APPLICATION SITE

BLOCK/SITE PLAN  
AREA 90m x 90m  
SCALE 1:500 on A4  
CENTRE COORDINATES: 298893, 696390



©Crown Copyright 2017. Licence number 100047474



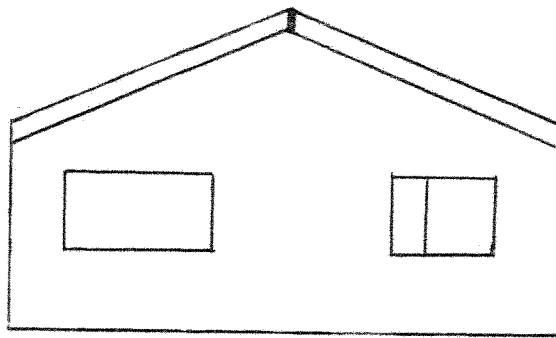
APPLICATION  
SITE



CHALET/  
CARAVAN FOOTPRINT

Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474  
20/04/2017 10:58:40

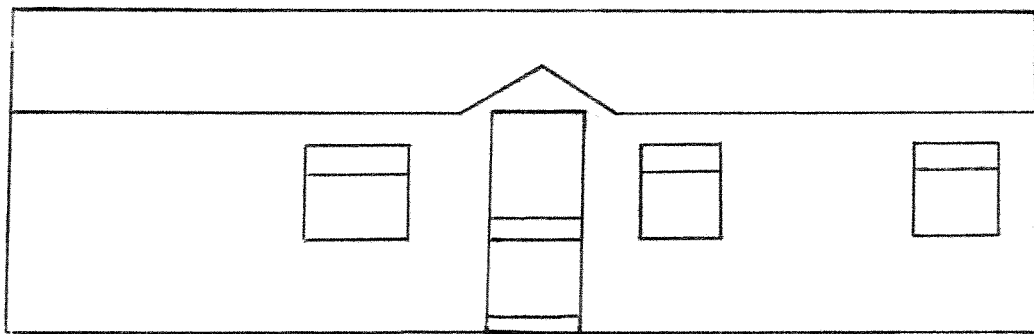
SIDE ELEVATION (NORTH)



0 1m

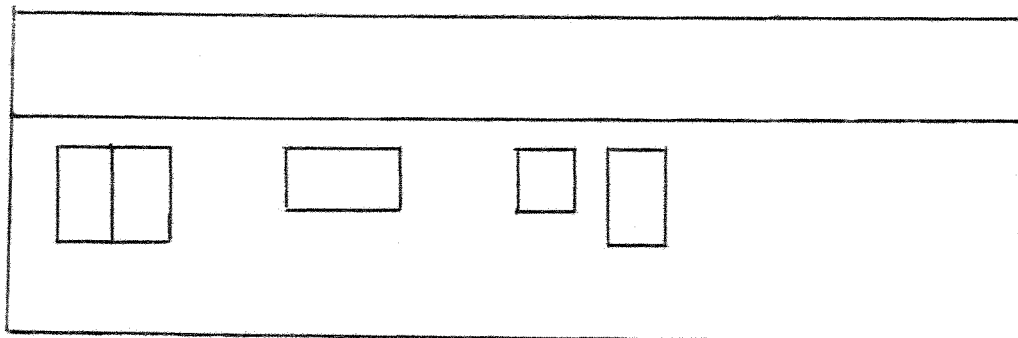
1:50

FRONT ELEVATION (WEST)



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1:50

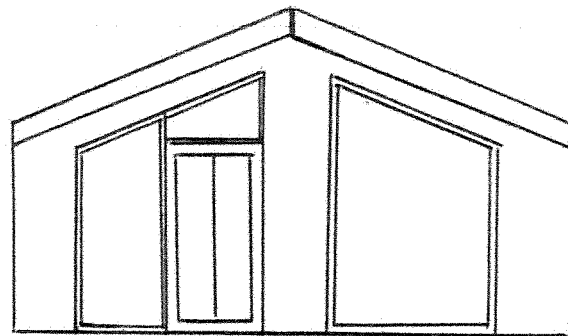
REAR ELEVATION (EAST)



0 1m

1:50

SIDE ELEVATION (SOUTH)



0 1m

1:50

**TCP/11/16(528) – 17/02015/FLL – Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 metres north of Lambhill, Blairingone**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 35-36)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 25-34)*

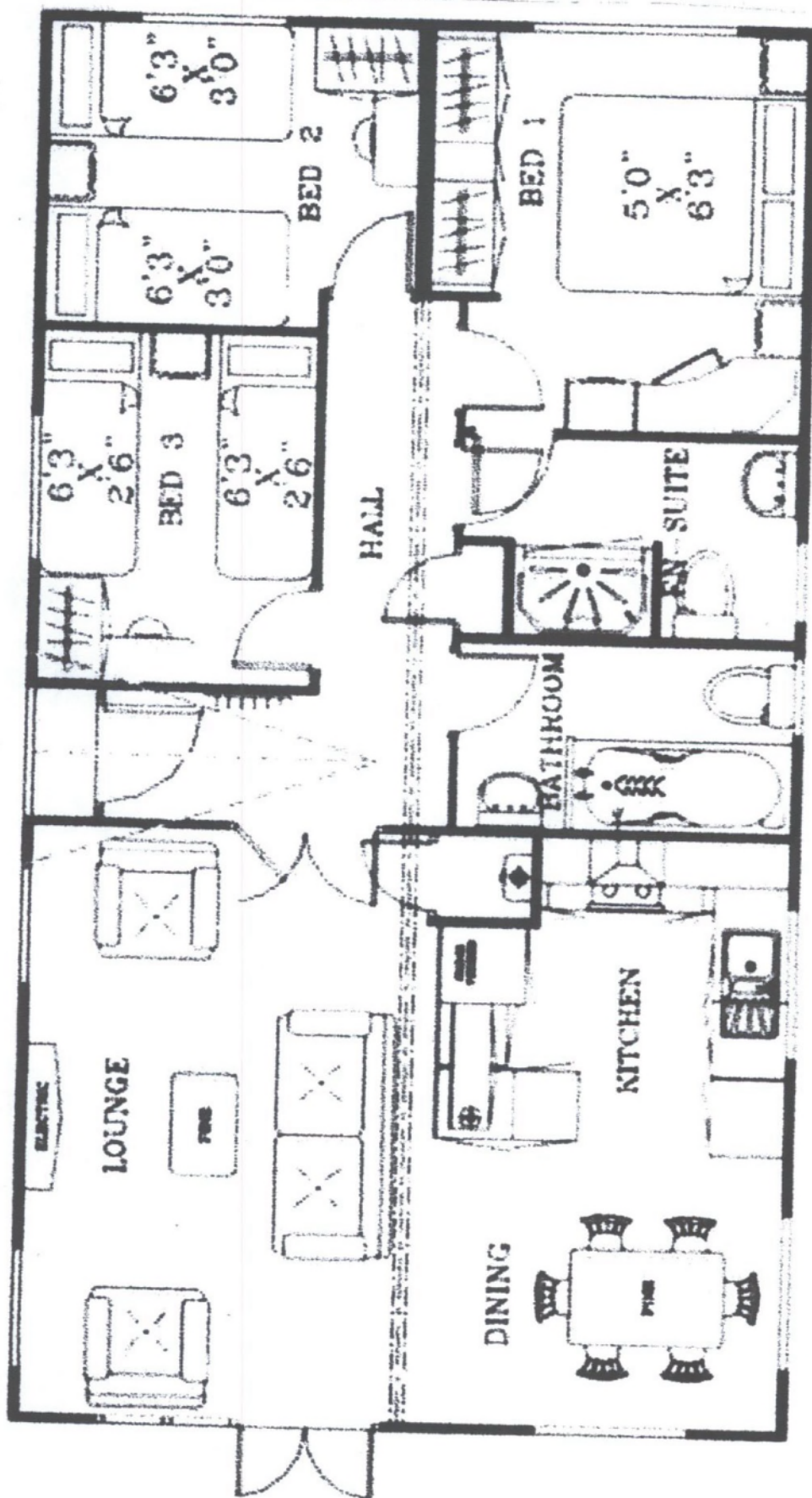
**REFERENCE DOCUMENTS** *(part included in applicant's submission, see pages 37-42)*



# LOCATION PLAN



# FLOOR PLAN



0 1m

1:50

**LAMBHILL FARM  
BLAIRINGONE  
COAL MINING RISK ASSESSMENT REPORT**

**McGREGOR  McMAHON  
CONSULTING ENGINEERS**

2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Prepared For:

Scot Heating Company (Stirling),  
East Gogar,  
Blairlogie,  
Stirling,  
FK9 5QB

Issue/revision	Original Issue	Revision A	Revision B	Revision C
Remarks	FINAL			
Date	July 2017			
Prepared by	C Hamilton			
Checked by	R Wilson			
Authorised by	K Simpson			
Project number	21057			
File reference	21057 Coal Mining Risk Assessment			

**MCGREGOR**  **MCMAHON**  
CONSULTING ENGINEERS

## EXECUTIVE SUMMARY

### Project details

Scot Heating Company (Client) proposes to develop the plot of land at Lambhill Farm, Blairingone. McGregor McMahon (Scotland) Ltd has been commissioned to prepare a coal mining risk assessment to highlight any potential mineral stability issues that may exist at the site.

### Desk study summary

The proposed development site located to the north of Lambhill Farm is shown to have comprised a section of undeveloped grassed land since the mid-19<sup>th</sup> century. The site includes an access road orientated broadly east to west which connects the proposed development plot to Vicar's Bridge Road approximately 270m to the west. Ground level is reported to be approximately 90m Above Ordnance Datum (AOD).

