

# McCrae & McCrae Ltd

Chartered Surveyors, Estate Agents, Planners & Valuers



**Upper Dean Farm, By Culross, Fife KY12 8EW**

**Lovely rural one acre site with planning  
permission in principle for 4 log houses**

Glasgow 31m, Edinburgh 24m, Kinross 22m, Stirling 16m, Dollar 13m,  
Dunfermline 8m, Kincardine bridge 4m, Culross 0.5m

**Offers Over £150,000**

## **DESCRIPTION**

Around an acre of land for sale with planning consent in principle for four log houses (not detailed consent). One is to be used for a manager to live in full-time (who also has to be employed on the nearby livery yard, owned by the seller's). The site lies at about 50 feet above sea level and has really lovely views over farm land to the firth of Forth to the south and farm land to the east, west and north. This location is very attractive and has a good outlook. The Upper Dean house and steading was demolished in the 1980's. The site lies only half a mile from the medieval port of Culross which is a conservation village and has a palace, walled gardens, tea room, a good hotel, pub and bus service to Dunfermline, Edinburgh and Kincardine.

## **PLANNING PERMISSION**

Planning permission was granted by Fife Council. Planning Review Body 13.04.15. A copy of the planning permission is annexed. Conditions include three of the log houses to be let out for a maximum period of 12 consecutive weeks a year and they must never be sold off separately. McCrae & McCrae Ltd would like to have any planning queries for Fife Council addressed through them.

## **ACCESS**

The main access into the property is via a vehicular right of way which Fife Council maintain as it also provides access to the unused graveyard (West Kirk). The log house developer will have to upgrade the access road and install a passing as well as relocating the stone wall to the east of the entrance to the access road so as to improve visibility splays





Views to the east from the log house site



## **LOCAL FACILITIES/EQUESTRIAN TRAILS**

As well as having good pedestrian “connectability” to Culross via local footpaths there is public footpaths/cycle tracks down to the Fife Coastal Path which extends westwards to Kincardine and eastwards to South Queensferry – Elie – St Andrews. There is also public footpaths up to Devilla Woods where there is about 1000 acres of mature woodland with excellent trails. The Forestry Commission also own thousands of additional acres of lands at East Grange, Muirside Estate (all the way up to Saline) and there is the old disused railway line right of access into Dunfermline and up to Dollar.

## **PROPERTY MISDESCRIPTION**

These particulars do not constitute any part of an offer or contract. All measurements are given as a guide and no liability can be accepted for any errors arising there from. No responsibility is taken for any other error, omission or mis-statement in the particulars, during negotiations or otherwise, any representation or warranty whatever in relation to this property. Details prepared May 2013.

## **CLOSING DATE**

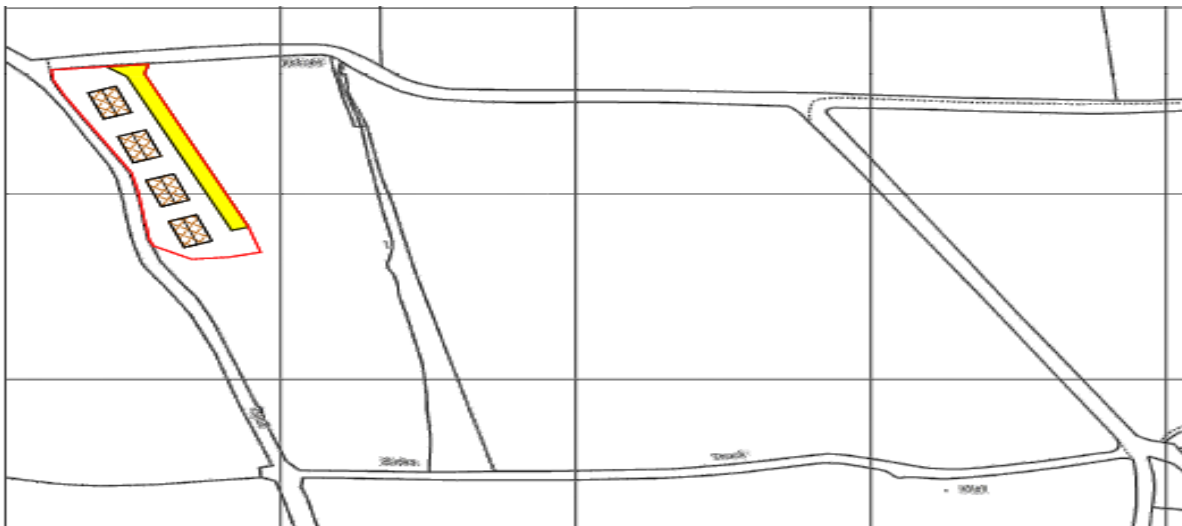
A closing date may be set and prospective purchasers are advised to register an interest.

