



PLANNING STATEMENT
(in support of the review of planning decision
reference 20/01658/APP)

SITE: SITE SOUTH-WEST OF SOURBANK FARM, RAFFORD, FORRES

PROPOSAL: ERECT 1.25 STOREY DWELLING HOUSE AND DETACHED TIMBER GARAGE
CLIENT: GRAEME PROCTOR

Jane Shepherd MRTPI
25 May 2021

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



CONTENTS

SECTION 1: INTRODUCTION

SECTION 2: PLANNING CONTEXT

SECTION 3: POLICY ASSESSMENT

SECTION 4: CONCLUSION

APPENDICES:

- 1: National Planning Policy and Guidance Relating to Housing in Rural and Countryside Areas**
- 2: Scottish Local Planning Authorities (LPAs): LDP Policies and Guidance for Housing for Farm Enterprises and Farm Workers**



SECTION 1: INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed house and garage (planning application reference 20/01658/APP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and photographic evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. The photographic evidence is also intended to assist the Local Review Body Members given the difficulties in site visits during the ongoing COVID restrictions. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 (Development Principles) and DP4 (Rural Housing), as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, that must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside all the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.



SECTION 2: PLANNING CONTEXT

Previous Planning History

The full planning history is outlined within the Planning Supporting Statement and must be read in full to appreciate the background to this current proposal.

Pre-application 2009-2019

Of most direct relevance is that the applicant, Mr G Proctor has invested heavily in exploring all the various options for a succession house for his son, Mr R Proctor. This has included engagement with the Planning Service at Moray Council from 2009 to the current day. There have also been ongoing discussions with both SEPA and the Moray Transport Team seeking input and solutions to the any detailed design issues that have arisen.

Alternative locations have been explored over the years and these are fully detailed in the Planning Supporting Statement and have included the options of conversions and other sites for a new farmhouse. This exploration has by default accorded with the currently adopted rural development hierarchy by looking at existing properties and conversions but found no feasible options. This has left the only option available being a house in the open countryside, which due to farm's location and the new MLDP, is now located in the newly identified Pressurised and Sensitive Area.

During those discussions with the Planning Service, the current site was identified as an option as far back as 2009 but at that time the site north of the steading was deemed to be the best site to pursue. Unfortunately, whilst permission was granted in 2009, 2012 and 2015 for that site, it soon became apparent that it was incapable of implementation, mainly due to servicing and SEPA related issues.

Having concluded that this remaining gap site was the only realistic remaining option available, a planning application was submitted (reference 19/01599/APP) on the basis that it was envisaged that the original pre-application advice would be honoured. Full details of this proposal, consultation and planning responses are provided in the Planning Supporting Statement. In summary, there were road safety issues relating to visibility splays (from the Transport Team) and concerns in principle regarding landscape and visual impacts relating to the cumulative build up of housing in the countryside (from the Planning Team). The application was subsequently withdrawn to enable discussion and for an acceptable proposal to be drawn up for re-submission.

Pre-application (post 19/01599/APP and prior to 20/01658/APP)

Following withdrawal of application 19/01599/APP, the applicant further engaged with the Transport Team to achieve an acceptable solution by creating an alternative location for the access. This then led to a different access being created to meet those requirements. As a result, further



discussions were also necessary with SEPA to ensure that the required crossing over the Rafford Burn for access purposes met with their detailed requirements.

Further discussions took place with the Planning Team and research undertaken, including the commissioning of an Agricultural Needs Assessment, with the view to creating a strong case for an exception to policy such that would demonstrate that the proposal was required to meet a specific and affordable housing need in an appropriate location relating to this well-established farming business. A detailed landscape assessment was also undertaken.

Planning Application (the subject of this Review)

Full planning permission to Erect a 1.25 storey dwelling house and detached timber garage (on Site South-West of Sourbank Farm, Rafford, Forres, Moray was subsequently sought on 7 December 2020 and validated as application 20/01658/APP on the same date. The application was submitted on the basis that a strong case for an exception to policy formed part of the submission.

SUBMISSIONS

In support of the planning application, the following documents were provided:

- GRP/09/19/001A – Location Plan
- GRP/09/19/002C – Site Plan
- GRP/09/19/003A – Floor Plans
- GRP/09/19/004A - Elevations
- GRP/09/19/005A – Garage Plans
- GRP/09/19/006A – House Section
- GRP/09/19/007 – B9010/U102E Junction
- Visual Impact
- Design Statement
- Agricultural Needs Assessment
- Site Investigation and Drainage Survey
- Culvert Proposal
- Planning Supporting Statement

As part of the planning process, the following additional information was provided on request of the planning officer:

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



- Details of the driveway materials
- Confirmation of payment of developer contributions
- Further details relating to the Agricultural Needs Assessment

It is of note that other than the plan drawings, there are no supporting documents available online under the application reference or the additional information supplied above. It is important that the Local Review Body Committee has full access to all the submission papers as part of the Review process.

REPRESENTATIONS

In response to neighbour notification, four representations were received and raised the following issues:

Alternative Options for housing for the applicant and Need:

Much is made of there being alternative options, including the lapsed permission for the site north of the Steading, other houses for sale in the area, sale of land by the applicant etc. These are not material planning considerations. However, for completeness, the applicant is content to advise the rationale behind the current location for the proposed house, which was also detailed in part within the Planning Supporting Statement and the Agricultural Needs Assessment.

The fact is that the applicant has spent over 12 years looking at all the available options, and these have been discounted for genuine practical and financial reasons, all as detailed in the Planning Supporting Statement. Affordable housing for farmers in rural areas is in short supply. Housing must be location-specific to suit operational needs.

It is also worth noting that it not just the cost of building a house in this specific area that is of relevance. Building a house in this area involves servicing provision, roads requirements and drainage solutions. Each of these issues present problems that must be overcome and has resulted in the discounting of several seemingly achievable options in the vicinity of Sourbank farm by those objecting.

On top of eliminating options based on operational needs, practicalities and financial constraints, the applicant has also had to factor in planning restrictions and requirements. It has therefore not been easy to find a site that ticks all the boxes.

Given the operational needs of rural farming enterprises, the building of a new house remains the most affordable option over the alternative of managing the farm holding from an existing house in the wrong location, involving unnecessary and unsustainable (cost and time) journeys. The alternative of moving into an existing house is also not affordable to a young farmer. The cost of housing in rural areas is escalating, particularly since



COVID as the area has become more desirable, making it impossible for farm workers and lower paid workers in rural businesses to find affordable accommodation in appropriate locations relative to the land and animals they manage.

Whilst agricultural need does not form part of the criteria or options available within the formally adopted policy in Moray, it presents a bona fide need for housing in Scotland, particularly in rural areas. As demonstrated in [Appendices 1 and 2](#) of this Statement, housing for rural business, including specifically farming enterprises, is catered for as part of national planning policy and in local planning policies in all but Shetland and Moray Councils. Therefore, whilst this need and provision may not form part of Moray's planning policy, it is the applicant's assertion that their policy should deal with this genuine housing need and provide a specific policy reference to enable its provision. The alternative is that the rural economy in Moray will be seriously affected due to lack of accommodation for the continuation of farming enterprises as farmers retire and young workers are not encouraged or enabled to continue the family business or indeed enter farming businesses anew. It is accepted that this does not currently form part of the MLDP. However, the strength of the applicant's case should be considered as an allowable departure until such a time that policy exceptions may be available.

The final fact is that this proposal is now the only remaining option available to the applicant.

Precedent

As stated in this Statement and agreed in the Officer's Handling Report, each application must be dealt with upon its own merits against the Local Development Plan and material planning considerations. The outcome of this application would not create a precedent for this area since to do so, a further application presenting the same or similar merits would have to occur.

It is extremely unlikely that there is another farmer at Sourbank or within the vicinity who has exhausted all the options for alternative housing through the need for succession planning for their farming business. Furthermore, Moray Council has already indicated in the Officers Handling Report that this has not been an issue in the past and that is one of the reasons why there are no policy or exceptions provided for this scenario in the MLDP. The fear of the floodgates opening due to the Council being inundated by applications for new housing for farmers is therefore unfounded.

Drainage, Services Infrastructure, and Refuse Collection

Following extensive discussions with SEPA and the Moray Flood Risk Management, a scheme has been submitted which is to their satisfaction.

Similarly, the scheme has been designed to ensure that there will be electricity and water connections. Connection to electricity and a fast broadband are not material planning considerations.

Adequate refuse storage is provided in the proposal and this has been accepted by the Council.



Any objections on the grounds of flooding, connections to services and refuse storage provision are therefore unfounded.