The close and wider surrounding area is shown to have predominantly comprised agricultural land with areas of woodland throughout recent history. Lambhill Farm is shown to have been constructed between 10m and 180m to the south of the site sometime during the late 20<sup>th</sup> and early 21<sup>st</sup> century and currently comprises an agricultural shed with surrounding concrete covered farm yard. The yard is understood to currently be used for timber storage.

Based upon the site history and BGS published maps, no made ground deposits are anticipated to be present within the site. The natural superficial deposits are reported to comprise Glacial Till, extending to approximately 1.5m depth below ground level. The bedrock geology underlying the site is reported to comprise the Lower Coal Measures group, including coal seams. These strata are estimated to dip towards the north/north west at approximately 8°.

The Coal Authority records the site to lie within a Development High Risk Zone, identifying the prospect of shallow workings. The Coal Authority also reports that the property is not within a surface area that could be affected by past underground mining. However, the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past.

No recorded workings were identified beneath the site or the close surrounding area by review of BGS held mine abandonment plans. In addition, mine abandonment plans indicate that the proposed development plot is located within the Lambhill Opencast Site. However, the perimeter of the high wall and the nearest recorded workings within the opencast are located between 160m and 200m to the north of the proposed development site. As such, the site is not considered to have been affected by historic opencast workings.

Given the evidence obtained from published geological records, in conjunction with mine abandonment plans, no coal seams of workable thicknesses or shallow mine workings are considered to be present at beneath the site within influencing distance of structures on the surface.

### Coal mining risk assessment summary

Based on the desk study research carried out as part of this investigation coupled with the nature of the proposed structure, the subject site is considered to be at a **low** risk of mining related ground instability to the proposed structure at the ground surface.

### Recommendations

Based on the identified level of risk, no further investigation works are considered necessary to confirm the mineral stability of the bedrock strata within influencing depth beneath the proposed development footprint.

**This executive summary forms part of McGregor McMahon (Scotland) Ltd Coal Mining Risk Assessment for the specific development plot at Lambhill Farm, Blairingone (ref.:21057). Under no circumstances is it to be used as an independent document.**

## CONTENTS

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Figure 3	Proposed development layout plan

## APPENDICES

Appendix A	Notes on Limitations
Appendix B	Historical map extracts
Appendix C	Coal Authority Mining Report
Appendix D	Historic borehole record

## **1.0 INTRODUCTION**

### **1.1 General**

Scot Heating Company Ltd (Client) proposes to develop the site at Lambhill Farm, Blairingone. McGregor McMahon (Scotland) Ltd has been commissioned to prepare a Coal Mining Risk Assessment report to highlight any potential mineral stability issues that may exist at the site.

Site location and layout plans are presented as Figures 1 and 2 respectively.

### **1.2 Project details**

The site is proposed to undergo residential development, comprising the construction of a detached temporary chalet/ static mobile home with associated access driveway. Figure 3 represents a proposed development layout plan.

### **1.3 Purpose and aims of the study**

This Coal Mining Risk Assessment report is required to support a planning application to Perth & Kinross Council, as a statutory requirement for development plots that lie within a Coal Mining Development Referral Area.

The report is designed to provide a summary of the risk posed to the development plot from mining related activity at or within influencing distance of the site.

The findings of the study will be used to provide recommendations for intrusive ground investigation works, where appropriate, as well as a mitigation strategy to minimise the risk of mining related ground instability detrimentally impacting on the proposed development. The purpose of the investigation is to demonstrate to the Local Planning Authority that the risk has been suitably assessed and where relevant, can be appropriately managed.

In preparing the report, the investigation has included detailed research of information obtained from the following sources:-

- Coal Authority Mining Report;
- Coal Mine Abandonment Plans where appropriate;
- Published geological maps and records; and
- Published historic maps.

It should be noted that this report does not incorporate geotechnical or geo-environmental assessment of the site with respect to the proposed development. If a contaminated land assessment is required to be conducted, to meet with the planning requirements, advice should be sought from McGregor McMahon (Scotland) Ltd.

### **1.4 Report limitations**

Limitations of this study are included in Appendix A.

## 2.0 SITE DETAILS AND HISTORICAL REVIEW

### 2.1 Site location and description

Details of the site are summarised in Table 1.

**Table 1 – Site details**

<b>Site Address:</b>	Lambhill Farm, Blairingone, Dollar FK14 7NX
<b>National Grid Reference (NGR):</b>	NS 98882 96401 (E: 298882 N: 696401)
<b>Size:</b>	Approximately 0.02 hectare
<b>Site description:</b>	<p>The site can be identified as two sections; the rectangular shaped proposed development plot, and the access road which extends towards the west and connects the site to Vicar's Bridge Road located 270m to the west.</p> <p>The area of proposed development currently comprises a section of undeveloped grassed land with overgrown shrubs and occasional small trees.</p> <p>The site is generally flat lying with ground level reported to lie at approximately 90m Above Ordnance Datum (AOD).</p>
<b>Description of the surrounding area:</b>	<p>The predominant land use within the close and wider surrounding area is mixed agricultural and woodland. Lambhill Farm is located between 10m and 180m to the south of the proposed development site including a detached rectangular steel framed agricultural shed and associated farm yard covered by concrete hardstanding. The yard is understood to be currently used for timber storage.</p> <p>Broom Farm steadings are located approximately 450m to the west of the site. The A977 road orientated broadly south west to north east also passes through the centre of Blairingone approximately 550m to the north west of the site.</p>

### 2.2 Site history

The history of the site has been researched from historical survey plans specific to the site. Historical map extracts are presented in Appendix B and are summarised below. All distances from the site are approximate from the site boundary.

The site is shown to have comprised undeveloped agricultural land and woodland since the earliest available map extracts, dated 1866.

The close and wider surrounding area is shown to have comprised agricultural land throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries. Broom Farm steadings located 450m to the west of the site are shown to have been constructed prior to 1866.

During the 19<sup>th</sup> and early to mid-20<sup>th</sup> centuries, a farm track is shown to extend from Vicar's Bridge Road towards the east and passes 20m to the north of the site. The track is shown to bend around the northern corner of the site and continue towards the south east. Sometime during the late 20<sup>th</sup> and early 21<sup>st</sup> centuries, the track is shown to have been re-aligned and now passes immediately to the south of the site. A concrete covered farm yard and detached agricultural shed are shown to have been constructed on the southern side of the farm track between 10m and 180m to the south sometime during the late 20<sup>th</sup> and early 21<sup>st</sup> centuries.

**3.0 ENVIRONMENTAL SETTING****3.1 General**

The environmental setting for the site has been determined by review of published geological map sheets and a review of published data.

**3.2 Geology**

Published geological plans covering the site have been reviewed to determine the superficial and bedrock geology of the site and surrounding area. Plans reviewed include:

- BGS Sheet NS99NE 1:10,560 scale solid and drift geology map, dated 1963;
- BGS Sheet NS24SE Fife & Kinross 1:10,560 scale solid and drift geology map, dated 1956;
- Coal Authority mine abandonment plans;
- Historic borehole records; and
- Open-Geoscience – solid and drift geology, obtained from the BGS website.

***Made ground***

Based upon the site history and BGS published maps, no made ground deposits are anticipated to be present on site.

***Natural superficial geology***

BGS published maps indicate that the site is underlain by Devensian age Glacial Till deposits comprising boulder clay. The natural superficial deposits are reported to be less than 5m in thickness, based upon the nearest historic borehole record 300m to the west of the site (Ref: NS99NE/105).

***Solid geology***

The bedrock strata underlying the site are reported to belong to the Upper Carboniferous age Lower Coal Measures group, comprising sandstones, siltstones, fireclays, thin mudstones and seams of ironstone and coal seams. The strata are considered to dip towards the north/ north west at approximately 8°.

The Coalsnaughton Main Coal (1.52m thick in leaves) is reported to crop at rock head approximately 130m to the north of the site. Based upon the reported dip direction of the strata, the Coalsnaughton Main Coal is not anticipated to pass beneath the site. The Shellband Coal (0.22m thick) and the Mill or Whitesink Coal (0.45m thick) are reported to crop 14.6m beneath the Coalsnaughton Main Coal in the stratigraphic section however their location of crop at rock head is not shown on published maps. Based upon their reported depth beneath the Coalsnaughton Main Coal, the Shellband Coal and the Mill or Whitesink Coal are anticipated to crop at rock head approximately 30m to the north of the site. Within the stratigraphic section, the Glenfuir Coal (0.76m thick) is reported to crop 25.6m below the Coalsnaughton Main Coal. However, based on the published maps, the nearest crop of the seam is recorded 230m to the east and is not shown to extend within, or within the close surrounding area to the south of the site. No further coal seams are considered to crop at rock head within influencing distance to the south of the site.

In addition, an abandoned pit shaft is recorded approximately 200m to the north west of the site, which may correlate with the above detailed coal seams.

Table 2 shows these coal seams in stratigraphic order and their conjectured depths below rock head beneath the site, based on BGS published maps.

**Table 2 – Coal seams in geological sequence**

Seam name in geological sequence	Thickness of coal seam (m)	Thickness of superficial deposits (m)	Conjectured depth (m) below rockhead beneath the site.
Coalsnaughton Main Coal	1.52	1.5	Not anticipated to pass beneath the site.
Shellband Coal	0.22	1.5	
Mill or Whitesink Coal	0.45	1.5	

**Mineral abstraction*****Coal Authority Mining Report***

The proposed development site lies within a Coal Authority Referral area where a site specific Coal Authority report is required for new developments. A copy of the report is presented in Appendix C with findings of the report are summarised below.

