

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 6 February 2013**

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#### **DC12/265: Erection of a Single Storey Detached Cottage East of West Muirhouses Farm, off Cochno Road, Hardgate, by Mr McTaggart**

#### **1. REASON FOR REPORT**

- 1.1** This report relates to a potential departure from the West Dunbartonshire Local Plan 2010 which officers are recommending be approved. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a site adjacent to West Muirhouses Farm. This is a small working hill farm with a farm cottage and associated farm buildings located on the edge of the Kilpatrick Hills, at the northern extremity of an unadopted road/track leading from Cochno Road. The application site is bordered by the existing farm buildings to the west, a strip of woodland to the north and east and by fields to the south. The site itself is relatively level but the whole farm is on the southern slope of the Kilpatricks, with the land gradually rising to the north. The farmhouse and farm buildings sit alone, with the nearest neighbouring properties being at East Muirhouses over 300m away.
- 3.2** Full planning permission is sought for the erection of a small single storey detached cottage. It would measure 9.56m by 5.94m, with a pitched roof of approximately 5m in height. The exterior of the building would be constructed of brown stained timber, and the roof would be finished in dark grey rooftiles. The house would contain a kitchen/living room, one bedroom and a bathroom. All access would be by way of the existing farm.
- 3.3** The agent has supplied a supporting letter which sets out the background to the application. The applicant's family has owned the farm since the 1950s and he has lived and worked for most of his life on the farm. He has now retired and his daughter has taken over the running of the farm, although he continues to perform a less active supporting role on the farm. The only dwelling on the farm is the existing small farmhouse, and the applicant wishes to vacate that in order that it can be occupied by his daughter. As he has lived all of his life on farms, mostly West Muirhouses, he wishes to be able to

retire on the property and does not wish to move into the town. By living on the farm he would be able to assist his daughter by providing advice and other support on the running of the farm, and his daughter would be living close at hand. The proposed house is a very small timber cottage which is designed around the applicant's own needs.

#### **4. CONSULTATIONS**

- 4.1 West Dunbartonshire Council Environmental Health and Roads Services and BAA Safeguarding all have objection to the proposal.

#### **5. REPRESENTATIONS**

- 5.1 None.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

- 6.1 The site is within the Green Belt, where Policy GB1 applies. This policy states that there will be a general presumption against development other than in certain specified circumstances. These include development which is necessary for a recognised countryside use such as agriculture or forestry, which would include agricultural workers' houses. However, in this case the applicant acknowledges that the proposed house is for a retired agricultural worker and that his active involvement in the running of the farm is now limited. Accordingly the proposal does not comply with policy GB1.
- 6.2 Also of relevance is Policy GD1 (Development Control) which sets out general assessment criteria for all new development. This includes a requirement that all new development be of high quality design and respect the character and amenity of the area in which it is located. Proposals should be suitable for the area in terms of land use, layout and design, and should have an appropriate impact upon the landscape. These issues are considered in Section 7 below, and it is considered that the siting and design of the proposed house are appropriate. The proposal is therefore considered to be in accordance with Policy GD1.

#### **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

##### Green Belt Policy

- 7.1 The proposal does not comply with Green Belt policy, as whilst there are some advantages to the farm of having the applicant live on the site, it is not essential for the efficient operation of the farm unit that he does so. Within the Green Belt there is significant pressure for new houses in the countryside, and the absence of a clear agricultural justification would normally make such development unacceptable. However, in this case the proposed house is intended for a retired farmer and the house itself is a very modest building tailored to his needs. The design and location of the house are such that it would have limited appeal to a wider market, and it would for practical purposes form part of the farm.