Road Safety

Following extensive discussions with Transportation Team, a scheme has been designed to their satisfaction. This involves the creation of visibility splays, at the applicant's cost. The addition of one single house for a farmer who already uses the local roads to access the farm will not cause additional traffic that the road network is not capable of dealing with, a fact that the Transportation Manager has agreed with.

Any objections on the grounds of roads matters, traffic and road safety are therefore unfounded.

Residential Amenity and General Amenity Issues

As identified in the Officer's Handling Report, there would be no significant impact upon the amenities currently enjoyed by nearby residents due to its proximity in relation to nearby properties and the ownership of the track.

The light pollution generated from one additional house in this area would be minimal. If there was a local issue of this nature, then the existing houses would not have gained planning permission, nor indeed other housing within the Moray area.

Any objections raised on amenity issues are therefore unfounded.

Other Issues

As confirmed in the Officer's Handling Report and by the applicant, there would be no impact upon recreational users of the Rafford Walk.

It is of note that only two comments are raised regarding the landscape and any impact upon it, meaning that it is not a contentious issue for local people. The two comments were:

- (1) the house would be visually obtrusive from the B9010 and footpath network, and,
- (2) the view of Blervie Castle would be obscured.

The latter point is not supported in the Officer's Handling Report.

The Planning Supporting Statement together with this Statement deals with the former point in detail below under the Landscape Assessment and Policy Assessments.



Furthermore, it is of note that the developments that have taken place and are taking place at Blervie (see [Photographs 11-15](#) in the Material Considerations Section of this Statement) are examples of how housing development allowed by Moray Council have and are having the impact of involving cumulative build up and causing harm to the setting of Blervie Castle and to the surrounding rural landscape.

In conclusion, many of the objections are covered off in more detail in the Officer's Handling Report and demonstrate that the issues raised (excepting the point in principle of a new house in the Pressurised and Sensitive Area and the one of the landscape issues above) are not of concern to the Council as they have been dismissed or categorised as being non-material that cannot be considered.

CONSULTATION RESPONSES

Consultation responses were received from: Environmental Health, Contaminated Land, Transportation Manager, Planning and Development Obligations, Moray Flood Risk Management, and Scottish Water. No objections have been raised by any of these consultees. Objections have been raised by Development Planning based on Policies DP1 and DP4 and these will also be dealt with in the Policy Assessment in this Statement.

CONCLUSION RELATING TO REPRESENTATIONS AND CONSULTATION RESPONSES

In conclusion, the planning application did not generate any expert objection, other than those from Development Planning, or any demonstrable third-party objections.

DECISION NOTICE

Despite the merits of the proposals as outlined in the submission, the planning application reference 20/01658/APP was refused on 30 April 2021 as follows:

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

- 1. The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.**
- 2. There is not an acceptable level of enclosure and containment for a new house.**
- 3. Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.**



4. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.
5. There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.



SECTION 3: POLICY ASSESSMENT

General

The most important point to note in reviewing this planning case is that:

It is a statutory requirement that all planning applications must be considered on their own planning merits against planning policy and other material considerations.

The primary document for planning decisions is the Moray Local Development Plan 2020.

In addition, national policies provide visions, objectives and aims for policy making in Scotland and reference is made both in [Appendix 1](#) of this Statement and here to relevant national policy statements promoting the approval of this proposed development meeting a genuine housing need.

National Policy

Current national planning policy is provided through the National Planning Framework (NPF3) and Scottish Planning Policy (SPP).

A full assessment of national policy and guidance is outlined in [Appendix 1](#) of this Statement, which provides details relating to NPF3 (and the emerging NPF4) and SPP 2014 (as revised December 2020). An assessment is also provided regarding other relevant national policy and advice documents (Circulars 04/1998 and 3/3012, and PAN 72)

It is not considered that the planning visions, objectives, aims and policy principles, as outlined in [Appendix 1](#) of this Statement and here, have been sufficiently acknowledged in the Officers Handling Report or applied in their interpretation of local policy to allow this application to be approved based on agricultural need. The Report merely states there is no policy exception available, and the supporting information provided is not enough to outweigh LDP policies, and therefore on that basis it should be refused. The material considerations are disregarded.

Further consideration of the relevant policies within NPF3 and SPP is necessary to enable a fair and balanced assessment of the proposals that are before the Local Review Body for review.

[NATIONAL PLANNING FRAMEWORK 3 \(NPF3\)](#)

The salient point in NPF3 is '*homes which meet our needs*'.

Outwith the Central Belt, Scotland is predominantly a rural area. It only survives and thrives due to the existence of rural enterprises, of which the backbone is farming. Without farming enterprises, the economy within rural areas of Scotland would be in serious decline. It is imperative that support

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



is given to the continuation of these businesses and to the provision of homes to meet the needs of those who work in farming, particularly where a genuine case is presented.

Increased population growth and support for rural-related enterprises remain vital to sustain rural communities long into the future, in line with NPF3's long-term spatial planning framework. NPF3 seeks to ensure that development in rural areas is not unnecessarily constrained and sees a continuing need for new housing and a flexible approach to successfully achieve this.

As stated previously, following an assessment of LDPs throughout Scotland that similarly cover rural areas (see [Appendix 2](#) of this Statement), policies do exist to ensure that cases of genuine housing need for farming enterprises can be considered without the need for exceptions to be made or a departure from policy to be considered.

In refusing this planning application, the Council are taking an unnecessary constrained approach which is neither flexible nor catering for the continued need for new housing to meet the needs of succession planning for farming families, who have farmed the land for centuries, or indeed the need for farm labour.

Moray Council is therefore out of line with the other Scottish rural planning authorities in this respect. This is prejudicial in that because the Proctor's farming enterprise is in the Moray area it is not afforded the same consideration or opportunities to meet succession and labour needs.

This development to meet a specific housing need in relation to a well-established rural-related enterprise, is required to sustain the surrounding rural communities and beyond.

A flexible approach to considering this application for this specific housing need is also in the spirit of NPF3, which is not found in MLDP policies, unlike the other 29 rural Local Planning Authorities in Scotland.

[SCOTTISH PLANNING POLICY \(SPP\) \(as revised 18 December 2020\)](#)

SPP takes up the NPF3 requirement for planning policies to be '*flexible enough to adapt to changing circumstances over time.*'

Whilst full details of the Proctor's farming enterprise have been provided in the planning submission, including a detailed Agricultural Needs Assessment and Planning Supporting Statement, it has not been acknowledged through the consideration of this planning application that this is a long-standing farming enterprise that has been passed through four generations of the Proctor family.

The changing circumstances here involve a succession planning process for this farming enterprise; a long-established practice to ensure the continuation of farming in Scotland and beyond.



The Proctor family are continuing to take full responsibility for the future of this farming enterprise in Moray. There is of course a supply chain for their produce and not only does the Proctor family manage their own business, but they also directly and indirectly support other rural businesses in the area, through the supply of that produce.

Like all farming families, there is an inherent responsibility for succession planning, and this also includes forward thinking in terms of how the business can be sustained into the future in the most efficient and effective way. Farming enterprises already readily adapt to the changing circumstances over time and this flexibility and sustainable ethos is fully supported by SPP. It is likely that the applicant's son will introduce his own way of working to improve efficiencies into the future to ensure the business is sustainable.

No other business takes succession planning seriously and it does so because the stakes are high, not only for the family itself but for the local community and the future of the Scottish economy. Without assistance through government policies, including planning, it is unlikely that such businesses will be able to survive into the future. This is evidenced later in this Statement using quotations from relevant parties, including the Scottish Farmer's Union, and as detailed under the consultation for the emerging NPF4 in [Appendix 1](#) of this Statement.

The SPP is therefore in support of the proposed application in that it seeks to provide a home to support continued sustainable economic growth and regeneration of this farming enterprise.

Local Policy

Moray Local Development Plan (MLDP) 2020 is the current LDP against which all planning applications are to be considered.

[MORAY LOCAL DEVELOPMENT PLAN \(MLDP\) 2020](#)

Whilst the assessment of this proposal against the detailed policies within MLDP are covered later in this Statement, it is important to first demonstrate alignment of the proposals with the aims, objectives, and spatial strategy within the MLDP.

One of the aims of the MLDP is a *'growing, diverse and sustainable economy.'* It also aims to *'direct the right development to the right place.'*

It is asserted in this Statement that the provision of housing for this specific agricultural need assist both with the future needs of this farming enterprise and is ensuring that this need is met in the *'right'* and sustainable location.

The MLDP Spatial Strategy refers to [Placemaking](#) and the associated [Social, Environmental and Economic elements](#).