The Coal Authority reports that the property is not within a surface area that could be affected by past underground mining. However the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past.

The property is not within a surface area that could be affected by present underground mining. The property is not in an area for which the Coal Authority has plans to grant a licence to remove coal using underground methods. The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods. The property is not in an area likely to be affected at the surface from any planned future underground coal mining. However, reserves of coal exist in the local area which could be worked at some time in the future. No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

There are no known coal mine entries within, or within 20 metres of, the boundary of the property. There may however be additional mine entries in the local area which the Coal Authority has no knowledge of. The Coal Authority is also not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

The property is within the boundary of an opencast site from which coal has been removed by opencast methods. Albeit not within the actively worked zone. The property does not lie within 200m of the boundary of an opencast site from which coal is being removed by opencast methods. There are no license requests outstanding to remove coal by opencast methods within 800m of the boundary. The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

The Coal Authority has no record of a mine gas emission requiring action.

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31 October 1994. The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

***Additional information***

The Coal Authority interactive map viewer (<http://mapapps2.bgs.ac.uk/coalauthority/home.html>) records the site, and the close surrounding area, to lie within a Development High Risk Zone, identifying the prospect of shallow workings.

Review of available BGS held mine abandonment plans has indicated that the site lies within the boundary of the Lambhill Opencast Site. However, the perimeter of the high wall and the nearest recorded workings within the opencast site are located between approximately 150m and 200m to the north of the site. In addition, available mine abandonment plans do not indicate the presence of underground mine workings beneath the site.

The CIRIA document Special Publication 32 – Construction over Abandoned Mine Workings (1984) gives guidance on the potential risk posed by worked coal seams to surface developments based on coal seam thickness and depth of competent rock cover above workings. In general an accepted ratio of 10T, where T is the thickness of coal seam, should be present in competent rock cover above the depth of the worked seam. Should this ratio not be satisfied for a given development, mitigation measures such as grouting should be considered in order to prevent settlement related issues at the ground surface.

Table 3 overleaf below gives an indication of the recorded coal seams beneath the proposed development site and the associated risk at ground surface level.

**Table 3 – Summary of identified and conjectured coal seam depths and associated risk**

Coal Seam	Thickness (m)	Assumed rockhead depth (m bgl)	Conjectured seam depth (m below rockhead)	Ratio	Design criterion met
Coalsnaughton Main Coal	1.52	1.5	Not anticipated to pass beneath the site.	-	✓
Shellband Coal	0.22	1.5			
Mill or Whitesink Coal	0.45	1.5			

Given the evidence obtained from published geological records, in conjunction with mine abandonment plans, no coal seams of workable thicknesses or shallow mine workings are considered to be present beneath the site within influencing depth of the proposed structures at the ground surface. In addition, although the subject site is reported to be located within a former opencast site, available mine abandonment plans do not record the site to be located within the area identified to have been historically worked.

**4.0 IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC COAL MINING RISKS**

Table 5 summarises the potential risks associated with the coal mining legacy for the proposed development site, identified from the available information.

**Table 5 – Potential mining related risks**

Coal Mining Issue	Yes/ No	Risk Assessment
Possible underground coal mining (recorded at shallow depths)	No	Based upon available BGS, Coal Authority data and mine abandonment plans, no coal seams of workable thicknesses are considered to crop at rock head within the site or pass beneath the site at shallow depth. In addition, the Coal Authority do not record the site to lie within a surface area that could be affected by past underground mining.  As such, the risk of shallow mining related ground instability is considered to be at a low level.
Mine entries (shafts and adits)	No	BGS maps and mine abandonment plans do not record the presence of any mine entries within, or within 20m of the site boundary.  As a result, based on the available information, the risk of ground instability resulting from shaft collapse is considered to be at a low level.
Coal mining geology (fissures)	No	No geological faults are indicated to be present within influencing distance of the site.  As a result, the risk of the proposed structures being detrimentally impacted by geological faults is considered to be at a low level.
Record of past mine gas emissions	No	The Coal Authority report indicates that there has been no record of mine gas emissions on the site. There is therefore considered to be a low risk from mine gas emissions.
Record of coal mining surface hazard	No	The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.
Surface mining (opencast workings)	No	The site is not reported to have been subjected to opencast coal mining removal methods. As such, a low level risk from surface mining hazards is considered appropriate.
<b>OVERALL RISK</b>		<b>LOW</b>

**5.0 CONCLUSIONS AND RECOMMENDED MITIGATION STRATEGY**

Based on the desk study research carried out as part of this investigation, and the nature of the proposed development, the subject site and proposed development are considered to be at a **low** risk of mining related ground instability at the ground surface. Based on this level of risk, no further investigation works are considered necessary to confirm the mineral stability of the shallow bedrock within influencing depth of the proposed building footprint.

## FIGURES

**FIGURE 1  
SITE LOCATION PLAN**

# MCGREGOR McMAHON CONSULTING ENGINEERS

2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057

Title: Site location plan

Scale: Originally drawn at 1:25,000 scale



**FIGURE 2  
SITE LAYOUT PLAN**

**MCGREGOR**  **MCMAHON**  
**CONSULTING ENGINEERS**

2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057G

Title: Site Layout Plan

Scale: NTS



**FIGURE 3  
PROPOSED DEVELOPMENT LAYOUT PLAN**

**MCGREGOR**  **MCMAHON**  
**CONSULTING ENGINEERS**

2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057G

Title: Proposed Development Plan

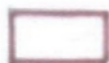
Scale: NTS



**SITE LOCATION**



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APPLICATION  
SITE



CHALET/  
CARAVAN FOOTPRINT

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20/04/2017 10:58:40

## **APPENDICES**

**APPENDIX A  
NOTES ON LIMITATIONS**

## **Geo Environmental Desk Study and Intrusive Ground Investigation, Assessment and Reporting Limitations**

### **General**

This report has been prepared by McGregor McMahon (Scotland) Ltd for the sole use of the client (s) as indicated within the text of this report. Should any additional party seek reliance of the contents of this report then approval from McGregor McMahon (Scotland) Ltd must be sought. McGregor McMahon (Scotland) Ltd cannot be held liable / responsible for the contents of this report if either it is used for purposes other than which it was commissioned or any additional party/ parties using the report without the express permission of McGregor McMahon (Scotland) Ltd.

### **Phase I Desk Studies / Environmental Audits**

Information in this report is gathered from a number of sources including published documentation. Any information gathered from external sources has been accepted and reviewed in good faith and taken to provide true reflection of the site conditions. However, McGregor McMahon (Scotland) Ltd cannot be held responsible for any event where such data is inaccurate or does not reflect true site conditions. This would include future changes in site use or additional information that may become available. Should additional information come to light in the future that may change conclusions drawn for the site, McGregor McMahon (Scotland) Ltd reserves to review this information and if necessary change any existing opinion drawn accordingly.

The opinions within this report are partially formed at the time of the site walkover and therefore it is possible that any sub surface contamination issues are not visible at that time or the report cannot take into account any future contamination issues that may arise after the site walkover has been completed.

Other opinions developed within this study are formed from interpretation of historical data.

Information is not finite for any site and therefore it is possible that environmental liabilities associated with the site or the ground conditions below the site may not have been realised.

The instructed scope of works within the study may not include consultation with relevant Statutory Authorities or environmental regulators and therefore it is possible that geo-environmental issues affecting the site may have been overlooked.

### **Intrusive Ground Investigations and Geo-environmental Phase II Reports**

The investigation has been carried out to provide appropriate information on the ground conditions below the site. The nature of intrusive ground investigation results in only a small proportion of ground being investigated in relation to the overall size of the site. Therefore, it is possible that unforeseen ground condition exist below the site, including contamination hotspots.

The scope of works for any ground investigation may be limited by financial and/or time constraints. Exploratory locations across any site can also be limited by services, utilities and physical obstructions. This may be particularly relevant for any given targeted ground investigation.

Guidance on the assessment of contaminated land within the UK is under continuous development. The assessments used within this report have been undertaken in general accordance with current assessment frameworks and industry best practise. However, McGregor McMahon (Scotland) Ltd cannot be held responsible any future changes to contaminated land assessment that may alter the findings of this report.

Outline foundation recommendations have been developed from the ground investigation data. However, specific foundation design for any structure should be undertaken by a qualified structural/civil engineer. In the case of abnormal foundations advice and design should be sought from an appropriately qualified ground works contractor.

Groundwater conditions recorded are based on observations made at the time the site works were carried out. Groundwater levels will vary depending upon seasonal and weather related effects.