- 7.2** It is recognised that farmers who have always lived in the countryside may have a strong attachment to the land and a desire to remain in the countryside upon retirement, rather than moving into the urban area. Whilst it would not be desirable to set a general precedent for such development, in this particular case it is noted that the applicant has lived on the farm in question for most of his life, and that doing so would enable him to continue to assist his daughter in the running of the farm.
- 7.3** Although the farm is less than 2km from the edge of Faifley, it is relatively remote from the town as it is accessed by way of a lengthy unadopted road which serves this farm and the neighbouring small farm of East Muirhouses. The proposed house is a very small timber cottage with a floor area of less than 50m<sup>2</sup>, which by reason of its location would have a very close relationship with a working farm, and would therefore be unlikely to be attractive to commuters seeking a house in the countryside. Furthermore, the applicant has indicated that he would accept a planning condition limiting occupation of the house to persons employed or last employed in agriculture. A condition limiting future extensions would further serve to maintain control over the house, and any future application to replace or significantly expand the property would have to be justified against green belt policy at that time. Collectively, these measures would make it unlikely that the house would be occupied by persons unconnected with the farm in the future.
- 7.4** It is also to be noted that whilst the building of a new house for the applicant to occupy does not accord with Green Belt policy, if the applicant were to continue to occupy the existing farm cottage it is likely that an application for a new house for his daughter would comply with the policy because as she is now the farmer there would be a requirement for her to live on the land in order to look after the livestock.
- 7.5** Overall it is considered that whilst the proposal should not establish a precedent for allowing any retiring farmer to build a house on their land, the particular circumstances of this case are such that the proposed development would not undermine the effectiveness of the Green Belt.

#### Design and Landscape Impact

- 7.6** The proposed cottage would be of a simple design which is appropriate for a rural location. The application site is immediately adjacent to the existing farm buildings, and visually the proposed new house would form part of that existing group of buildings rather than being an isolated structure. Furthermore, the plot borders woodland on two sides, and when viewed from the south the new house would be seen against a backdrop of trees, with the rising land of the Kilpatrick Hills behind. This, together with the fact that the house would be of timber construction, would serve to ensure that its visual impact upon the local landscape would be minimal.

#### Technical Issues

- 7.7** Access to the house would be by way of the existing farm, and adequate parking would be available. As the farm is not connected to mains sewerage,

it is proposed to dispose of sewage by way of a septic tank and soakaway. This is a normal arrangement in the countryside, and the existing farm house uses such an arrangement without any known problems. A condition can be attached requiring that the applicant undertake a soil condition test to demonstrate that the ground is suitable for a new soakaway prior to the commencement of development.

## **8. CONCLUSION**

- 8.1** The proposal involves a new dwellinghouse within the Green Belt, and does not comply with policy GB1 which contains a presumption against such development. However, the proposed house is a very small timber cottage for a retiring farmer in a location which would have no adverse landscape impact, and there is little likelihood of the cottage being used for commuter housing unrelated to the farm. In these particular circumstances it is not considered that the proposal would detract from the character or integrity of the Green Belt, and that the proposal would not set a general precedent for new housing in the Green Belt. Accordingly, it is considered that the circumstances of this application justify a departure from the Local Plan policy on housing in the Green Belt.

## **9. CONDITIONS**

- 1. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, or last so employed, in agriculture as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997 or to spouse, ascendants, descendants and those living in family with such persons.**
- 2. Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 (and all subsequent orders amending, revoking or re-enacting that Order), the house shall not be extended unless this is subject to a specific grant of planning permission.**
- 3. No development shall commence until such time as details of the proposed septic tank and soakaway drainage arrangements, including a ground condition survey demonstrating that local soil conditions are suitable for a soakaway, have been submitted to and approved in writing by the Planning Authority. The approved drainage infrastructure shall thereafter be implemented as approved.**
- 4. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.**

5. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
6. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out.

## **INFORMATIVES**

1. The drawings referred to in this consent are DRG H205/01a, DRG H205/02a and DRG H205/03a.
2. The applicant is advised that under the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development hereby approved must commence within a period of 3 years from the date of this decision notice.
3. The applicant is advised that under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, the developer is required to submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed
4. A grant of planning permission does not authorise works under the Building (Scotland) Acts. A separate Building Warrant may be required.

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 18 January 2013**

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**Appendix:**

None.

**Background Papers:**

1. Application forms and plans;
2. Consultation responses; and
3. West Dunbartonshire Local Plan 2010

**Wards affected:**

Ward 4 (Kilpatrick)