Under [Social](#), reference is made to retaining young people, attracting working age population, providing for ageing populations, providing a range and choice of house types, tenures, and locations. The provision of associated housing to meet the needs of farming enterprises meets these social



requirements in retaining younger farmers and allowing for the retirement of older farmers (through the succession process). It also meets social requirements by allowing housing to meet the needs of farmers on a locational basis.

Under [Economic](#), reference is made to providing opportunities for existing businesses to grow through the creation of attractive places to work and live and aligning development to support business growth. Supporting rural enterprises, particularly where they are essential to the future of the rural (including farming) community assists in making the economy strong and resilient.

Under [Environmental](#), reference is made to supporting a low carbon economy and protecting and strengthening landscape character. Locating housing associated within farm enterprises is sustainable in terms of locating workers next to their workplace and thereby reducing the need to travel.

The aims, objectives, and spatial strategy of the MLDP are therefore in support of the proposed application in that it seeks to provide a home to support continued sustainable economic growth and regeneration of this farming enterprise.

This support is of relevance and a material consideration even if the principle policy for housing outlined in Policy DP4 may not completely align or follow through these intentions of the MLDP.

In terms of the detailed policies in the MLDP,

The proposals are stated to comply with Policy PP1: Placemaking and therefore it must be assumed that the above matters of Social, Economic, and Environment are accepted and complied with in principle.

The proposals are also stated to comply with Policies PP3 (Infrastructure and Services), DP2 (Housing), EP12 (Management and Enhancement Water) and EP14 (Pollution Contamination Hazards)

A full assessment against all the relevant detailed planning policies in MLDP was provided in the Planning Supporting Statement within Pages 42 – 47 and found to fully comply in the Officer's Handling Report.

The following are the policies listed in the Officer's Handling Report and the Decision Notice as being relevant to the refusal of this proposal. [Table 1](#) outlines those policies listed in the reason for refusal.



POLICY	POLICY STATEMENT
DP1: DEVELOPMENT PRINCIPLES	<p>This policy applies to all development and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.</p> <p>Development will be supported if they conform to the relevant LDP policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts.</p> <p>The policy then sets out 10 Design Criteria, 9 Transportation Criteria, and 8 Water Environment, Pollution and Contamination Criteria.</p> <p>The Officer's Handling Report confirms general compliance with Transportation and Water Environment Pollution and Contamination Criteria. and therefore, it is only the specific Design Criteria and one design criteria raised under Transportation that are of relevance in the reasons for refusal. These are:</p> <p><u>Design:</u></p> <ul style="list-style-type: none">(a) Scale, density, and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.(b) The development must be integrated into the surrounding landscape, which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g., distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the 'Right Tree in the Right Place.'

	<ul style="list-style-type: none">(c) Make provision for new open space and connect to existing open space and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted.(d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours, and integrate into the landscape.(e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity.(f) Proposals do not result in back land development or plots that are subdivided by more than 50% of the original plot.(g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.(h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.(i) Proposals must orientate and design buildings to maximise opportunities for solar gain.(j) All developments must be design so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions for their use. <p><u>Transportation:</u></p> <ul style="list-style-type: none">(b) Car parking must not dominate the streetscene and must be provided to the side or rear and behind the building line.
--	--

<p>DP4: RURAL HOUSING</p>	<p>A rural housing hierarchy is set out as being:</p> <ol style="list-style-type: none"> 1. Rural groupings 2. Re-use and replacement of traditional and slate buildings in the countryside 3. Open Countryside <p>Within the third area, the open countryside, housing is directed to the least sensitive locations (Areas of Intermediate Pressure) for which Siting and Design Criteria are outlined. Opportunities are limited to single houses.</p> <p>Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing is permitted within the identified Pressurised and Sensitive areas. The above Siting and Design criteria do not therefore comply here. If housing were permitted as a departure under this policy therefore only the Design Criteria outlined in Policy DP4 would apply.</p>
----------------------------------	--

Table 1: Policies referred to in reasons for refusal from MLDP2020

The determination of this application therefore rests with points of principle; should a house to meet the needs of the Sourbank farming enterprise be allowed here and does it cause significant harm to the rural landscape such that it should be refused.

The conclusion asserted here on behalf of the applicant is that there is a strong case for approval for this proposal, which is backed up by national planning policy and a detailed landscape assessment, neither of which is acknowledged fully within the Officer's Handling Report before concluding that the application should be refused for the five reasons outlined.

In the first instance on a point of principle, it is relevant to consider the proposal against Policy DP4: Rural Housing, which is supplemented by the case set out under the Material Considerations section of this Statement. Reference should also be made to the submitted Planning Supporting Statement and the Agricultural Needs Assessment.



POLICY DP4: RURAL HOUSING

Regarding Policy DP4, the reason for refusal concludes:

There is no policy exception to allow new housing in Pressurised and Sensitive areas based on agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.

ASSESSMENT OF PROPOSALS AGAINST POLICY DP4

The site is in a Pressurised and Sensitive Area. No housing is allowed in such areas.

As such, in strict policy terms, it is accepted that the proposals do not fully comply with Policy DP4 because there are no exceptions available in the written policy that would allow any housing in the designated Pressurised and Sensitive areas.

As stated in the Officer's Handling Report, this policy seeks to direct new housing to appropriate locations within the countryside promoted by a rural development hierarchy.

Full details supporting an approval of this proposal as a departure from Policy DP4 are comprehensively outlined in the submitted Planning Supporting Statement, the Agricultural Needs Assessment and below in the Material Considerations section of this Statement.

POLICY DP1: DEVELOPMENT PRINCIPLES AND DP4: RURAL HOUSING

Regarding Policy DP1 and DP4, the reasons for refusal relating to detailed landscape issues conclude:

The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.

There is not an acceptable level of enclosure and containment for a new house.

Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.

It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.



ASSESSMENT OF PROPOSALS AGAINST POLICY DP1 and DP4

This section will first deal with each of the relevant reasons for refusal before re-stating and supplementing the argument that the proposals fully comply with Policy DP1, against each of the design criteria set out. It must be acknowledged that the assessment of any impact upon the landscape related to policy DP4 is completely misdirected, as detailed below.

The correct assessment should be based on:

- Whether the proposal triggers any of the siting and design indicators as detailed in the MLDP guidance.
- Whether there is an unacceptable landscape and visual impact on the countryside, using the SNH Review and assessments on site and of the surrounding area.

It was found that there were no impacts using both areas of these assessments as fully detailed in the Planning Supporting Statement and verified by photographic evidence.

Whilst the applicant did provide a comprehensive assessment in the Planning Supporting Statement (Page 34) relating to the siting and design criteria in Policy DP4, (which is incorrectly being used to refuse this application), this was merely to demonstrate that notwithstanding full compliance with the correctly applied assessment above, it still complied with those criteria for assessment of housing in the Areas of Intermediate Pressure. It is demonstrated that had the site been in the adjacent Areas of Intermediate Pressure, then the proposed house would comply with those criteria and therefore it has been sited and designed to an appropriate high standard.

It is also important to note that the four stated reasons deal with placemaking principles. The proposals are stated to comply with PP1: Placemaking in the Officer's Handling Report. The assumption therefore is in full compliance with placemaking principles, which include an assessment of developments within their surrounding context. It is confusing that the proposal can be agreed as being compliant with PP1, yet in complete contradiction found not to be acceptable in siting terms under another policy.

The four reasons stated above serve to overstate a mis-directed and perceived harm to the local rural landscape. The wording is also unclear regarding exactly what detailed or significant harm is caused and how this aligns with the correct policy requirements.

Specifically, the wording used in the reasons for refusal cross references the siting criteria outlined in Policy DP4, which does not relate to the location of this specific site and therefore cannot correctly be applied. Non-compliance with these criteria cannot therefore be stated as reasons for refusing this application.



There is also a failure to appraise the proposals to assess whether any of the Siting or Design Indicators set out in the associated adopted guidance are triggered to demonstrate harm being caused. These Indicators and guidance are not mentioned in the Officer's Handling Report, yet they are relevant to this case.

It is instead asserted by the applicant that for a proposal to fail to comply with Policy DP1 and DP4 in terms of landscape impact it must be shown that the indicators are triggered from Policy DP4 and the wording of the Policy DP1 is not complied with. Those criteria are the correct tests for this proposal and are dealt with in detail below.

Dealing first with each of the standalone reasons for refusal in turn:

Reason for Refusal 1: The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.

It is wrongly assumed in the Officer's Handling Report that just because the new house is in the identified area it will automatically have a '*detrimental landscape and visual impact*' and will '*negatively impact (sic) on the character and appearance of this rural area*'.