## **VIEWING AND REGISTERING AN INTEREST**

Registering an interest and viewings of the property can be arranged with the selling agents, McCrae & McCrae Ltd.

## **OFFERS**

Offers should be submitted in Scottish Legal Form to the selling Agents, McCrae and McCrae Ltd at 12 Abbey Park Place, Dunfermline, Fife KY12 7PD. Please note that interested parties are advised to register their interest with the sellers. The seller reserves the right to accept any offer at any time.





**Views westwards from the log house site**



**A local network of foot/cycle paths**



**The northern end of the log house site looking to the south**

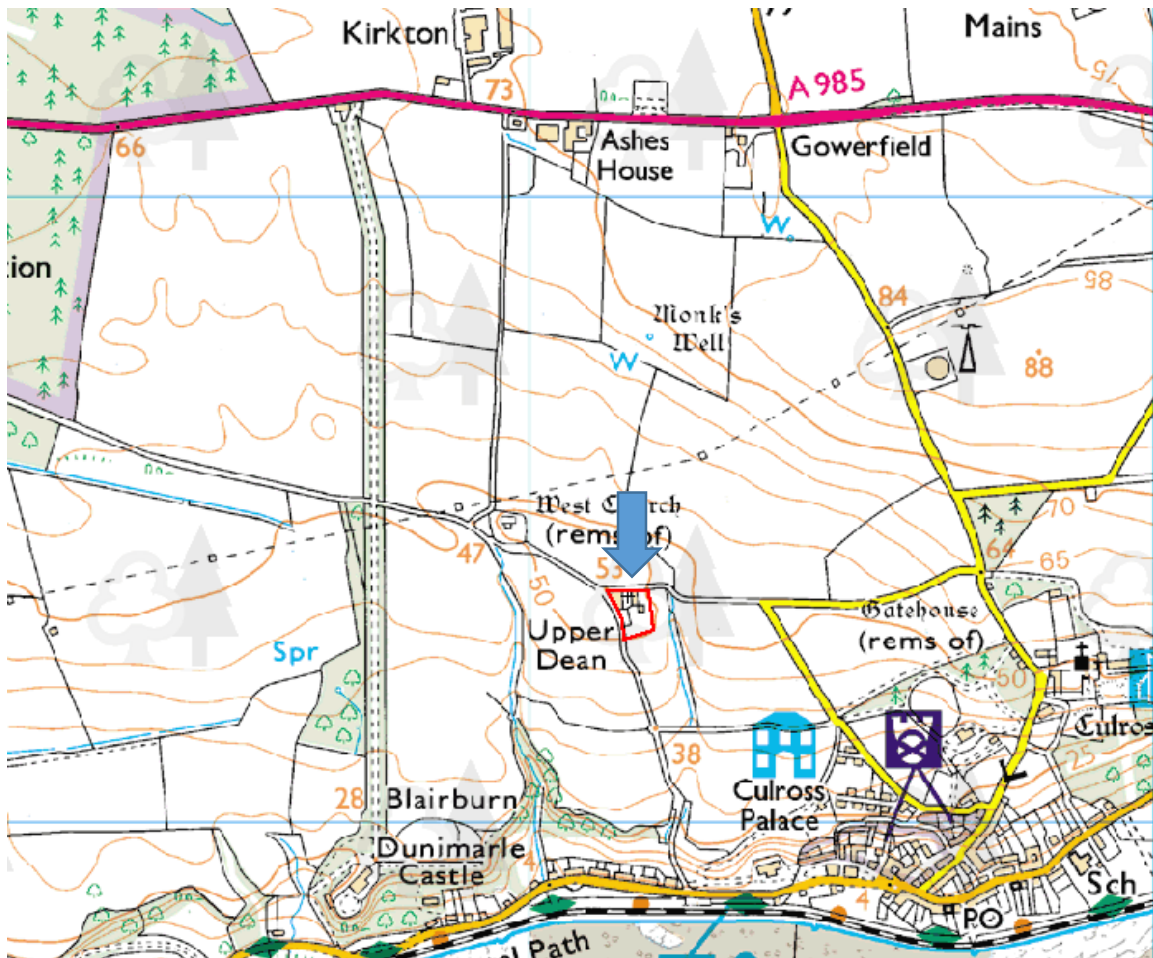


**Views to the north from the northern end of the site.  
Ashes Farm Equestrian centre is on the horizon**

## DIRECTIONS

From the Forth Road Bridge proceed along the A985 at Rosyth. Proceed through Crombie and follow the signs to Kincardine. Proceed past High Valleyfield turnoff and take the next turning on the left signposted Culross (just opposite the turnoff to the right signposted Blairhall). Proceed down this road. Turn left at the next T junction and first right at the next junction. Where the road swings at right angles to the left with a high wall on your left proceed straight on where the grassy road gives access to the West Church Kirk. The log house site lies at the North West corner of the second field on the left.

From Kincardine – Head out on the A985 towards Dunfermline. Proceed past Devilla Forest (trees on either side of the public road). Proceed past the first house and steading on the right (Ashes Farm) and turn right just after the next house. Go straight on at the next junction, first right at the next junction, where the road swings at right angles to the left continue as above.



FPRB Reference J8.36.192

## Review Decision Notice

---

Decision by Fife Planning Review Body (the FPRB)

- Site address: Land 230M South East Of West Kirk Churchyard, Erskine Brae, Culross, Fife
- Application for review by Mr John Turnbull against the decision by an appointed officer of Fife Council
- Application 13/02182/PPP for planning permission in principle for the erection of 4 log houses (one log house to be used as managers house)

- Application Drawings:

01	Location Plan
02	Location Plan
03	Site Plan
04	Site Plan
05	Supporting Statement
06	Aerial Photos
07	Site Plan

- A Site Inspection took place on 1 December 2015

Date of Decision Notice: 13<sup>th</sup> April, 2015

---