**APPENDIX B  
HISTORICAL MAP EXTRACTS**

Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1866 Historical map

Scale: Originally drawn at 1:10,560 scale



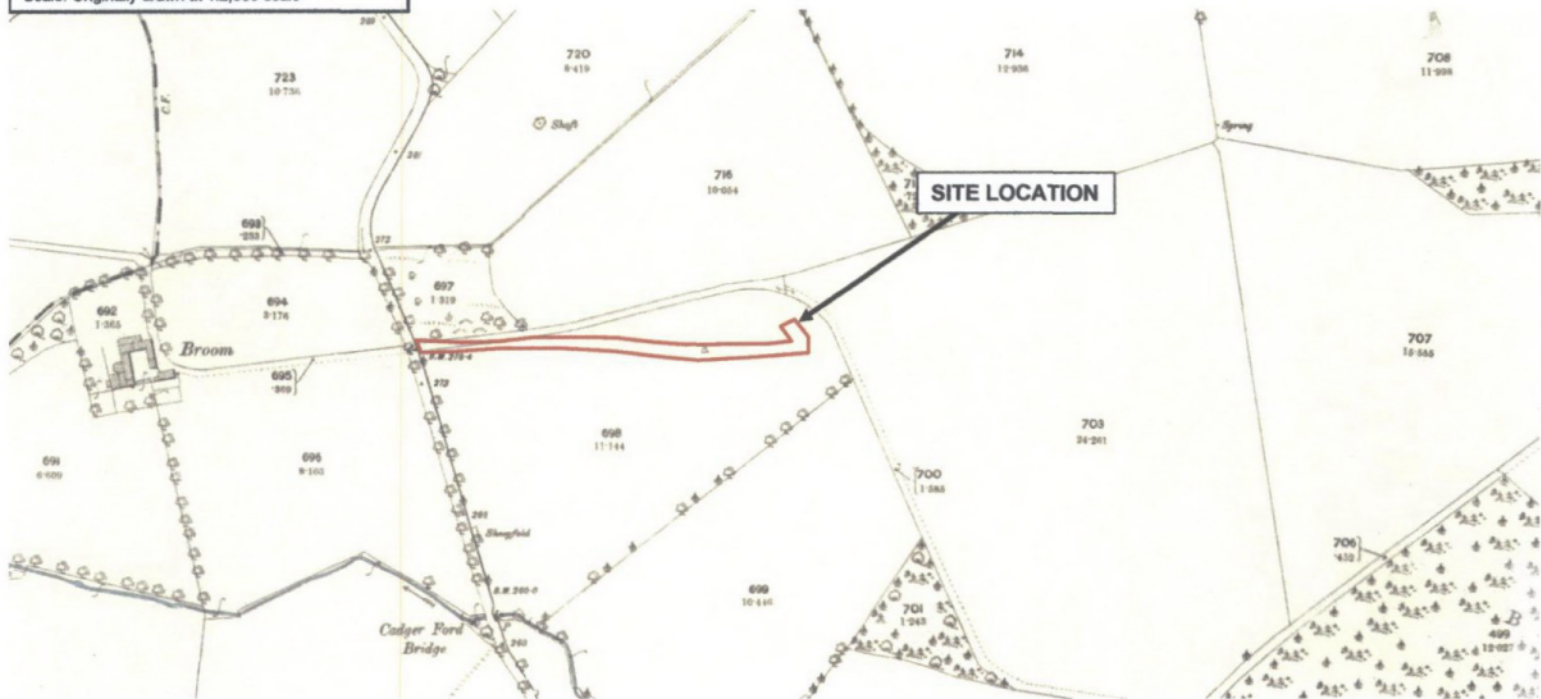
**MCGREGOR** **MCMAHON**  
CONSULTING ENGINEERS  
2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1896 Historical map

Scale: Originally drawn at 1:2,500 scale



**MCGREGOR** **MCMAHON**  
CONSULTING ENGINEERS

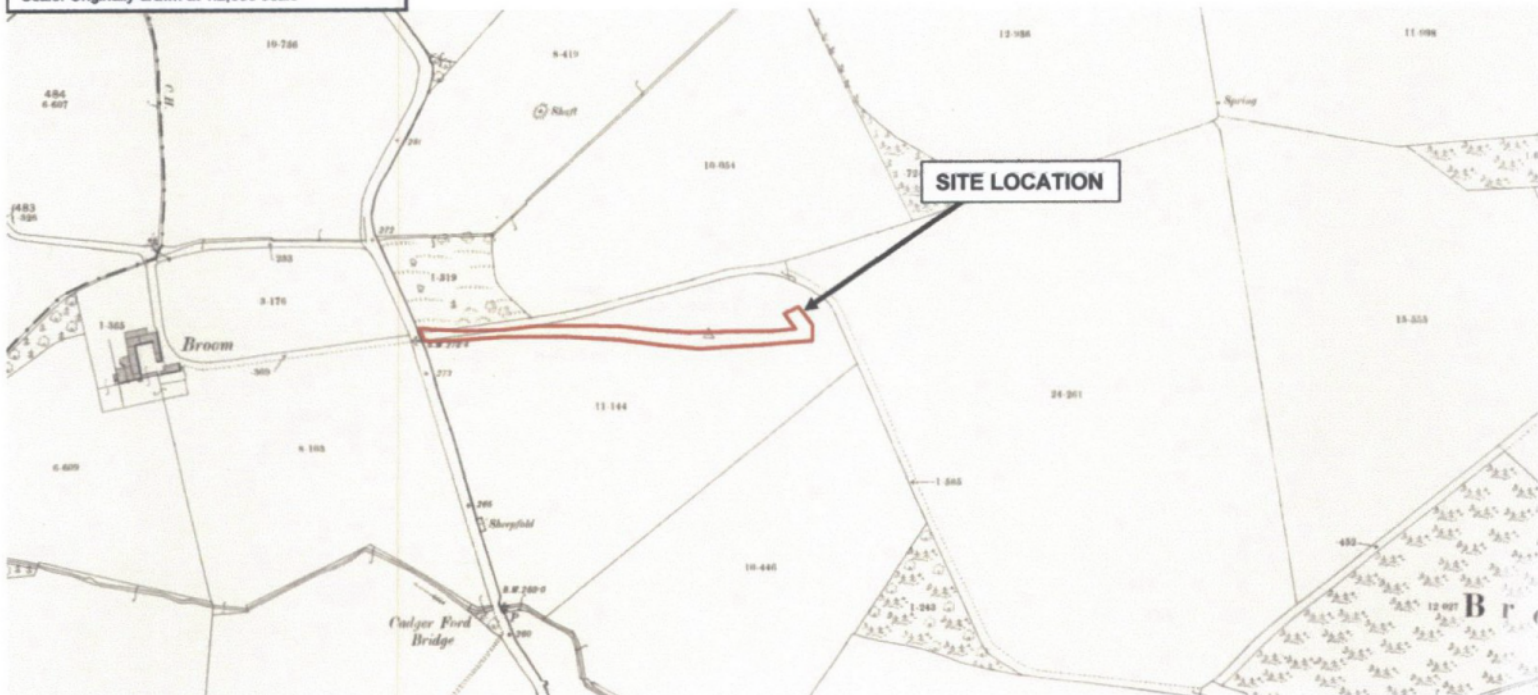
2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 9PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1900 Historical map

Scale: Originally drawn at 1:2,500 scale



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Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1915 Historical map

Scale: Originally drawn at 1:2,500 scale



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Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1956 Historical map