This assumption is without foundation. This assertion goes against the statutory requirement that each application must be considered on its own individual merits and this impact cannot be assumed without a full assessment being undertaken of the specific site and the case and merits put forward by the applicant. It is the applicant's assertion that the wrong assessment has been carried out and therefore the wrong conclusions are made.

The applicant's assessment is as fully outlined in the Planning Supporting Statement and involves reference to the Scottish Natural Heritage's (SNH) Landscape Review of the area (Page 28 of the Planning Supporting Statement), a site context assessment and photographic survey, and an assessment against well-established landscape principles. The full landscape assessment is outlined on Pages 27 – 34 of the Planning Supporting Statement, which specifically demonstrates that regardless of the MLDP's identification of a Pressurised and Sensitive Area, exceptions can be made, and the proposal specifically complies with the advice set out by SNH, the government experts in such matters, for this area in Moray.

The Officer's Handling Report makes no reference to the applicant's assessment nor rebuts any of these demonstrated and detailed findings. This is of concern to the applicant, particularly given the extensive attention paid in detail to the representations covering a substantial part of their Report.

The Siting and Design Indicators identified in the Moray Policy Guidance Note on Cumulative Build Up (Pages 53 – 54 of the MLDP) should have been used to identify whether there is an impact being created in the first instance but are not used in the Development Planning consultation response or the Officer's Handling Report.



It is incorrect and irrelevant for an assessment against the siting and design criteria in Policy DP4 (as outlined on pages 7 and 8 of the Officer's Handling Report). The proposals are stated to not comply with siting criteria 1 and 2, which are dealt with in the remaining three reasons for refusal.

Notwithstanding the point that these criteria have been incorrectly applied, it is of interest that the proposals are not stated as failing to comply with any of the design criteria nor any specific appraisal or mention of the proposed design, use of materials, scale, form etc, suggesting the design is acceptable.

The following [Photographs 1 – 5](#) demonstrate that the alleged impact upon the rural landscape is unfounded.



Photograph 1: View towards Site from public road U102E

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 2: View towards Site from public road U102E

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 3: Zoomed View of Site from public road U102E

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 4: View of Site from public road U102E

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 5: View of Site from public road U102E

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Reason for Refusal 2: There is not an acceptable level of enclosure and containment for a new house.

This is stated as a standalone criterion and reason for refusal referenced to the proposals thereby being contrary to Policy DP1 and DP4. However, this criterion does not apply, as detailed above. It does not relate to proposals in the Pressurised and Sensitive Area. It cannot therefore be used to support a reason for refusal.

Notwithstanding this point, the applicant's submission details that there is in fact a full enclosure and containment for this proposed house. This is clearly shown on Page 8 of the Planning Supporting Statement in Photos 2 – 5. This proposed triangular-shaped housing site is fully bounded on two sides with mature planting, comprising trees and shrubs along these sides and in the bottom corner (as approaching the site from the south). Along the track from which the access is to be taken, there is further mature landscaping as also shown in the photographs. It is only on the south-west side that there are no trees.

The following three additional photographs fully demonstrate the tree backdrop on two sides and landscaped containment on three sides. The views taken from the road both in the Planning Supporting Statement and here as [Photographs 6 - 8](#) show that the house is fully contained and there are no impacts on the rural landscape from the viewpoints, and in most circumstances the house would be barely visible. This is demonstrated in [Photographs 1 – 5](#) above.



Photograph 6: View towards the Site from the proposed access to the the South-West (showing the extensive treed/landscaped site boundaries)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 7: Panoramic View of the Site from the Field to the South-West of the Site (showing extensive landscaped enclosure and backdrop)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 8: View from Site looking towards Tulloch Cottage (showing the well landscaped North-Eastern boundary/backdrop)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Furthermore, the landscaping plan as submitted with the planning application also includes a significant area of supplementary tree planting. Notwithstanding this, there is no requirement for housing to be sited within a fully enclosed area surrounded by trees on all sides. To suggest this would be out of character with the surrounding landscape in which most sites accommodating both older and new properties are either open or landscaped on one or two sides only. The SNH landscape review and advice for this area does not reflect this requirement for full enclosure or containment. The housing in Blervie (shown in [Photographs 11- 15](#) below) demonstrates recent approvals for housing that has not required to even be set against a landscaped backdrop on one side of their curtilages.

Reason for Refusal 3: Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.

Reason for Refusal 4: It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.

These two reasons appear to be dealing with the same issue of impacts of build-up of housing and are mentioned further in the Officer's Handling Report and it is difficult to understand the difference between these two points of concern being raised. Of issue is these statements being made with assertion of fact but not being backed by any specifically detailed factors causing these stated impacts or what the actual significant harm being caused is here.

As stated above, the Siting and Design Indicators identified in the Moray Policy Guidance Note on Cumulative Build Up (Pages 53 – 54 of the MLDP) should be used to identify whether there is a build up being created in the first instance. These are not mentioned in the Officer's Handling Report to enable the above conclusions to be made.

These Indicators have been used in the applicant's case to demonstrate that there is no trigger of these Indicators such that a build-up, cumulative or otherwise, would be created here because of this proposed development (Pages 26 – 27 and 29 - 33 in the Planning Supporting Statement).

The comparison of the example of undesirable cumulative build-up (shown in Photo 20 on Page 29 of the Planning Supporting Statement) with the site and its surroundings when viewed from the only public road that the site could be viewed from (shown in Photo 21 on Page 30 of the Planning Supporting Statement) demonstrates that there is no undesirable build up as existing or proposed. Even by zooming in on this photograph (Photo 19 on Page 29 of the Planning Supporting Statement) which is not a '*view experienced when travelling along the roads*' indicating that the proposal would result in an undesirable build-up in the countryside; far from it.

In addition to those photographs taken from the U102E and provided in the Planning Supporting Statement, the following photographs have been taken from the B9010 public road ([Photograph 9](#)) and the footpath network ([Photograph 10](#)) to demonstrate that the houses at Sourbank are barely visible from this public road and therefore the new house and a cumulative build-up of houses will not be experienced from these views as alleged.



Photograph 9: View towards Sourbank from B9010 public road towards Rafford in the distance

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 10: View towards Site from Local Path Network

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Reference is also made in the Officer's Handling Report to erosion of the traditional settlement pattern, yet this does not align to the SNH review, which defines the landscape as being '*diverse*' (see next paragraph). It is also worth re-stating that the new houses being referred to have been allowed by Moray Council under previous and recent policies for occupants with no specific need to be in the countryside.

The applicant's proposal involves building one modestly proportioned house within an existing small cluster (comprising a handful of houses and a farm steading), barely visible from the viewpoint from the road (Photo 21 in the Planning Supporting Statement) within a backdrop of a '*diverse*' landscape with mixed woodlands, scrublands, and irregular rolling pastures, which are intercepted by many traditional farm buildings, often partially set within woodland backdrops (SNH). Due to the existing topography and mature landscaping, even the existing houses at Sourbank are not visible as one group and only glimpses are afforded of some from different view points.

Incidentally, the house to the right of Photo 21 in the Planning Supporting Statement (identified as the white building) was only recently constructed and allowed under MLDP's recent policies, yet it did not cause the significant harm now being alleged for this proposal.

Having rebutted the written Reasons for Refusal 1 – 4 above, a brief assessment is now necessary against the correct criteria in Policy DP1 relating to the siting, design and landscape issues raised since this is the policy being asserted against the refusal reasons.

Reference should again be made to the details provided in the submission, including the Planning Supporting Statement relating to siting, design, and landscape matters. The policy criteria are set out below (as previously identified in [Table 1](#)) and below each one, the applicant's case is presented.

Design

- (a) Scale, density, and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.

It has been confirmed in the Officer's Handling Report that the proposals comply with Policy PP1. There has been no assessment or claim that the scale, density, or character of the proposals are inappropriate to the surrounding area.

- (b) The development must be integrated into the surrounding landscape, which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g., distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the 'Right Tree in the Right Place.'



No trees are being lost or impacted because of this proposal. The topography of the land is unchanged. No stone walls are lost. The burn is necessarily culverted to create an access into the site. However, no objections have been received from SEPA or the Moray Flood Risk Team on flooding grounds. Additionally, no consultee objections have been raised on this matter in the Officer's Handling Report.

Substantial tree planting is proposed as shown in the landscaping scheme submitted. No consultee objections have been raised on this matter in the Officer's Handling Report.

(c) Make provision for new open space and connect to existing open space and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted.

The plot includes a garden. A landscaping plan was submitted for assessment. The existing Rafford Walk connecting Sourbank to the local area is unaffected. No consultee objections have been raised on this matter in the Officer's Handling Report.