### Decision

The FPRB reverses the determination reviewed by them and approves Planning Permission in principle subject to the conditions outlined below in section 4.0.



## **1.0 Preliminary**

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the FPRB at its meeting on the 9<sup>th</sup> March 2015. The Review Body was attended by Councillor Alice McGarry (Chair), Councillor Jim Young and Councillor Lawrence Brown. These three Councillors had also attended the site visit previously on 1 December 2014.
- 1.3 The matter had been previously considered at the FPRB meeting on 1 December 2014. At that meeting it was decided to request additional written submissions from the applicant relating to the use of the log cabins; the nature of the log cabins i.e. are they mobile homes; the relationship to the other business operated by the applicant and; a coal risk assessment.

## **2.0 Proposal**

- 2.1 The application proposal has been established, following the submission of additional information, to be a holiday letting development of four permanent timber buildings (log cabins) to be occupied by visitors to the area or by persons using the Equine facilities at the applicants business at Ashes Farm. One of the four timber buildings would be reserved as a home for a person employed in the equine business at Ashes Farm and in the supervision of the other three log cabins.
- 2.2 The site, currently in agricultural use, lies outwith the settlement boundary of Culross in an area of countryside and part of this site was a farm steading at some point in the past. Vehicular access to the site is via an un-surfaced access track from a minor road to the north of Culross which is also a pedestrian route to a ruined church linking with another footpath running south back into Culross.

## **3.0 Reasoning**

- 3.1 The determining issues in this review were the principle of this form of development in the countryside, the landscape and visual impacts of the proposals, the road safety implications and technical matters relating to development within an area affected by previous coal mining. The FPRB considered the terms of the Development Plan which comprises the SESplan Strategic Development Plan 2013 and the Dunfermline and West Fife Local Plan 2012. Although not yet part of the statutory development plan, the Proposed FIFEplan is now a material consideration. The FPRB noted however that it did not change the land use zoning for this site nor

contain any policies that would change the way this form of development is assessed. The strategic policies within the SESplan were not relevant in this case.