Scale: Originally drawn at 1:25,000 scale

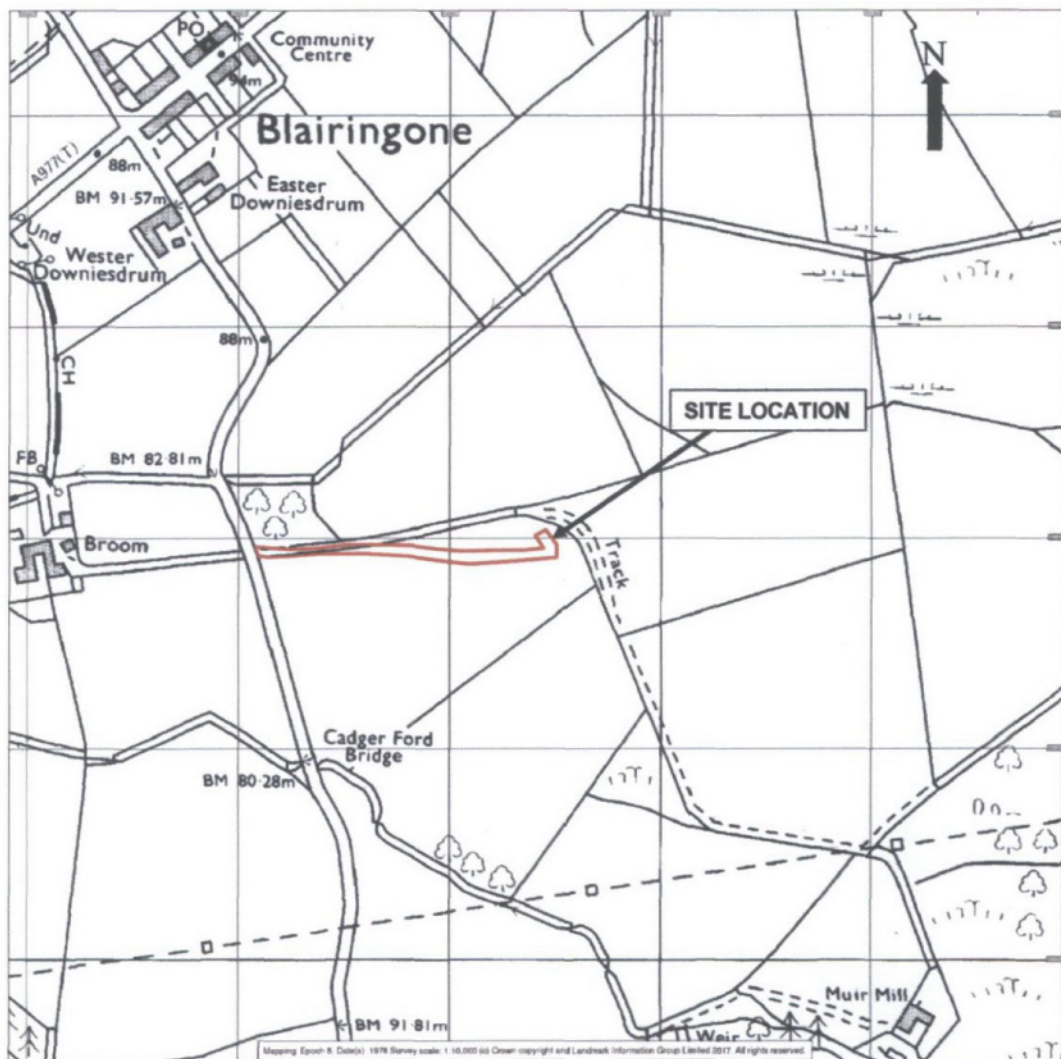


Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 1978 Historical map

Scale: Originally drawn at 1:10,000 scale



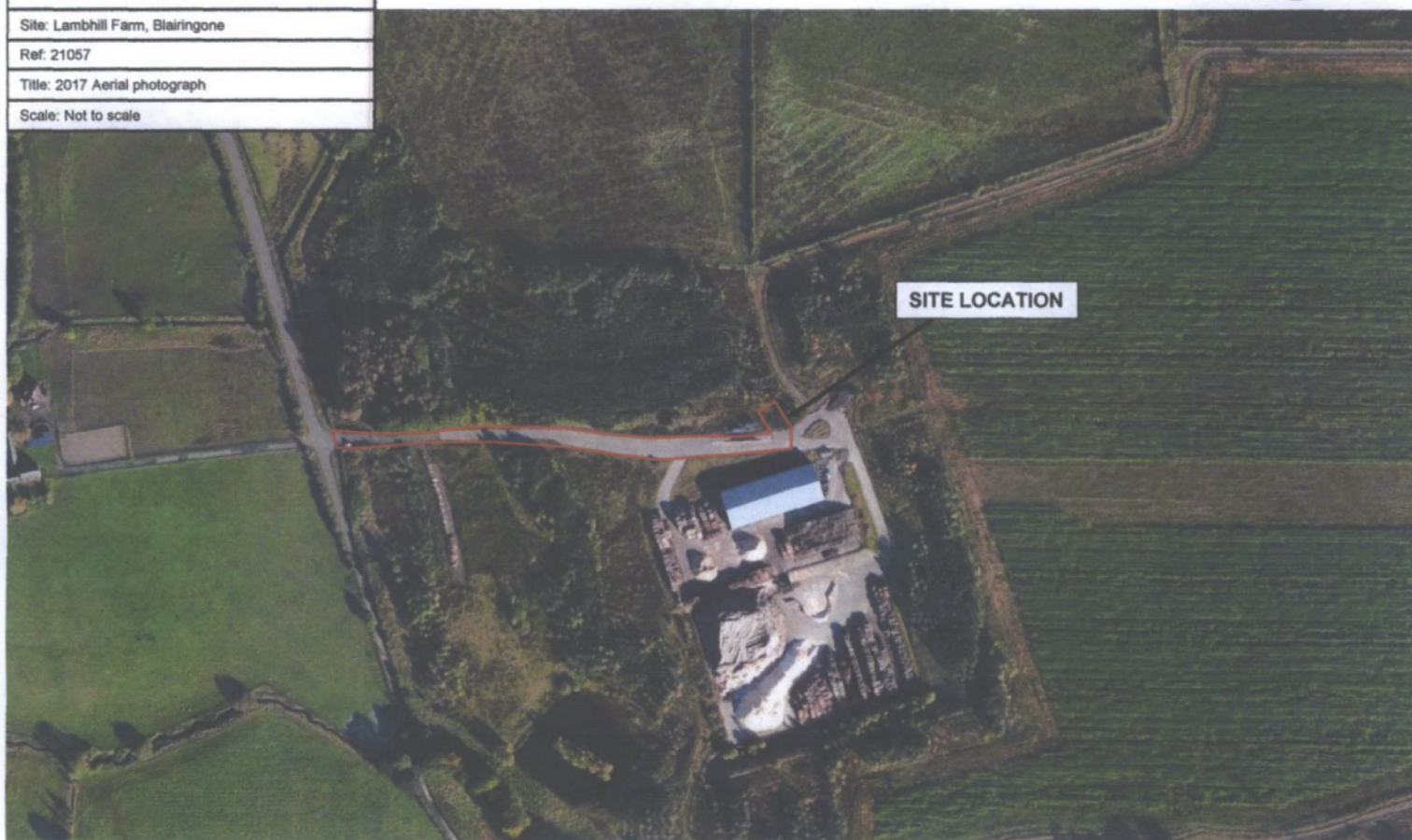
**MCGREGOR**  **MCMAHON**  
**CONSULTING ENGINEERS**  
2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

Site: Lambhill Farm, Blairingone

Ref: 21057

Title: 2017 Aerial photograph

Scale: Not to scale



**APPENDIX C**  
**COAL AUTHORITY MINING REPORT**



The Coal  
Authority

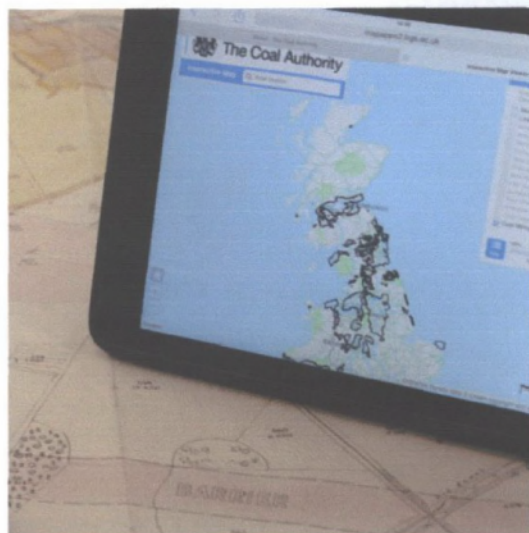
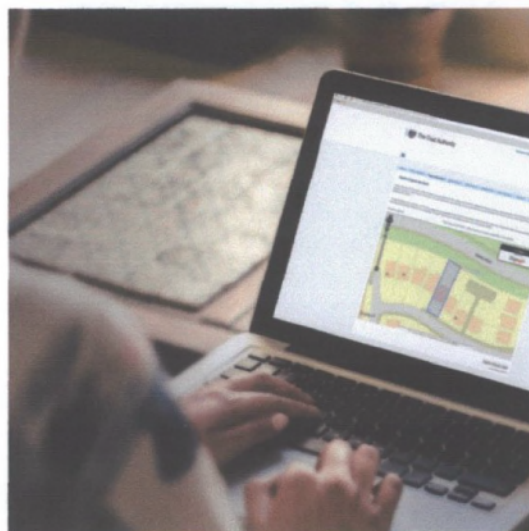
Resolving the **impacts** of mining

# CON29M Non-Residential Mining Report

LAMBHILL FARM  
BLAIRINGONE  
PERTH AND KINROSS  
FK14 7NX

Date of enquiry: 26 June 2017  
Date enquiry received: 26 June 2017  
Issue date: 26 June 2017

Our reference: 51001489541001  
Your reference: 21057 Lambhill Farm  
Blairingone



# CON29M Non-Residential Mining Report

This report is based on, and limited to, the records held by the Coal Authority, at the time we answer the search.

## Client name

McGregor McMahon & Associates

## Enquiry address

LAMBHILL FARM, BLAIRINGONE, PERTH AND  
KINROSS, FK14 7NX

## How to contact us

0345 762 6848 (UK)  
+44 (0)1623 637 000 (International)

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG

[www.groundstability.com](http://www.groundstability.com)

 /company/the-coal-authority

 /thecoalauthority

 /coalauthority



Approximate position of property



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## Summary

Has the search report highlighted evidence or potential of		
1	Past underground coal mining	Yes
2	Present underground coal mining	No
3	Future underground coal mining	Yes
4	Mine entries	Yes
5	Coal mining geology	No
6	Past opencast coal mining	Yes
7	Present opencast coal mining	No
8	Future opencast coal mining	No
9	Coal mining subsidence	No
10	Mine gas	No
11	Hazards related to coal mining	No
12	Withdrawal of support	No
13	Working facilities order	No
14	Payments to owners of former copyhold land	No

**For detailed findings, please go to page 4.**

# Detailed findings

## **1. Past underground coal mining**

The property is not within a surface area that could be affected by past underground mining.

However the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered prior to any site works or future development activity. Your attention is drawn to the Comments on the Coal Authority information section of the report.

## **2. Present underground coal mining**

The property is not within a surface area that could be affected by present underground mining.

## **3. Future underground coal mining**

The property is not in an area where the Coal Authority has plans to grant a licence to remove coal using underground methods.

The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area likely to be affected from any planned future underground coal mining.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

## **4. Mine entries**

There are no known coal mine entries within, or within 20 metres of, the boundary of the property.

There may however be mine entries/additional mine entries in the local area which the Coal Authority has no knowledge of.

## **5. Coal mining geology**

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

## **6. Past opencast coal mining**

The property is within the boundary of an opencast site from which coal has been removed by opencast methods.

## **7. Present opencast coal mining**

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

## **8. Future opencast coal mining**

There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

## **9. Coal mining subsidence**

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

## **10. Mine gas**

The Coal Authority has no record of a mine gas emission requiring action.

## **11. Hazards related to coal mining**

The property has not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

## **12. Withdrawal of support**

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

**13. Working facilities order**

The property is not in an area where an order has been made, under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

**14. Payments to owners of former copyhold land**

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

# Comments on the Coal Authority information

The Coal Authority own the copyright in this report and the information used is protected by our database right.

In view of the mining circumstances a prudent developer would seek appropriate technical advice before any works are undertaken.

Therefore if development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply good engineering practice developed for mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or mines of coal without the permission of the Coal Authority. Developers should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. The need for effective measures to prevent gases entering into public properties either during investigation or after development also needs to be assessed and properly addressed. This is necessary due to the public safety implications of any development in these circumstances.