(d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours, and integrate into the landscape.

There are no proposed changes to the original land contours and there is no impact upon either the natural or built environment and cultural heritage resources. No objections have been raised on this matter in the Officer's Handling Report.

The proposal, as concluded in the submitted landscape assessment, is demonstrated to integrate into the existing landscape, contrary to the findings in the Officer's Handling Report. The applicant's case on this is provided within the submission documents and elsewhere in this Policy Assessment section of this Statement.

(e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity.

The proposals have been demonstrated to have no impact upon residential amenities in terms of privacy, daylight or being overbearing. Whilst objections were received from neighbours, no objections have been raised on this matter by the Officer in their Handling Report.

(f) Proposals do not result in back land development or plots that are subdivided by more than 50% of the original plot.

This is not applicable as the proposal does not result in back land development or plots that are subdivided by more than 50% of the original plot.

(g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.

The proposed house and garage have pitched roofs. No box dormers are proposed. No objections have been raised on design matters by the Officer in their Handling Report.



- (h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

No stone walls on buildings or boundaries are affected. All the boundaries to this site are either open or bounded by trees/shrub landscaping or post and wire fencing. This is a proposal for a house not an alteration or extension. The design and form involve a traditional form, scale and design using traditional and appropriate materials. No objections have been raised on this matter by the Officer in their Handling Report.

- (i) Proposals must orientate and design buildings to maximise opportunities for solar gain.

The proposed house has been orientated and designed to maximise opportunities for solar gain. No objections have been raised on this matter by the Officer in their Handling Report.

- (j) All developments must be design so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions for their use.

The proposed house has been sustainably designed. No objections have been raised on this matter by the Officer in their Handling Report.

Transportation:

- (b) Car parking must not dominate the streetscene and must be provided to the side or rear and behind the building line.

The proposed garage is of a proportionate scale and located to the side to be subservient to the main dwelling. As such it will not dominate the 'streetscene'. No objections have been raised on this matter by the Officer in their Handling Report.

It is therefore concluded, that through applying the correct design criteria as outlined in Policy DP1, the proposals fully comply in this respect.

POLICY CONCLUSION

Planning policy is required to be flexible, as identified above within national policy, to ensure the ongoing resilience of the Scottish rural economy. Planning policy is clear that housing should be provided for all the needs of the community, and that should include those families who are willing to take on the hard work involved in running farming enterprises 24/7 for the benefit of the local community and Scotland's rural economy. The failure of this proposal to strictly comply Policy DP4. that is neither flexible, supports the ongoing resilience of the Scottish rural economy, nor caters for the housing needs of farming businesses, should not result in the dismissal of this proposal for a genuine housing need.



Furthermore, the applicant has clearly demonstrated through the submission of a comprehensive landscape assessment, using well-established principles set out by SNH, and Placemaking, that the proposed house would fit within the context of the surrounding housing and would not cause the impact outlined in the MLDP Siting and Design Indicators or significant harm to the rural landscape such that it should be refused under Policy DP1 and DP4, as alleged. The applicant's case is not assessed or mentioned in the Officer's Handling Report. The reasons for refusal are vague, use incorrect criterion, and do not specify or demonstrate the factors that are alleged to cause the perceived harmful impact.

MATERIAL CONSIDERATIONS

INTRODUCTION

It is necessary to restate the statutory requirement that the determination of planning applications must take into account any material planning considerations. There are fundamental material planning considerations clearly identified by the applicant to support their application within both the Planning Supporting Statement and the Agricultural Needs Assessment. These are restated and supplemented within this Statement.

Notwithstanding there being no exceptions in Policy DP4, it has been accepted that there is demonstrated agricultural need here. This has been agreed by the Development Planning Team and within the Officer's Handling Report. Yet this application has been dismissed on the basis that the Policy DP4 is of paramount importance in terms of restricting any housing in the Pressurised and Sensitive Areas in Moray.

In accordance with national planning policy, flexibility should be given to the provision of housing for farmers, irrespective of this designation. This flexibility, as previously established, is afforded every farmer in Scotland across 29 other rural Local Planning Authorities (except for those located Moray and Shetland) through adopted LDP policies ([Appendix 2](#) of this Statement).

As with all farming enterprises, a farm holding, and associated structures are fixed entities and cannot just move to be nearer to the planning policy led desired housing locations in rural groupings or settlements. Farming is not like other businesses, that can relocate, as necessary.

Whilst flexibility is not available in Policy DP4, what is forgotten is that exceptions are in fact available to decision-makers through departures from policy.

The option of agreeing a departure from adopted policy is always available to Officers, Planning Committee Members, and the Local Review Body Committee Members on behalf of Moray Council should they consider a strong case has been made for this specific housing need. Any potential concerns regarding precedent or weakening a policy for the determination of future applications (particularly a newly adopted policy) are unfounded given the specific nature of the need presented. Each case must be dealt with upon its merits, as set out in statute. Government policy is clear that if a strong case is presented and found to be acceptable there should be no concerns regarding granting such proposals for housing for farming or other rural enterprises, regardless of the ability to impose occupancy conditions.



GENERAL MATERIAL PLANNING CONSIDERATIONS

Other Recently Approved Housing in the Area

As mentioned in the Representations section of this Statement, the following [Photographs 11 - 15](#) are of local examples of housing within the vicinity of the application site, that have recently been allowed and built using Moray Council's planning policies, relating to housing in the countryside and placemaking or design matters. These photographs could easily be used in the LDP and guidance as poor examples of what should be avoided.

Whilst it is acknowledged that some of these were approved under previously adopted policies and not the current LDP, they were approved during the period that these policies were emerging and within the last few years. Also of note, under Policy H7 of the previous MLDP the following siting and design criteria were required to be met:

'Reflect the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops particularly where the site is clearly visible in the landscape. Obtrusive development (i.e., on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable.'

'It does not detract from the character of setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development.'

'It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and'

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g., dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).'

Whilst access is no longer available for Moray Council planning policies prior to MLDP2015, it is assumed that design criteria did exist to enable assessment of proposals within the rural landscape, which prevented new houses having a dominant and prominent feature in that landscape. Even without such criteria, planners are required as part of their planning assessment to consider such significant material planning matters.

A general assessment of these nearby developments shows that these houses have been granted planning permission contrary to even general siting and design principles and latterly adopted policy and guidance criteria, yet incredibly the applicant's proposals are being criticised on siting and design grounds for the four reasons listed.

None of these houses were presumably required to be in the countryside unlike the applicant's proposed house, yet they have been allowed. Frustratingly for the applicant, it is the harm they have caused that has presumably now resulted in the embargo against genuine housing need being allowed for in the latest MLDP.



**Photograph 11: View of New Build Houses in Blervie from main public road through Blervie looking South-West.
(One complete and the other under Construction, showing prominence and no landscaped enclosure or containment)**

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 12: New Build at Blervie (showing prominence on raised land with no landscape enclosure or containment)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 13: View towards Blervie from Local Path Network (showing cumulative build-up of housing in the context of Blervie Castle)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 14: Isolated New Build at Blervie (showing prominence and lack of enclosure and containment)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Photograph 15: New Build at Blervie (showing prominence and lack of enclosure or containment)

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



Unlike the applicant's proposed house, these examples demonstrate how harmful housing can be to the rural landscape and historic features within that landscape. These houses prominently stand out on the brow of this hill having a significantly adverse impact upon the rural landscape and the historical Blervie Castle. They fail to respect the local topography and dominate the landscape due to the lack of any natural landscaping features.

These houses include '**no acceptable level of enclosure and containment.**' They have been allowed to progressively build up to resulting in **detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.** They have contributed **to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.** All this proven significant harm, yet they have been allowed.

Changes in policy relating to the principle of locating housing in the countryside aside, Moray Council's assessments and policies on design and landscaping matters should be long standing and have prevented this housing that is so dominant and prominent in the landscape such as these houses.

The applicant's proposed house by direct contrast has an acceptable level of enclosure and containment, results in no cumulative build-up of housing and is not read in association with the adjacent housing.

General Agricultural Needs, Rural Economy, Scottish Economic and Sustainable Development

Reference should be made to the Planning Supporting Statement and the Agricultural Needs Assessment for the detailed case on all these matters.

The first relevant and material planning consideration is that the Scottish economy outside of the Central Belt is reliant upon farming and other rural businesses. Support for those businesses, including through the provision of appropriately located housing, is of paramount importance, as set out in national planning policy. This importance is accepted by 29 of the 31 rural Planning Authorities in Scotland in their LDPs ([Appendix 2](#)).