- 3.2 The FPRB considered the proposed use of the log cabin development and how the two key Local Plan policies governing such developments would apply. As the log cabins are to be used as accommodation linked to a rural equine business or for holiday purposes the FPRB considered Policy E15 of the Local Plan which seeks to control developments in the countryside subject to a list of criteria. Part a) supports development which is directly used for the purposes of agricultural, horticultural, woodland or forestry operations. This development would not meet that requirement. Parts b) and c) support new enterprises or the diversification of existing enterprises which use the products of or service the land-based businesses listed within part a) or other countryside activities bringing economic support to that business. The FPRB found that there was sufficient information on the nature of the log cabins and their connection to the equine business operating locally at Ashes Farm to establish that the development could comply with parts b) and c) of the policy. Part d) supports the extension of established businesses and the FPRB did not feel that this was an extension of the activities currently in place at Ashes Farm so the development would not comply with part d). The FPRB also found that the development would not provide small scale employment land adjacent to settlement boundaries, which contributes to the Council's employment land supply requirements and therefore the development would not comply with part e). Part f) supports facilities for access to the countryside and the FPRB did not consider there was a clear link between the form of the development and countryside access. Part (g) supports facilities for outdoor recreation or tourism or other development which demonstrates a proven need for a countryside location. The FPRB found that a tourist orientated holiday letting facility would meet this policy criterion and that if the accommodation would also be occupied by users of the equine training facility at Ashes Farm there was a need for a countryside location. It would be important however to ensure that the development was carried out in way that ensured this essential link to a countryside business and tourism use was delivered. Conditions on the permission granted would seek to put the necessary controls in place.
- 3.3 The last criterion of policy E15 is part (h) which supports housing that meets the terms of Policy E16. The FPRB therefore considered whether the 4<sup>th</sup> log cabin which was to be used as a permanent home by a member of the family employed in the equine activities at Ashes Farm would meet the requirements of policy E16. Part a) of the policy gives direct support to new housing meeting the operational needs of an agricultural, horticultural, woodland, forestry or other business supported by Policy E15 and which is located as an integral part of the business. The FPRB felt that the log cabin

used as described in the Review submission would meet the terms of this policy. None of the other criteria set out in policy E16 were considered to be relevant. As with the business element of this proposal it is essential that the use of the residential log cabin is controlled thereby maintaining the link with the other operations. Although conditions are not always required in such cases it is felt that because the nature of this development has not always been clearly expressed in the application papers and because at the planning application stage the intention was to sell the development opportunity on the open market, controls are essential in this case.

- 3.4 The site was identified as prime agricultural land and policy E18 of the Local Plan sets out a presumption against development of this important resource. The FPRB was aware that part of the site had been developed with a collection of buildings though it was now all grassland. The FPRB did not therefore feel that a legitimate rural development on land which had been previously developed merited such strict protection.
- 3.5 Policy E15, whilst setting out acceptable types of development, also includes a requirement that the development is of a scale and nature compatible with surrounding uses; is well-located in respect of available infrastructure and contributes to the need for any improved infrastructure; will result in an overall enhancement to the landscape and environmental quality of an area; provides employment for local people or supports local services and that equivalent alternative capacity does not exist within the local area (or settlement boundary). The FPRB considered the issues of the compatibility of use with the surrounding area and the landscape impact matters. There are no immediate neighbours to this development and it was considered that holiday accommodation can be compatible with the surrounding countryside. The development would be very visible from the footpaths that abut the site boundaries but distant views of the development within the wider landscape would be limited. The undulating topography would limit views of the cabins from the public road to the east. The log cabin design proposed was also considered to be an appropriate choice which once enclosed by tree and hedge planting would be an attractive rural development. The tie in to local employment opportunities had been explored, as explained above, and the infrastructure issues were more relevant to the assessment of road safety matters.
- 3.6 The Local Plan sets a road safety policy context for this development based on policies T1 and T2. These policies direct development to locations where the road and public transport infrastructure network can accommodate it and; require the access roads and other technical matters such as road construction, parking etc to meet an appropriate standard. The FPRB therefore looked at these various issues.