## Additional remarks

Information provided by the Coal Authority in this report is compiled in response to the Law Society's Con29M Coal Mining and Brine Subsidence Claim enquiries. The said enquiries are protected by copyright owned by the Law Society of 113 Chancery Lane, London WC2A 1PL. Please note that Brine Subsidence Claim enquiries are only relevant for England and Wales. This report is prepared in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Coal Authority's Terms and Conditions applicable at the time the report was produced.

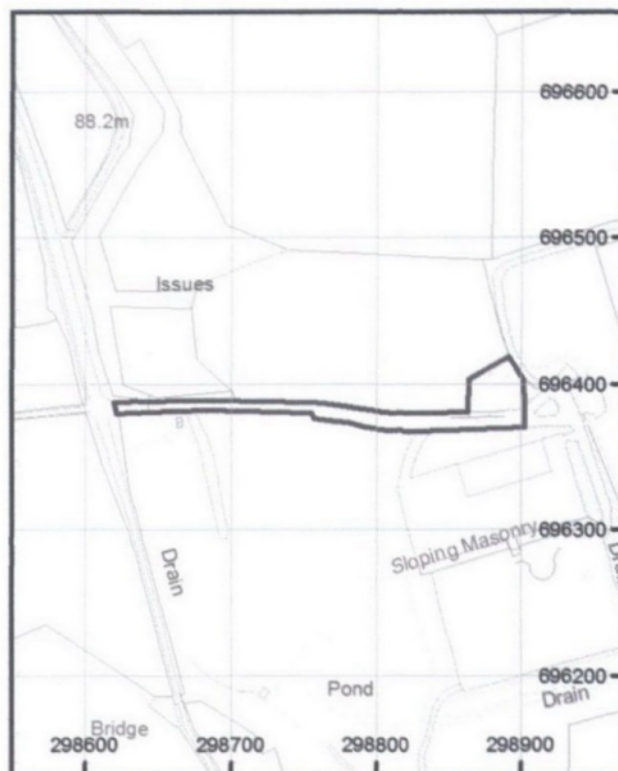
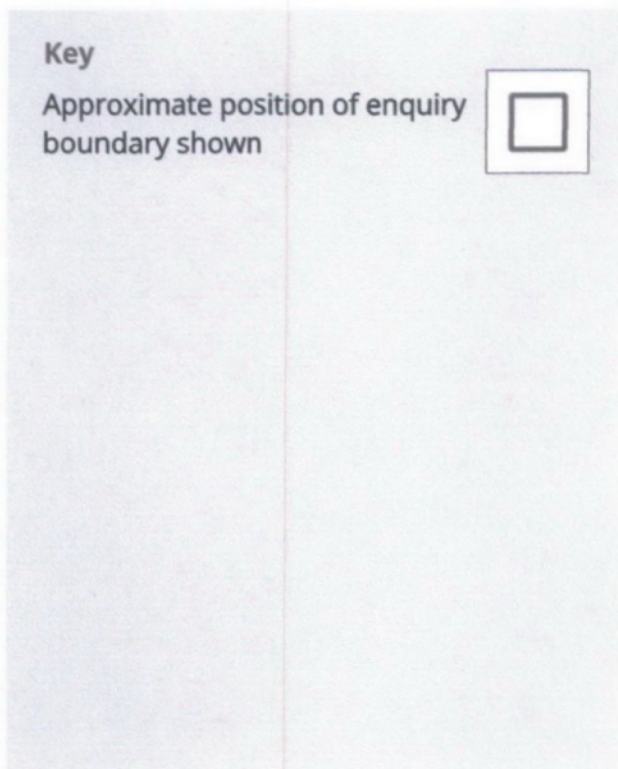
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## Alternative formats

If you would like this report in an alternative format, please contact our communications team.

# Enquiry boundary




## How to contact us


0345 762 6848 (UK)  
+44 (0)1623 637 000 (International)

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG

[www.groundstability.com](http://www.groundstability.com)

 /company/the-coal-authority

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 /coalauthority



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# VAT receipt

<b>Issued by</b>	The Coal Authority 200 Lichfield Lane Mansfield Nottinghamshire NG18 4RG
<b>Tax point date</b>	26 June 2017
<b>Issued to</b>	MCGREGOR MCMAHON & ASSOCIATES 2 CASTLE COURT, CARNEGIE CAMPUS DUNFERMLINE FIFE KY11 8PB
<b>Property search for</b>	LAMBHILL FARM BLAIRINGONE PERTH AND KINROSS FK14 7NX
<b>Reference number</b>	51001489541001
<b>Date of issue</b>	26 June 2017
<b>Cost</b>	£78.30
<b>VAT @ 20%</b>	£15.66
<b>Total received</b>	£93.96
<b>VAT registration</b>	598 5850 68

**APPENDIX D  
HISTORIC BOREHOLE RECORD**



**British  
Geological Survey**

NATURAL ENVIRONMENT RESEARCH COUNCIL

BGS ID: 744473 : BGS Reference: NS99NE105

British National Grid (27700) : 298682,696165

Report an issue with this borehole

&lt;&lt;

&lt; Prev

Page 1 of 2 ▾

Next &gt;

&gt;&gt;

G269 237325 IM 11/69 AT 19097

British Geological Survey

British Geological Survey

British Geological Survey

# SECTION OF Solsgirth Bore No. 1/69

To prove the position of the Solsgirth Fault

E 298684 N 696174

Surface Level 261.73 O.D.

Communicated by

Date of boring or sinking 7.10.69-29.10.69

Borer NCB

One-inch Map Six-inch Map NS 99 NE

40 ft down to water level

	Thickness		Depth from Surface	
	Ft.	In.	Ft.	In.
Sandy soil	5	0	5	0
Sand ) no core	10	0	15	0
Sandstone	6	2	21	2
Sandstone, pale grey, fine and medium-grained	3	4	24	6
Sandstone, fine and medium-grained, grey, some red and purple mottling, coaly stems	1	2	25	8
Siltstone, sandy, purplish-grey		3	25	11
Sandstone, pale grey fine, occasional silty micaceous laminae showing convolutions	5	1	31	0
Sandstone, pale brownish-grey, fine siltstone laminated bands up to 1". Traces ripple laminations.	1	0	32	0
Mudstone, silty, dark-grey, carbonaceous; coaly plant stems		11	32	11
Mudstone, dark-grey carbonaceous, plant scraps. Poorly bedded		3	33	2
Coal, inferior, laminated		1	33	2
Seatclay, grey		1	33	3
FCR mudstone, dark with pale sandstone fragments. Coaly plant scraps		1	33	4
Seatclay, grey and dark grey, lipy; sandy at base	1	8	35	0
Seatrock, silt and clay grade, pale grey, purplish tinge throughout, sandy in places	2	7	37	7
Sandstone, pale grey, fine-grained; occasional mudstone inclusions, up to 1"	3	11	41	6
Sandstone, medium at top, coarser downwards, broken, brown stained in upper part; some bands with quartz pebbles up to 1"	6	6	48	0
Core loss. 6'8" seen coarse sandstone with clay inclusions and ground up coarse sand. Sharp base at 56'8"	8	8	56	8
Siltstone, sandy and grey, poorly bedded, roots throughout		6	57	2
Seatclay, soft, brownish-grey		6	57	8
Seatclay, silty, badly broken at base		1	58	8
Mudstone, grey fissile pyrites throughout, abundant pyritised plant debris. Coaly laminations at 60'3". Silty at top	1	11	60	7
Mudstone; fissile, carbonaceous. Plant scraps. Lens of fine sandstone at top. 1" lenticular ironstone at base. Pyrites		2	60	9
CBI dark grey (seen)		4	61	1
Clay-rock, soft, grey		3	61	4
Clay-rock, soft, brownish-grey, ochrish mottling		3	61	7
Ironstone fissile (1" seen)		6	62	1
Sandstone, fine and medium-grained. Very hard and irony in top	6	11	69	0
2". Pale to dark-grey, some brown spots	5	0	74	0
Sandstone, mostly coarse, pebbly bands. Pebbles up to 1"		4	74	4
Sandstone, fine yellowish-grey		2	74	6
Siltstone, pale grey, soft clayey		4	74	0

Sandstone, fine pale, yellowish-grey					
Sandstone, pale grey, purplish in places, medium and coarse, some pebbly bands		4	0	83	0
Mudstone, bedded, pale lilac, micaceous			1	83	1
Sandstone, argillaceous in top 3". Pale grey, purple tinge, rusty brown in places. Fine with some coarse bands in top 4 ft					
Very coarse and pebbly below 88 ft. Sharp base		11	-	94	1
Carry forward		94	1		



**British  
Geological Survey**

NATURAL ENVIRONMENT RESEARCH COUNCIL

BGS ID: 744473 : BGS Reference: NS99NE105

British National Grid (27700) : 298682,696165

Report an issue with this borehole

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Page 2 of 2 ▾

Next &gt;

&gt;&gt;

