

LOCAL REVIEW BODY

31st July 2023

Application No: 22/01120/P

**Land west of Hoprig Mains Farmhouse, Gladsmuir,
Macmerry, East Lothian**

Applicant's Response to the Additional
Information Submitted by the Council's
Planning Service

Currie, Fiona

From: Kieran McFarlane [REDACTED]
Sent: 11 July 2023 16:00
To: Currie, Fiona; Mackowiak, Marek
Cc: [REDACTED]
Subject: NOTICE OF REVIEW - Planning Application No. 22/01120/P: Land west of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian
Attachments: [REDACTED]

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Hi Fiona,
Please see our comments below in response to the letter from the agricultural and rural advisor. [REDACTED]
[REDACTED]

Many thanks

Kieran

Dear LRB Members,

Please find below our response to the report from the Agricultural and Rural advisor in relation to Planning Application 22/01120/P.

I have also attached a response from Davidson & Robertson (in addition to our own comments) who have clarified comments raised in response to the methodology used in their Operational Needs Assessment submitted in support of the Application.

We respond to elements of the report by Laurence Gould with our own comments in red.

- *“I would expect that a business of this size and scope required somewhere in the region of two units” – As set out by Davidson and Robertson, the method used to calculate the Standard Labour Requirement on the farm is standard methodology and well established throughout Scotland and the UK. This found an operational requirement of 4.1 units. Furthermore, the methodology set out by D&R takes into account the Safe Working Directive, in Laurence Goulds assessment that the business only requires two units (which we disagree with their methodology) this does not take into account staff holidays or sickness, or a mental health / safety view on the business labour requirements.*
- *“I am satisfied that the business in its current form is a reasonable representation of the business’ scale moving forward” – Laurence Gould confirm that they are satisfied with the viability of the business, therefore satisfying part of the policy which requires a viable agricultural use.*
- *“Why is it necessary for a second person to reside on farm...is it a necessity?” – LDP Policy DC4 does not explicitly state that it is a requirement that is deemed an absolute **necessity** to reside on the business land, it instead states we must satisfy that it is a direct operational requirement of a viable agricultural use. LG have already agreed that there is an operational requirement (expectation that there is a labour requirement of 2 units – which in this case would be the applicant and his brother, however we continue to refute LG’s methodology and contend that there is an operational requirement of 4.1 units.) and they have also agreed it is a viable business.*

- “I can see that the grain drying operation in particular would benefit from an onsite presence especially given the long hours grain during operate and their requirement for frequent monitoring. That said it is entirely normal for these services to be provided by off site labour and an 8 mile commute whilst more onerous than living on site it is relevantly small in commuting times.” Firstly, LG acknowledges that it would be a benefit to live on site to monitor the grain drying process which is a long process, by living on site this will allow Andrew Meikle to operate more efficiently in onerous processes such as this and ensure that farm operations are being carried out more effectively. Secondly, they acknowledge that the commuting time between the Applicants address, and the business is onerous, which in our opinion could have negative impacts on the operation side of the farm business. Thirdly, where are they basing that an 8 mile commute is ‘relatively small’. This is a 2 hour 40 minute walk, and we cannot assume that Mr Meikle can always attend his place of work by private vehicle. NPF4 places an emphasis on climate change, sustainability and local living, whilst it is hard to apply the principle of local living to rural areas, **NPF4 Policy 17: Rural Homes** states that proposals will be supported where there is an essential need to live permanently at or near their place of work. This will also assist in meeting the aims of **Policy 13 Sustainable Transport** which seeks to reduce the need to travel unsustainably, **Policy 14** seeks to support the efficient use of resources that will allow people to live and work in the same area. This will all support Rural Revitalisation which is one of the key spatial principles of NPF4 which seeks to : “encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.”
- “My sense on this matter is that by living on site, Mr A M will be able to provide more frequent support for more minor activities without which the business might have to employ additional labour for a longer period of time. Again the issue is whether this is a material consideration in cost terms or whether is it largely an issue of convenience.” – Our view is that the requirement to hire additional labour for the business could have a negative impact on business viability. This is not an issue of ‘convenience’ as put by LG and is in fact an issue on business viability and future proofing its finances. LG acknowledge that by not living on site that Mr Meikle may have to employ additional workers.
- “two of these properties might provide a diversified income stream is important to the business viability” – It is correct that rent from these properties will provide additional funds to the business, loss of these tenants could have an impact on the business viability, both the LDP and NPF4 are supportive on diversification to rural businesses.
- “they could also provide a level of accommodation for someone in the family and this is clearly a workable but potentially unattractive option.” – Incorrect, as set out in our Statement of Case, these cottages are already occupied and under long term secure tenancies (+25 years), they are also not of a sufficient size for the Applicant and his family. It would also not be reasonable to expect the Applicant to evict his long term tenants, especially in the midst of the cost of living and housing crisis, where there is already a shortage of affordable housing with the local area. Eviction of tenants could also place additional strain on Local Authority housing stock.
- “The business is therefore reliant to quite a high degree on the contracting income to maintain its current level of profit.” – It is already established fact that the business has diversified to secure its future viability, this is supported both by local and national planning policy and is not an issue when considering the business viability under Policy DC4 of the LDP. There will still be a requirement to live on site to ensure the successful operation of both the farm business and the contracting, which is based at Hoprig Mains Farm. In addition, the Greaves West & Ayre statement advises that as much as “all elements of the business are important” the “turnover and profit made from the farming activities far outweigh the other elements.”
- The Council does not have a retiring farmer policy...without an acceptance by the Council that retiring farmers can continue to reside on farms, this is a high bar to get over” – The Council does not have a policy which takes into account where farmers go once they retire. We do not agree with LG comments that the Council are required to accept that retired farmers can reside on farms. There is no policy precedence that should expect retired farmers to vacate their properties for which they own and are still the landowner. It has already been set out in the Statement of Case and other supporting documents that Mr Graeme Meikles property is legally separated from the farm business, so there is no expectation that he should leave upon retiring. This therefore results in a property on the farm, which is no longer in association with the