Although well-presented throughout this Statement, as to why a departure from MLDP policy should be applied, it is important to re-iterate this with a clear background to the farming sector and succession planning to aid understanding of this specific agricultural need for affordable housing.

The farming sector is unique in terms of any business within rural areas, and this is also a material consideration in the determination of this application. They are one of the few businesses that embrace succession planning. This is an application for a house for an established and viable farm in the countryside, which is necessary for the future of this farm as unequivocally demonstrated in the submission.

It needs to be acknowledged that farming is a business that is traditionally run by families and handed down the generations. The life cycle and succession of members of that family is a key component to their success. Inevitably older members of the family must retire; albeit they have a significantly longer working life than most professions. Younger members of the family will then take up the reins. Family members cannot all live in



the one property and as their families expand and they become more involved in the business they have a greater need for onsite accommodation and separate homes.

Farmers needs are also unique due to their requirement to be on site 24/7 on occasion and on an ad-hoc basis at random times to respond to emergencies and animal husbandry needs. They need to work efficiently within those hours and avoid unnecessary time wasting, e.g., commuting needs to be eliminated for time and safety reasons which rules out housing at a distance from the farm enterprise. Reducing the need to travel is also sustainable and supported by NPF3 and SPP policies together with the aims, objectives, and spatial strategy in the MLDP as evidenced in the Policy Assessment section of this Statement. Hence their accommodation needs to location-specific and cannot be sited in rural groupings, settlements or towns and villages.

Significant concerns are constantly being raised by farming bodies (e.g., NFU Scotland, Rural Housing Scotland) and through the national professional press (e.g., The Scottish Farmer, specifically in an article by Gordon Davidson entitled '[Scotland's Rural Housing Crisis](#)', March 2019) with governmental sympathy regarding the lack of consideration being given by associated policy makers to the worsening in availability of suitable housing for succession planning. The NFU have made relevant submissions to the consultation for the emerging NPF4 (as detailed in [Appendix 1](#) of this Statement). This is a problem that is escalating and likely to get much worse in the future without intervention and the provision of positive policies and support for farmers. Other examples of concerns regarding the future of farming enterprises are outlined in the following quotations.

Barclays Bank with reference to farming businesses, have advised that '*having no succession plan for the future of the business can leave the business open to increased risks and uncertainties.*'

According to Savills, '*This transfer of business control and ownership to the next generation is one of the most critical stages in the development of a farming business*' and they explicitly called for the recognition of succession housing for rural businesses in the emerging NPF4.

It goes without saying that the farming sector is essential for both the provision of food locally and nationally, and for the success of the rural economy.

Finally, regarding sustainable development, it is concerning that unfounded criticism has been placed at the applicant's door that there is a need to '[protect against an unsustainable growth in car-based commuting.](#)' The ethos behind this development is one of sustainability and to significantly reduce car-based commuting. The intention is for the applicant's son to live at his place of work and be able to walk to the steading at Sourbank to manage wintering cattle. The proposed house is located to be central within the farm holding. The applicant and his son are currently located an unacceptable distance outwith this farm holding, which is far from ideal and involves commuting to and from the farm on a frequent basis throughout the day and night. The intention is to significantly reduce commuting and not increase it, as is alleged.



THE APPLICANT'S CASE SPECIFIC MATERIAL PLANNING CONSIDERATIONS

The applicant's detailed material planning case is outlined in full in the Agricultural Needs Assessment and within pages 37 – 41 of the Planning Supporting Statement. The case is based on Facts, Affordability and Functional Needs.

The Facts are repeated here:

- This farming business is a viable entity and is currently run by Mr G Proctor and Mr R Proctor, who carry out all operations.
- This is not an application for a house for A N Other in the countryside.
- The Proctors have acknowledged the importance of their family and community responsibilities and embraced the need for succession planning for their farming business for this 4th Generation succession.
- There is no alternative accommodation within the ownership of the Proctors which has been sold that could have been used.
- There are no other development opportunities on the land within the Proctor's ownership.
- This proposal is based on the specific needs of this farm and not any personal preferences of the Proctor's.
- Provision of a new house for Mr R Proctor is not just a nice thing to have; it is functionally required backed by evidenced agricultural need.

This application should be considered based on this factually honest and open submission, which is for an established farming family to plan for succession of their business to the wider benefit of the rural economy and the local community.

The facts relating to Affordability are also fully outlined in the Planning Supporting Statement on pages 38 & 39 and include details of the housing market in the area, demonstrating the availability of affordable options, and indeed the lack of any options of alternative housing.

The Functional Needs are outlined on pages 39 – 41 of the Planning Supporting Statement and demonstrate an agricultural need, which has been accepted by both the Development Planning Team and as outlined in the Officer's Handling Report; albeit this need is not considered by Officers as a sufficient reason to agree a departure from policy.

The planning assessment of this application does not appear to consider the future of this farming enterprise or the importance of succession planning to realise this. The current refusal of this application has meant that this succession cannot occur and therefore endangers the future of this farming enterprise. Having exhausted all the options, the Proctors do not have a Plan B other than to hope that the Local Review Body fully consider their case and agree to a departure from Policy DP4 along with confirmation that the proposals will not impact on the surrounding rural landscape.

If the Proctor family are unable to take the business forward, then it is extremely likely in the long-term, particularly when the applicant retires, that farming will cease at Sourbank. Furthermore, if the Proctors cannot make the business work with their experience and knowledge, then it is extremely



unlikely that someone else will take over the reins or be able to operate without suitable onsite residential accommodation. Clearly this is not beneficial to the Proctor family, the local community or Scottish rural economy.

In terms of the specific facts relating to this case, Ross Proctor, the applicant's son, is the legitimate successor under the Agricultural Holdings (Scotland) Act 1991 and working on the farm is and will be their main employment as the succession progresses. This is not a house proposed for a member of the public, who could easily live elsewhere. There is no intention to sell the house privately. It will be owned by the farming business. To sell the house on would be illogical given the agricultural need and specifics of this case, all as fully outlined in the submission documents.

Furthermore, whilst an objector has stated that Balnageith is an ongoing option for the future running of the farm and the family has operated remotely to date without issue. Balnageith is not ideally or practically located for the ongoing management of this farming enterprise. Notwithstanding sustainability issues it would be completely impractical from an operational standpoint to continue to farm remotely. This has proven to be the case with the current arrangements and another reason why the site on the holding has been chosen for the applicant's successor.

Similarly, to conform with Policy DP4, Sourbank Farm cannot be practically or efficiently managed from the suggested rural groupings in Lower and Upper Rafford, or indeed any other policy accepted housing location.

Realistically and practically, from the perspective of the applicant's son Ross, he also cannot continue to live with his father at Balnageith. He needs his own independent on-site accommodation for his future and that of his family.

Furthermore, from the applicant's perspective, he has given his whole working life to this farm and cannot just move away from his family into a house elsewhere. It is unreasonable to expect him to uproot and move away from his close family and have his support in his senior years taken away. During the succession process there is an agreed reciprocal family support between the farming generations involving childcare and elderly care and the two families need to be locationally close.

It is well documented by the Scottish Government that farms have been significantly affected by the lack of successors or young people choosing farming as a career, resulting in existing farmers working well beyond retirement age and a significant lack of available labour. It is notable that the applicant's son has chosen this career to continue the family business.

This application appears to be being unfairly treated as a new house for A N Other in the countryside. This is not the case. Yet the other newer houses in the vicinity have been permitted under recent policy, catering for individuals with no locational need to live in the countryside. This proposal is for the genuine need to allow a farmer to enter the farming succession process to enable him to pass on the reins of Sourbank farm to his son.



CONCLUSION ON MATERIAL CONSIDERATIONS

In this specific case, full details within the Planning Supporting Statement (Pages 35 – 41) and an Agricultural Needs Assessment were submitted which demonstrate the genuine need for this house. This agricultural need case is accepted by Officers in the Handling Report. It is not clear what more the applicant can do or what additional information the applicant can provide to demonstrate that these are important material consideration that warrant a departure being made in this specific case.

The existence of housing in the vicinity of this site recently allowed demonstrates poor design with the local rural landscape. The applicant's proposals by contrast fit within the landscape and would not cause the significant harm being alleged in the reasons for refusal.

SECTION 4: CONCLUSION

The planning submission supplemented by this Statement have comprehensively demonstrated that the proposal to construct a house and garage on this site are supported in principle by national planning policy and guidance.