	Thickness		Depth from Surface	
	Ft.	In.	Ft.	In.
Brought forward	94	1	94	1
Seatclay, purplish-grey, pale polished surfaces. Some ochreous mottling		10	94	11
Sandstone, pale grey, fine grained (18" pebbly band at 110 ft)	19	4	114	3
Mudstone, cream coloured, soft		7	114	10
Sandstone, pale grey, fine-grained, Purple and yellow spotted in places	17	2	132	0
Sandstone, coarse and very coarse; pebbly bands and clayey inclusions	4	11	136	11
Sandstone, pale grey, fine-grained	9	1	146	0
Sandstone, very coarse, pebbly	1	6	147	6
Sandstone, pale grey, fine	1	5	148	11
Sandstone, dark brown, ?oily	1	0	149	11
Sandstone, pebbly, much brown and purple spotting. Very coarse with pebbles up to 1/2" in basal 4 ft	13	10	163	9
11" sandstone, very fine, clayey, faky, heavily impregnated with iron, hard; dark brown and purple				
2'6" pale grey blaes with creamy spots and patches, silty in places, and occasional brown irony bands, some <u>Orbiculoides</u> and 1 ? <u>Lingula</u>	4	8	168	5
3" dark red-brown I.S.				
8" blaes, dark-grey, few small pyrites marks				
4" sandstone and silty seatrock, with <u>Stigmara</u> and roots, fine				
As for previous item				
Clayrock, silty massive, grey	1	0	170	0
Sandstone, pale grey, fine argillaceous with root traces in top 6". Occasional clayey inclusions and some irregular silty micaceous laminae	10	0	180	0
Faky blaes, grey, few roots and plant remains, some lipy marks, small, almost a seatclay in parts	1	7	181	7
5" blaes, lipy/2" coal, inferior		7	182	2
Sandstone, fine clayey, dirty with hair roots, nodule of pyrites, cleaner lower half		6	182	8
Sandstone, very fine hard, siliceous, abundant roots		6	183	2
Sandstone, very fine, argillaceous with root traces throughout	1	6	184	8
Sandstone, fine-grained	4	0	188	8
Sandstone and siltstone interbanded. Traces ripple lamination		10	189	6
Mudstone, grey silty laminations with laminae and ripple lenses fine sandstone		8	190	2
Mudstone; well laminated, slightly silty in places. Basal 6 in has many rounded sandstone fragments up to 1/2". Planolites type burrows; ?1 shell fragment. Dip 8-10°	2	3	192	5
Mudstone, grey CBI lenses ?nodule		3	192	8
Total depth	192	8		

**TCP/11/16(528) – 17/02015/FLL – Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 metres north of Lambhill, Blairingone**

## **REPRESENTATIONS**



# Comments for Planning Application 17/02015/FLL

## Application Summary

Application Number: 17/02015/FLL

Address: Land 10 Metres North Of Lambhill Blairingone

Proposal: Siting of static caravan for use as staff accommodation for a temporary period

Case Officer: John Russell

## Customer Details

Name: Mrs Claire Kinloch

Address: Easter Solsgirth, Solsgirth, Dollar FK14 7NB

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: I object to this application on the grounds that this is contrary to both local & structure plan not to mention policy RD3 and Housing in the countryside.

The applicant is not truthful in their description of what the reason behind the application is for which is that the business which is operating requires a person on site 24hrs a day to log the arrival, weight and nature of HGV's arriving & departing the site 24hrs a day. To say that a site which only has permission for the storage of logs requires a 24hr security guard is a gross misrepresentation of both the value of logs and the reality of what is occurring on the site.

The applicant is clearly unaware that there is rental accommodation available within an acceptable distance to this site (0.5-2 miles), but of course the need for a person on site has nothing to do with housing but the applicants business needs in running a 24hr distribution operation (without a valid consent).

As P&K council is currently under investigation by SPSO regarding their handling of an earlier application on this site by the same applicant, where the applicant deliberately set out to miss-lead P&K council & P&K council did not follow planning law and their own guidelines correctly, any deviation by P&K from the local , structure and planning policy guidelines would likely compound

further the already serious breached by P&K council.

regards

Claire Kinloch

# Comments for Planning Application 17/02015/FLL

## Application Summary

Application Number: 17/02015/FLL

Address: Land 10 Metres North Of Lambhill Blairingone

Proposal: Siting of static caravan for use as staff accommodation for a temporary period

Case Officer: John Russell

## Customer Details

Name: Mr Alan Kinloch

Address: Easter Solsgirth, Solsgirth, Dollar FK14 7NB

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: I object to this application on the grounds that this is contrary to both local & structure plan not to mention policy RD3 and Housing in the countryside.

The applicant is not truthful in their description of what the reason behind the application is for, namely that the business which is operating requires a person on site 24hrs a day to log the arrival, weight and nature of HGV's arriving & departing.

To say that a site which only has permission for the storage of logs requires a 24hr security guard is a gross misrepresentation of both the value of logs and thus their security and the reality of what is occurring on the site.

To further argue that a static home should be given permission on this site ignores that FACT that there are numerous rental properties within a short distance of the site.

The applicant is clearly ignoring the fact that there is rental accommodation available within an acceptable distance to this site (0.5-2 miles), but of course the need for a person on site has nothing to do with loss of housing elsewhere but the applicants business needs in running a 24hr distribution operation (without a valid consent).

As P&K council is currently under investigation by SPSO regarding their handling of an earlier application on this site by the same applicant, where the applicant deliberately set out to miss-lead P&K council & P&K council did not follow planning law and their own guidelines correctly, any deviation by P&K from the local , structure and planning policy guidelines would likely compound further the already serious breached by P&K council.

regards

Alan Kinloch

## Tracy McManamon

---

**From:** John Anderson [REDACTED]  
**Sent:** 21 November 2017 20:16  
**To:** Development Management - Generic Email Account  
**Subject:** 17/02015/FLL Lambhill

Wester Cairnfold,  
Blairingone,  
Dollar,  
FK147ND.

I object to the above application. An identical application 17/00737/FLL was recently refused by P&K Planning. The applicant promptly installed the residential caravan on a prepared base in direct contravention of planning control. It should be noted that virtually every application on this site has been in retrospect.

ON SITE SECURITY. To the best of my knowledge no breaches of security have been reported to the local police. The only vehicle access is locked at night. Why is onsite security suddenly required?

ESSENTIAL WORKER. The former resident at Barnhill was employed installing and servicing biomass heating systems all over Scotland, there is no planning permission for a spares store or workshop at Lambhill so why is it essential he works from there.

ACCOMMODATION. There is plenty of rental accommodation available in this area, look in the local estate agents windows. Where has the employee been living for the 4/5 months since the sale of Barnhill? The applicant was subsidising his accommodation at Barnhill so why stop now?

CONCLUSION. This assertion of hardship through being homeless is barely believable. The applicant made this worker homeless by selling his home from under him. Why was no mention made of his plight in the first application? There is plenty of affordable rental property in central Scotland. The applicant should rehouse his employee and because of his widespread work pattern it could be anywhere in a 20 mile radius. This is just another tedious ploy to defer enforcement and should be promptly REFUSED and ENFORCED. This applicants total disregard for due process should not be allowed. Refuse this retrospect application and serve a stop notice on the site until the caravan is removed. John Anderson.

Sent from my iPad





## Tracy McManamon

---

**From:** Fred Saunders [REDACTED]  
**Sent:** 21 November 2017 21:04  
**To:** Development Management - Generic Email Account  
**Subject:** 17/02015/FLL Lambhill

Landowner adjacent  
The Meadows  
Blairingone,  
Dollar,  
FK14 7LR.

SCANNED

Dear Sirs,

I object to the above application. An identical application 17/00737/FLL was recently refused by P&K Planning. The applicant promptly installed the residential caravan on a prepared base in direct contravention of planning control. It should be noted that virtually every application on this site has been in retrospect.

ON SITE SECURITY. To the best of my knowledge no breaches of security have been reported to the local police. The only vehicle access is locked at night. Historically there has been stored on site very valuable machinery but no on-site security was required. Little has changed and there has been no increase in risk / incidence of criminal behaviour.

ESSENTIAL WORKER. There is no workshop on site and there is no location for spares. It therefore is illogical to base service personnel on site.

ACCOMMODATION. There is rental accommodation available in this area. There is also caravan based accommodation near Dollar. There is no requirement for on site accommodation and certainly no need for residential accommodation on site.

CONCLUSION. This assertion of hardship through being homeless is not a credible argument given there is plenty of affordable rental property in central Scotland and particularly near the site. The applicant should rehouse his employee in more suitable accommodation with amenity space and in a community. Because of his widespread work pattern it could be anywhere in a 20 mile radius. This is just another tedious ploy to defer enforcement and should be promptly REFUSED. This applicants total disregard for due process should not be allowed. Refuse this retrospect application and serve a stop notice on the site until the caravan is removed.

Yours sincerely  
Fred Saunders

Sent from [Mail](#) for Windows 10





21/11/2017

Perth & Kinross Council  
Pullar House 35 Kinnoull Street  
Perth  
PH1 5GD



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Local Planner

**FK14 Blairingone Lambhill Land 10m N Of**  
**PLANNING APPLICATION NUMBER: 17/02015/FLL**  
**OUR REFERENCE: 753885**  
**PROPOSAL: Siting of static caravan for use as staff accommodation for a temporary period (in retrospect)**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from Glendevon Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

**General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk

# Comments for Planning Application 17/02015/FLL

## Application Summary

Application Number: 17/02015/FLL

Address: Land 10 Metres North Of Lambhill Blairingone

Proposal: Siting of static caravan for use as staff accommodation for a temporary period (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mr John Fraser

Address: The Learig Vicar's Bridge Road, Blairingone, Perth And Kinross FK14 7LR

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area

Comment: I object to this application on the grounds that this application has already been dealt with when the application ref 17/00160/ FLL was submitted and subsequently refused 14/6/2017 and seems farcical that the application is for a big residential lodge (not a small caravan) and that under P & K's own decisions having been previously refused, should have been enforced and REMOVED. It is also contrary to both local & structure plan not to mention policy RD3 and Housing in the countryside.

The applicant is not truthful in their description of what the reason behind the application is for, namely that the business which is operating requires a person on site 24hrs a day to log the arrival, weight and nature of HGV's arriving & departing.