agriculture business, which results in the need for an additional dwelling on site to accommodate the Applicant and his family.

- *“Whilst I can see how Mr Andrew Meikle’s residence on site would be beneficial for the business whether it is a requirement for the business to operate i.e. a true operational need is questionable.” – This statement by LG is contradictory as they at first acknowledge that the Applicants residence on site would be beneficial for the business, this acknowledges that there is an operational requirement for Mr Andrews Meikle’s permanent presence on site which can only be served by the proposed dwelling on the site. They then are unable to determine the operational requirements of the business ‘a true operational need is questionable’ this is not a definitive conclusion on the matter which they were to review and give their opinion on, LG have already stated that they believe there to be a labour requirement of 2 units on the site, which would consist on the Applicant and his brother (Davidson and Robertson have set out that they consider there to be a labour requirement of 4.1). This response does not dispute that there is an operation requirement for the new dwelling. LG response does also not consider that the future income of the business could increase, due to growth of the contracting business or other business diversifications, which would increase the requirement for the Applicant to be able to live on site.*

We consider that the response from Laurence Gould confirms that there is a direct operational requirement for an associated house on the grounds of a viable agricultural business, and kindly ask that the LRB approve this application, a move in support of East Lothians farming industry.

Kind regards,

Kieran McFarlane

Kieran McFarlane
Senior Planning Consultant
Cundall

Exchange Place One, 1 Semple Street, Edinburgh, EH3 8BL Scotland, United Kingdom


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East Lothian Council

Our ref: MH/HOP002/113/21

Your ref:

Date: 7th June 2023

Dear Sirs,

**HOPRIG MAINS FARM, TRANENT
APPLICATION FOR DWELLING IN STEADING – ANDREW MEIKLE
APPLICATION REF 22/01120/P**

We are in receipt of the letter of 30th June from Laurence Gould.

We have been asked to comment on the methodology used in our earlier Operational Needs Assessment.

The method used to calculate the Standard Labour Requirement on the farm is standard methodology and well established throughout Scotland and the UK. As outlined in the report the data used is from the SAC Farm Management Handbook fas.scot/downloads/farm-management-handbook-2022-23/. This takes into account the Safe Working Directives.

The comment by Laurence Gould towards the bottom of page 2 that the farm has a requirement “...of somewhere in the region of two units” does not appear to have any basis nor means of how this has been arrived at.

There is a recognition that operationally there is a significant benefit to the business to have an additional person residing on the farm, for proven labour needs, for health and safety, and for security.

With regards to the commentary regarding the number of existing houses, as has already been covered in the report, there are 3 on the farm, one of which is utilised by Graeme Meikle. The other two 2-bed cottages are currently let on long term lets and so not available. It is currently against government policy and legislation to recover possession (and put the housing burden onto the local authority). If it were an option for Mr Andrew Meikle and family to utilise one of these dwellings he would have already done so.

If you have any queries or questions please do not hesitate to get in touch.

Yours faithfully



Martin Hall FRICS, FAAV, ACI Arb, FRAgS
Senior Director





Currie, Fiona

From: Kieran McFarlane [REDACTED]
Sent: 19 July 2023 11:46
To: Currie, Fiona
Cc: [REDACTED]
Subject: RE: NOTICE OF REVIEW - Planning Application No. 22/01120/P: Land west of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian

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Hi Fiona,

We provide our response addressed to the LRB responding to Laurence Goulds **Addendum** to their original response to Planning Application 22/01120/P, this is in addition to our previous response provided on 11/07/2023 addressing the consultation response report from Laurence Gould.