Similarly, it has been shown that the proposal complies with Policy DP1 (and DP4) in terms of any perceived landscape impacts. There has been no failure on the applicant's part to demonstrate that this proposal causes no harm to the rural landscape. Unfortunately, no part of the applicant's landscape assessment case has been acknowledged or considered in the Officer's Handling Report and the wrong criteria and assessment has been applied in reaching the conclusions in the reasons for refusal.

The only real matter outstanding relates to the reluctance to treat this application as a departure from Policy DP4, despite the agreement that there is an agriculture need demonstrated in the submission. There has been no failure on the applicant's part to provide sufficient information to demonstrate that this is a genuine case of agricultural need relating to the succession planning for Sourbank Farm, that should, in line with national policy, outweigh local planning policies.

Instead, Moray Local Development Plan policies unreasonably and inflexibly contrary to national planning policy fail to provide any exceptions to meet this need unlike the 29 other rural Local Planning Authorities in Scotland.

In a nutshell, this is a house for a succeeding farmer, whose family has worked farms locally for four generations. It is the intention of the applicant to make way for his son as the next generation of Proctors, to work and manage Sourbank farm. Farms are in rural areas and fixed entities that cannot relocate. Farmers and farm workers must live in houses near their farms for operational, practical, animal husbandry, security, and sustainability reasons, as clearly evidenced in the submission. All other housing options have been considered and unfortunately discounted for genuine operational,

© TheTownPlanner 2021

This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

No part of this Planning Statement or Appendices may be copied or reproduced without the prior written permission of TheTownPlanner Ltd.)



practical, locational, and financial reasons. No other suitable or affordable housing is available locally. A new house therefore needs to be built. This proposed house is now the only available option for the Proctors. There is no Plan B for the future of Sourbank Farm.

There is no demonstrated reason why this application cannot be treated as a departure from Policy DP4. This application should not just be dismissed on a point of strict non-compliance with this policy and all the relevant and significant material considerations must be considered.

Finally, it has been demonstrated through the original submission and the consideration in the Officer's Handling Report, that in all other respects the proposed development is in accordance with those relevant planning policies, subject to conditions to ensure compliance. Furthermore, there are no other material considerations or matters raised by third parties, which would outweigh the merits and benefits of the proposed development.

It is a statutory requirement that all planning applications must be considered on their own planning merits against planning policy and other material considerations.

The proposed residential development of this site is demonstrated to be acceptable when considered against national planning policies, the aims of the MLDP, and taking into account the material planning considerations presented in the submission and within this Statement.

It is therefore requested that the Local Review Body allow this application, considering this robust and detailed justification, which demonstrates that this house development can be delivered to the benefit of the future survival and success of Sourbank Farm, to the benefit of the local rural economy and community, and without any significant or adverse impact upon the surrounding rural landscape.

APPENDIX 1: NATIONAL POLICY AND GUIDANCE RELATING TO HOUSING IN RURAL AREAS		
POLICY AND GUIDANCE DOCUMENT	STATEMENT OF POLICY	COMMENTS
<p>NATIONAL PLANNING FRAMEWORK 3: NPF3</p> <p>NPF3 provides a statutory framework for Scotland's long-term spatial development</p>	<p>The overall planning vision is to have growth that can be achieved that respects the quality of environment, place, and life. It seeks to ensure sustainable growth in Scotland and to create <i>'sustainable, well-designed places and homes which meet our needs.'</i></p> <p>Increased population growth is vital to sustain rural communities.</p> <p>NPP3 seeks to ensure that development in rural areas is not unnecessarily constrained and sees a continuing need for new housing and a flexible approach in achieving this.</p>	<p>This development to provide succession housing is necessary to meet a specific housing need. A flexible approach to considering this application is in the spirit of NPF3.</p>
<p>NATIONAL PLANNING FRAMEWORK 4: NPF4</p> <p>NPF4 will provide the future statutory framework for Scotland.</p>	<p>Reference is made to the <i>'need for policies to reflect diverse housing and accommodation needs, including those living in rural communities.'</i></p> <p>Reference is made to <i>'providing greater flexibility for housing development that provides accommodation for rural businesses.'</i></p>	<p>Reference is made to consultation responses relating to the specific matter of succession for farms.</p> <p>NPF4 makes it clear that there is a need for policy to cater for the housing needs of all, including those to support the rural economy and businesses.</p>

	<p><u>Background Research Findings:</u></p> <p>1. Consultation Analysis reference is made to the issue of succession housing for rural businesses being raised and the need to explicitly recognise that building a new home in the countryside is justified when it will enable a farmer to retire and transfer a farm to the next generation.</p> <p><u>2. Rural Planning Policy to 2050 (research to inform the Preparation of NPF4)</u> reference is made to the recurrent theme of importance of housing for the sustainability and development of rural businesses:</p> <p>“Housing is key. Our big challenge is workforce. We don’t have the workforce that we need Housing continues to be a major challenge that can hold back succession planning for a farm and prevents new entrants from taking on farms. By extension, it also sometimes keeps elderly farmers working beyond times in their life when this is optimal.” (Gemma Cooper, Head of Policy Team, National Farmers’ Union Scotland)</p> <p>Under Objective 3: Housing and Settlement</p>	
--	---	--

	<p><i>Housing has a fundamental role in relation to the rural economy and in the sustainability of rural communities. The research results indicate that this is widely held to be a transformational form of development because of its centrality to the wider development prospects of an area. Its significance relates to supporting schools and services, providing a local workforce, giving people the opportunity to develop businesses, enabling succession planning on farms and other businesses, releasing business expansion, and retaining and attracting economically active people. Affordable and housing and appropriate types of housing are key. The challenges of providing rural housing are multi-faceted (cost, availability of land in the right place, infrastructure, planning, construction sector skills gaps, availability of finance) and require action across a range of sectors.</i></p> <p>This leads into: Recommendation 5: Planning should also recognise and develop housing policies suited to rural areas, where housing is perceived as a transformational form of development in relation to the wider rural economy and societal needs.</p>	
<p>SCOTTISH PLANNING POLICY 2014 (revised December 2020)</p> <p>SPP provides the policy framework to deliver the objectives of NPP3.</p>	<p>One of the core values and policy principles is that the planning system should be planned. Another is that planning services should be '<i>proportionate</i>.'</p>	<p>Through these stated Outcomes, the SPP is therefore in general support of the proposed application in that it seeks to provide an affordable home to support continued sustainable economic growth and</p>

	<p>It also introduces the presumption in favour of sustainable development and in doing so confirms a set of principles relating to sustainability factors, including that it should be <i>'flexible enough to adapt to changing circumstances over time'</i> and <i>'support existing business sectors, taking account of whether they are expanding or contracting.'</i></p> <p>The goal of SPP is a Scotland with a strong economy, homes, jobs and a <i>"good living environment for everyone.'</i></p> <p>Outcome 1 of the SPP is "A successful, sustainable place" supporting sustainable economic growth and regeneration.</p> <p>Outcome 2 of the SPP is 'A low carbon place' to be achieved by reducing our carbon emissions and adaption to climate change.</p> <p>Another policy principle of SPP is that development should be design-led; achieved through directing the <i>'right development in the right place.'</i></p>	<p>regeneration of this well-established farming business, whilst reducing the need to travel and therefore adapting to climate change.</p> <p>SPP is of direct relevance to this application since the <i>'right development'</i> on this site within the heart of the Sourbank farm holding is residential. It is clear from the stated national policies that although the MLDP20 is newly adopted, it has failed to address a specific housing need in its policies. It fails to take on board the link between the provision of housing with a geographical need and sustainable economic growth, sustainable development, and adaption to climate change. It is therefore technically out of date with national requirements. This is a minor departure from those adopted policies but fully in accordance with national policy.</p>
<p>CIRCULAR 4/1998: The Use of Conditions in Planning Permissions.</p>	<p>Circular 4/1998 is out of date regarding the current directive by the Scottish Government not to impose restrictions on occupancy but it is of relevance that even back in 1998 there</p>	

<p>Circular 4/1998 provides statements of Scottish policy on use of conditions in planning permissions.</p>	<p>were relevant planning concerns regarding this matter.</p> <p>Paragraph 91 refers to planning control being more concerned with the use of land rather than the identity of the user and therefore question restrictions being placed on the occupancy of a development.</p> <p>Paragraph 95 elaborates on this by stating that there will seldom be any good reason on land use planning grounds to restrict occupancy of houses to a particular type of person (e.g., those already living or working in the area.</p> <p>Paragraph 102 states that where it has been imposed it needs to ensure that it does not prevent future occupation by a retired agricultural worker or their dependents.</p>	
<p>Letter from the Scottish Government Chief Planner - 4 November 2011 – Occupancy Restrictions and Rural Housing</p>	<p>Clarification was given to the use conditions or legal agreements to restrict occupancy on new houses in the countryside.</p> <p>Restates that SPP promotes a positive approach to rural housing and requires development plans to support more opportunities for small-scale housing</p>	