Given the fact that this site has only permission under agricultural use to only store logs I cannot understand why P & K planning department are continuously allowing breaches of the planning process and are being allowed to continuously and conduct an obvious 24hr a day industrial distribution business. Then to say that a site which only has permission for the storage of logs requires a 24hr security guard is a gross misrepresentation of both the value of logs and thus their security and the reality of what is occurring on the site.

To further argue that a static home should be given permission on this site ignores that FACT that there are numerous rental properties within a short distance of the site and should under your

own decisions be removed.

The applicant is clearly ignoring the fact that there is rental accommodation available within an acceptable distance to this site (0.5-2 miles), but of course the need for a person on site has nothing to do with loss of housing elsewhere but the applicants business needs in running a 24hr distribution operation (without a valid consent).

As P&K council is currently under investigation by SPSO regarding their handling of an earlier application on this site by the same applicant, where the applicant deliberately set out to miss-lead P&K council & P&K council did not follow planning law and their OWN guidelines correctly, any deviation by P&K from the local , structure and planning policy guidelines would likely compound further the already serious breached by P&K council.

**For the attention of the Development Quality Manager**

**Planning Application 17/02015/FLL**

Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) at Land 10 metres North of Lambhill, Blairingone.

Fossoway and District Community Councillors discussed the above planning application by email consultation and have given consideration to the following points, as documented below.

The previous application 17/00737/FLL was refused by Perth and Kinross Planning Department in June 2017. The delegated report for this application assessed that:

- there was no evidence to support that a resident worker was required on site.
- there was no evidence of the labour requirement for the worker.
- there was no evidence to support that there is a security requirement for the onsite presence of a residential unit that cannot be catered for in another way.

The applicant bases his Justification Statement solely on the need for accommodation for an essential worker. However, P&K planning have already refused the previous application on the premise that there is no essential need for a temporary dwelling to run the enterprise. The applicant has not submitted any additional information to lend support to this application therefore on the basis of the points listed above Fossoway and District Council object to this application.

Yours sincerely,

Jennifer Donachie

Community Councillor, Fossoway and District Community Council





The Coal  
Authority



INVESTOR IN PEOPLE



RTPI

Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Mr John Russell – Case Officer  
Perth and Kinross Council

[By Email: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)]

6 December 2017

Dear Mr Russell

**PLANNING APPLICATION: 17/02015/FLL**

**Siting of caravan chalet for a temporary period of 3 years to provide accommodation for employment at Lambhill Farm (Re-submission following refusal 17/00737/FLL at Lambhill, Blairingone, Perth and Kinross, FK14 7NB**

Thank you for your consultation letter of 17 November 2017 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

**The Coal Authority Response: Material Consideration**

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development at the site.

The Coal Authority's information indicates that the application site falls within the boundaries of a wider site from which coal has been extracted by surface (opencast) methods. In addition, our information suggests that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

The proposed chalet would appear to be a non-permanent structure. As such, assuming that no significant ground works are required, the proposal would appear to represent a nature of development which is exempt from the requirement for the submission of a Coal Mining Risk Assessment in support of any associated planning application.

Nevertheless, it is noted that the applicant has submitted a Coal Mining Risk Assessment Report (July 2017, prepared by McGregor McMahon) in support of their application. Whilst the Report fails to acknowledge that the site falls within the boundaries of a former surface mine, it goes on to conclude that the site is at low risk of mining related ground instability. No further investigatory or mitigatory works are proposed.

Despite the absence within the Coal Mining Risk Assessment Report of any assessment of the risk posed by past surface mining operations, in light of the nature of the proposal, The Coal Authority wishes to raise **no objection** to this planning application.

If the proposal is granted planning permission, in the interests of public safety The Coal Authority would recommend that the following wording is included as an Informative Note within the Decision Notice:

***The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.***

***Further information is also available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)***

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

*James Smith*

**James Smith** *BSc. (Hons), Dip.URP, MRTPI*  
**Planning Liaison Manager**

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

*In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk*

*Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*



Development Quality Manager  
The Environment Service  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH 1 5GD

2 Tethyknowe Steading  
Blairingone  
Dollar  
FK14 7ND

December 7<sup>th</sup> 2017

Dear Sirs,

**Planning Application 17/02015/FLL Siting of static caravan at Lambhill**

We object to the above planning application for the following reasons:

This application has already been dealt with by PKC planning under application 17/00737/FLL, which was refused. The applicant had already installed the base for this static caravan before the application was decided and despite it being refused, then installed the caravan on the site. This applicant has a history of undertaking activities without planning permission or ignoring any decisions which do not suit his purposes. This one is a typical example. The previous application for this site included a justification on the grounds of security. It is clear from this application that this was not required as this applicant will not be on site at all times but travelling.

Although this site has been the subject of many planning applications the only activity which is currently allowed on this site is the storage of waste wood. Many other activities have been (and may still be) carried out but these do not have planning approval.

With regard to residential accommodation the applicant has requested a three year period to allow permanent housing to be achieved. What does this mean? Permanent housing in the local area? Scotland's housing may not be buoyant but three years is an excessive temporary period given that here is ample rental property in the area. It is now 8 months since he first applied for permission for this static caravan and if he had focussed his energies on finding a local rental property he would have achieved that by now. Or is the applicant indicating that he intends to apply for permanent housing on this site. In which case he should be applying for that now and not potentially misleading the local community about his intentions.

This applicant is costing PKC, and hence us as council tax payers, a great deal of money to manage his habitual abuse of the planning system. Please ensure that this is stopped and that as promised Blairingone is left in peace.

Yours faithfully

Jan and Graham Pye



## CHX Planning Local Review Body - Generic Email Account

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**From:** John Anderson [REDACTED]  
**Sent:** 25 April 2018 12:24  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(528)

The LRB is an essential tool for giving applicants recourse when they think their case has been mishandled. This is good! However should it be made available to serial abusers of the planning system such as this applicant? While the application was being lodged a concrete base and ancillary services had been installed, effectively making the application “in retrospect”. Almost immediately after REFUSAL a vast residential unit was installed on the base in direct contravention of the planning ruling!!

This is only one of many instances where the applicant has flagrantly ignored the planning process. Indeed I believe there are several enforcement actions active at this time on the site.

We urge you to back your planning officer and reject this appeal as the first step towards curbing the applicants irresponsible behaviour. The community has started on a movement towards an improved village with more housing and a traffic mitigation scheme. The Lambhill site offers no benefits to the village and indeed could be detrimental to these future plans through unplanned industrial expansion.

Mr. and Mrs. John Anderson,  
Wester Cairnfold,  
Blairingone,  
FK147ND

Sent from my iPad



## Local Review Body reference TCP-11-16(528)

**Application Ref: 17/02015/FLL – Siting of static caravan for use as staff accommodation for a temporary period (in retrospect) on land 10 metres north of Lambhill, Blairingone – Barnhill Estates**

Fossoway and District Community Council have consistently objected against this planning application.

On the 2<sup>nd</sup> of June 2017 we wrote in objection against application 17/00737/FLL:

*This application has insufficient information regarding the need for a static chalet caravan. It is stated that it is required for onsite security but it is not apparent from the application why this security is required as it currently operates as a wood chipping business. There is no business case made for the need for security therefore the applicant should supply details regarding this.*

Perth and Kinross Council refused this application.

The applicant applied again, this time partially in retrospect.

In November 2017 we wrote in objection against application 17/02015/FLL:

*The previous application 17/00737/FLL was refused by Perth and Kinross Planning Department in June 2017. The delegated report for this application assessed that:*

- *there was no evidence to support that a resident worker was required on site.*
- *there was no evidence of the labour requirement for the worker.*
- *there was no evidence to support that there is a security requirement for the onsite presence of a residential unit that cannot be catered for in another way.*

*The applicant bases his Justification Statement solely on the need for accommodation for an essential worker. However, P&K planning have already refused the previous application on the premise that there is no essential need for a temporary dwelling to run the enterprise. The applicant has not submitted any additional information to lend support to this application therefore on the basis of the points listed above Fossoway and District Council object to this application.*

In January 2018, the Report of Handling concluded that under Policy RD3, the Supplementary Guidance permits housing in the Countryside when there is a justifiable need for key worker accommodation. However, the planning authority came to the conclusion that: 'There is no evidence to support the functional test that a resident worker is required on site for the proper functioning of the enterprise/business.' On these grounds, the application was refused again. Perth and Kinross Council stated in their refusal notice

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

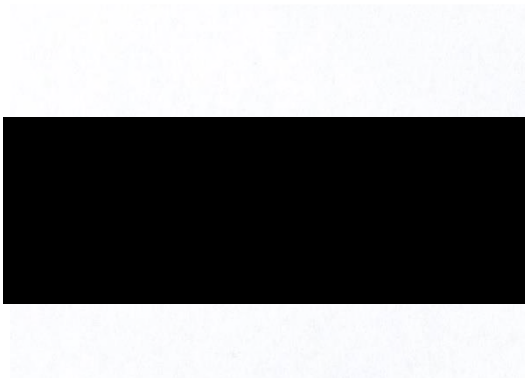
By the time of the site visit, the accommodation was erected and connected to the services; without planning permission been having granted.

The applicant has now asked the Local Review Body to review these refusals on the basis that the application is for temporary accommodation and is not in any way detrimental to the visual amenities of the village. However, in the Review Notice dated April 2018, there is **no justification of the need (and therefore the need for accommodation for) a key worker. Therefore, there are still no material reasons to justify departing from the Development plan.**

Fossoway and District Community Council maintain their objection against this planning application, ask the Local Review Body to uphold the decision of the planning officer and refuse this planning application.

25 April 2019,

Trudy Duffy – Wigman



Chair Fossoway and District Community Council