NPF4 Policy 17, criterion a) vi) states: *'Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development: is for a single home for the retirement succession of a viable farm holding;'*

As previously stated throughout the supporting information, Mr John Meikle is retiring, he resides in Hoprig Mains Farmhouse and intends to remain in his dwelling, his dwelling is not in the ownership of the business and will remain his private residence. There is therefore clear support from Policy 17 for a new single dwelling on the farm holding to accommodate his son (the applicant) who will be taking over his fathers duties and will assist in running the day-to-day operations of the farm business and will therefore require accommodation on the site.

As previously stated, there is no existing accommodation on the farm holding available to the applicant. Of the 4 dwellings on the site, one is owned by Mr John Meikle and is owned separately from the business and will remain his home in retirement. There are 3 cottages that are part owned by the business, the larger unit is occupied by Mr Graeme Meikle (the applicants brother). The other 2 smaller units are also occupied. These being small semi-detached cottages that do not meet the requirements of Mr Andrew Meikle's growing family, therefore a new fit for purpose house is required on site. These both are also already occupied and under long term secure tenancies (+25 years). It would also not be reasonable to expect the Applicant to evict his long term tenants, especially in the midst of the cost of living and housing crisis, where there is already a shortage of affordable housing with the local area. Eviction of tenants could also place additional strain on Local Authority housing stock.

We dispute that the Farm is reliant of the contracting income, as the Davidson & Robertson Operational Needs Assessment confirms that the farm is profitable through the arble/cereal farming and that Hoprig Mains is one of the larger cereal units in Scotland. The contracting element of the business is a diversification of the farm business, which is supported by both national and local planning policy. This should not be reason made against the applicant and it does not dispute the operational need to reside on his viable business, as the base of the contracting arm of the farm is still at Hoprig Mains.

We disagree that *'both of these factors weaken the applicant's case considerably'*, it has been established that there are no other suitable accommodation of the farm holding for the applicant and it has been demonstrated that the business is viable with an operational need that requires the applicant to live permanently at their place of work, as is usually the case in the farming business.

We respectfully ask that Councillors make a reasonable decision in our clients favour, as their proposal is clearly support by Policy within the Local Development Plan and NPF4, and he has demonstrated that there is a direct operational requirement of a viable agricultural business which requires him to reside on site.

Kind regards,

Kieran

Kieran McFarlane
Senior Planning Consultant
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From: Currie, Fiona <fcurrie@eastlothian.gov.uk>

Sent: 13 July 2023 16:57

To: Kieran McFarlane [REDACTED]

Subject: RE: NOTICE OF REVIEW - Planning Application No. 22/01120/P: Land west of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian

Importance: High

Dear Mr McFarlane

Re my earlier e-mail and your response dated 11th July. The Council has received further advice (addendum) from its agricultural and rural consultant regarding policy 17 of the NPF4.

If you would like to amend your response, please provide any additional comments by Friday 21st July.

The Local Review Body will meeting to further consider this application on Monday 31st July at 2pm and I will send you details of how to view this meeting in due course.

Kind regards,
Fiona

From: Currie, Fiona

Sent: 03 July 2023 13:00

To: Kieran McFarlane [REDACTED]

Subject: RE: NOTICE OF REVIEW - Planning Application No. 22/01120/P: Land west of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian

Dear Mr McFarlane

I now enclose the report from the Agricultural and Rural Advisor. If you have any comments on this report please send them to me no later than Tuesday 11th July.

I will let you know when a date has been arranged for the Local Review Body to further consider your application.

Kind regards,
Fiona

From: Currie, Fiona <fcurrie@eastlothian.gov.uk>

Sent: 19 June 2023 13:00

To: Kieran McFarlane [REDACTED]

Subject: NOTICE OF REVIEW - Planning Application No. 22/01120/P: Land west of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian

Dear Mr McFarlane

I write to advise you that this application was considered by the Local Review Body at its meeting on 15 June 2023. It was continued, at the request of the members of the Local Review Body, for additional written information in the form of an independent report from an Agricultural and Rural Advisor. The Local Review Body members have asked that this information be submitted within 10 – 14 days (by end June), and this application will be reconsidered as soon as practicable thereafter.

I will be in touch with you again once this information has been received and a date arranged for the members to further consider this application.

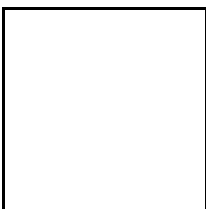
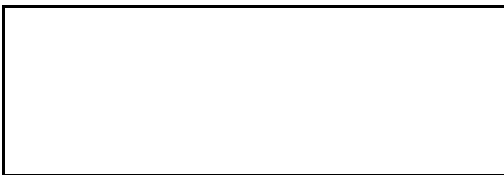
Yours sincerely

Fiona Currie

Fiona Currie | Committees Officer | Democratic Services | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel: 01620 827586 | E-mail: fcurrie@eastlothian.gov.uk

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