	<p>development in all rural areas, including housing which is linked to rural businesses.</p> <p>Confirms that: <i>The Scottish Government believes that occupancy restrictions are rarely appropriate and so should be avoided</i> and that, <i>Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.</i></p>	
<p>CIRCULAR 3/2012: Planning Obligations and Good Neighbour Agreements.</p> <p>Circular 3/2012 provides statements of Scottish policy on planning obligations and good neighbour agreements.</p>	<p>This reinforces the 2011 Letter from the Scottish Government’s Chief Planner (see above).</p> <p>Paragraph 49 refers to the historical use of restrictions on the use of housing in rural areas involving the requirement for legal agreements.</p> <p>It is advised that these can <i>‘introduce unnecessary burdens or constraints’</i> and that these <i>‘are rarely appropriate and so should generally be avoided.’</i></p> <p>It further states that <i>‘where the authority is satisfied that an adequate case has been made, it should not be necessary to use a planning obligation as (formal mechanisms to restrict occupancy or use.’</i></p>	

APPENDIX 2: SCOTTISH LOCAL PLANNING AUTHORITIES (LPAs): LDP POLICIES AND GUIDANCE FOR HOUSING FOR FARM ENTERPRISES AND FARM WORKERS		
RURAL LOCAL AUTHORITY AREAS	DATES OF CURRENT LDP/ PROPOSED LDP	POLICY & SUPPLEMENTARY GUIDANCE (SG)
Aberdeenshire	2017	R 1 – Supports accommodation within the immediate vicinity of the place of employment. R 2 – Supports single homes permitted for the retirement succession of a viable farm holding.
	2021	R 1.2 – Supports accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to the efficient operation of the enterprise. R 2.15 – Supports single homes permitted for the retirement succession of a viable farm holding within or in immediate vicinity to the main farm hub.
Angus	2016	SG - Supports development of a single house to meet an essential worker requirement for the management of the land or other rural business, or for a retired farmer.
Argyll & Bute	2015	DM1 – Supports development directly supporting agriculture. SG – Supports single houses in open/undeveloped countryside where a specific locational/operational need.
	2021	02 – Support same as 2015.
Cairngorms National Park Authority	2021	1.3 and SG – Supported for housing that is necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside.



Clackmannanshire	2015	SC23 – Supports accommodation where it is demonstrated there is a requirement for a countryside location. SC24 – Supports accommodation where it is demonstrated that the proposal is integral to, and is necessary for, the full-time management of an existing and well-established countryside business or activity such as farming.
Dumfries and Galloway	2019	H3 – Supports housing essential for the needs of agriculture or other business requiring a rural location. SG – <i>'Farming continues to be a significant component of the rural economy and it is important that planning policy continues to support the operational needs of farming enterprises'</i> Section 4 – Supports housing for the succession planning of a viable farm holding.
East Ayrshire	2017	RES 6 – Supportive of new build houses for agricultural workers
East Dunbartonshire	2017	6 - Single Houses within Green Belt only permitted for a full-time worker in an agricultural or other appropriate countryside enterprise who is required to be present on site.
	2021	12 – Single houses in Green Belt only permitted for a full-time worker in an agriculture or other farming related work.
East Lothian	2018	DC4 & SG – Supports new build housing in the countryside in the case of a single house that is a direct operational requirement of a viable agricultural business.
East Renfrewshire	2015	D3 – Consider sympathetically development related to agriculture. SG – New dwelling house only permitted in Green Belt and countryside where specific properly evidenced need to be in that location in the countryside, account taken of conversion or other site, required for person working full-time in agriculture or other appropriate rural use, for a viable business.
	2021	D3.3 - New build housing in the countryside supported where for workers engaged in an existing rural business, where demonstrated that there is a direct operational requirement.



Eilean Siar	2018	DS1 – Allows housing if of high quality. PD3 – Housing not allowed unless it is demonstrated that there is a need for housing in the specific area.
Falkirk	2020	HC05 – Supports housing required for the pursuance of agriculture for which a countryside location is essential. SG01 – As above
Fife	2017	8 – Supports accommodation where it is essential to support an existing rural business
Highland	2012 – Highland Wide	35 & 36 & SG – Exceptions for housing in countryside outlined as where it is essential for land management or family purposes related to management of the land. Is a dwelling for a retiring farmer and their spouses.
Inverclyde	2019	14- Development only permitted where it is associated with agriculture and justified.
Midlothian	2017	RD1 – Permitted if required for the furtherance of agriculture, need is shown that cannot be met within an existing settlement and that the occupier will be employed full-time in the associated countryside activity. SG – As above and states that the most common reason for such houses are on site presence for security and animal husbandry.
Loch Lomond and Trossachs National Park	2017	2 and SG –New housing is supported where it is demonstrated as necessary to support the sustainable management of an established rural business or newly formed croft. Affordable housing may be supported in some instances where this forms part of a long term far or estate-wide business management plan.
MORAY	2020	DP4 – No policy or exceptions allowed.

North Ayrshire	2019	Countryside Objective Policy – Supports proposals outwith towns and villages for ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture.
North Lanarkshire	2012	NBE3 – Allows housing for farm units if need demonstrated.
	2018	PP4 & PP5– Accommodation supported if demonstrated to support a Green Belt appropriate use.
Orkney Islands	2017	Vision – Support for delivering new houses for farmers, crofters, and agricultural workers where they are needed. 5E – Supports single houses where involves provision for a rural business where 24-hour supervision is an operational requirement or to allow for the retirement succession of a viable farm holding. SG – Support and requirements for submission of application.
Perth and Kinross	2019	19 – Support for single houses with proven economic need. 43 – Permitted where is essential for agriculture operations. SG – New houses in the open countryside with reference to genuine need being considered favourably e.g., economic activity, including agricultural workers.
Renfrewshire	2014	No policy or exceptions allowed.
	2021	ENV1 – New housing in Green Belt where there is a need to support an established green belt activity, including in support of agriculture uses.
Scottish Borders	2016	HD2 – Housing with a location essential for business may be acceptable, including with a direct operational requirement of an agricultural enterprise appropriate to the countryside and for a worker predominantly employed and presence is essential for the efficient operation, or for succession.
	2020	HD2 – Support same as 2016.

Shetland Islands	2014	No policy or exceptions allowed.
South Ayrshire	2014	Rural Housing – Supports housing to meet rural business requirements. SG – May give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business.
	2020	B8 – Supports new housing in the countryside that accords with Rural Housing policy and SG. SG Rural Housing – Supports a new home that is essential to a rural business that is economically viable.
South Lanarkshire	2021	4 – Within countryside, there needs to be a specific locational requirement and established need. GBRA10 & SG – Support with circumstances where a house in the rural area is required for a person employed in a rural business where the nature and demands of the work associated with the business necessitate someone close by. Traditionally this has related to housing for agricultural workers.
Stirling	2018	2.10 – Support for new houses outwith existing groups or infill situations for a single house at a specific type of site for a specific purpose are supported. Support given to single houses in the Green Belt, where associated with agriculture. SG – Support if demonstrated that there is a genuine need to be housed in the vicinity for agriculture in an established rural business where there is a clear operational need.
West Dunbartonshire	2010 & 2015	WC1 – Support for development in wider countryside if required for the purposes of agriculture. DS2 – Development outwith the urban area will be restricted to development associated with agriculture, including new houses justified as required to support that use.
	2020	GB1 – Support for development in Green Belt and countryside restricted to development associated with agriculture, including residential developments.

West Lothian	2018	ENV2 – Supported if by lowland crofting policy. ENV7 – Supported if demonstrated there is a specific locational need which cannot be met elsewhere and need for incursion into the Countryside Belt can be demonstrated.
<p>KEY</p> <p>Green – LPAs with policies and guidance (SG) supporting housing related to farm enterprises and farm workers. Red – LPAs with no policies or guidance (SG) supporting housing related to farm enterprises and farm workers.</p> <p>EXPLANATORY NOTES:</p> <p>Table includes 29 out of the 32 Local Planning Authorities and both National Park Authorities. The remaining 2 Local Planning Authorities (Edinburgh, Glasgow, and Aberdeen City) are all predominantly urban and where Green Belt areas exist, policies allow development associated with appropriate Green Belt uses, e.g., agriculture.</p> <p>Where there are 2/3 dates for LDP; the first date is that of the adopted LDP and the second date is that of the Proposed Plan (either awaiting submission to DPEA or awaiting examination)</p>		