- 3.7 The access to the site is from a narrow public road linking the countryside to the narrow streets within the historic centre of Culross. The junction of the access track to the site and this public road is at a tight bend in the road. Whilst visibility is good when exiting the track, the visibility turning right into the track is obscured by a high stone wall encircling the field to the south and east of the public road corner. The applicant's submission indicates that they have retained a legal right over this field to permit the lowering and or re-alignment of the wall so that the required forward visibility could be achieved. In these circumstances a condition could be applied to the permission requiring this to be delivered. The FPRB were however concerned about the character of this area. The stone wall is a significant structure of some age and is a feature of the public roads and the peripheral fields around Culross at this point. It would not be acceptable to just remove or lower the wall. It would be essential that the wall is reconstructed to the same height and style (using the reclaimed stone and supplemented with similar) on a new alignment that would provide the visibility at the bend.
- 3.8 The FPRB were also aware that the applicant did not control the access track to the site. It was excluded from the site boundary and was not subject to the same legal agreement that allowed the visibility on the public road to be improved. The FPRB noted its poor condition with regard to surfacing, geometry, width and drainage. Its use as the main vehicular route to the development was not acceptable if it stayed in this condition. Significant improvements would be required however, without adequate control over the ownership of the route, such improvements may not be feasible. The FPRB however decided that a suspensive condition should be employed to ensure that no development can happen on site at all (i.e. to suspend the effectiveness of the planning permission) until a full upgrade of the road from its junction with the public road to the application site frontage has been achieved. It was noted that this may require planning permission in its own right. It would necessitate changes to the geometry or gradients of the road to prevent grounding of vehicles. The installation of drainage would be necessary to prevent deep puddles collecting at the lower points of the route or the route becoming a temporary water course at times of high rainfall. Passing places would be required at key locations to allow two cars to pass and the carriageway would need to widen into the verges or the field to deliver this. Surfacing of the whole of the route with bituminous materials, whilst advantageous, was not considered to be essential except for the first 12 metres back from the public road. The remainder of the route would still however require surfacing improvements that were constructed to ensure a reasonable period of maintenance free use of the route.
- 3.9 The FPRB also considered the increased use of the road network in this area and felt that the advice provided by the Council's Transportation Development Management Team that there was a presumption against the formation of new vehicular accesses or the intensification in use of existing

- accesses on unrestricted distributor roads outwith established built-up areas was not relevant in this case where there was a link to a rural business. Due to the nature of the holiday or equine business the accessibility of the site to public transport links was not as important as users of the facility would need to be car users.
- 3.10 The development site itself would need to deliver a vehicular access into the site and sufficient parking and turning for the users of the development. Conditions on the permission would address such matters.
- 3.11 The FPRB had requested that a Coal Risk Assessment be submitted before the application for review be determined as this had been missing from the previous application submission. As a development within a high risk area due to the previous extent of underground mining, there is a requirement for the planning authority to address this risk. Consultation with the Coal Authority is required when a Risk Assessment has been provided to assess whether the remediation proposed is adequate to reduce the risk to the future occupants of the development. The applicant did not however submit a Coal Risk Assessment but a Coal Authority Report. The FPRB decided that whilst not strictly in accordance with the requirements of developments in high risk areas a condition would be attached to the permission to ensure that the Risk Assessment was completed before any decision is made on the final design and layout of the site. As this is a planning permission in principle the specified list of matters to be submitted for approval would require this to be submitted.

#### **4.0 Conditions and Reasons**

- 4.1 The FPRB decided that planning permission in principle should be approved subject to the following conditions and reasons
1. BEFORE ANY DEVELOPMENT TAKES PLACE ON THE SITE the access track to the site from its junction with the public road up the west-most part of the site frontage to the track shall be fully upgraded to incorporate the following features:-
    - a) the realignment of the gradients and geometry of the track to ensure that vehicles would not ground on the central grass strip or the track itself,
    - b) the re-surfacing and reconstruction of the surface level of the track to a minimum standard of 200mm compacted granular Type 1 material,
    - c) the introduction of road drainage along the length of the track,
    - d) the introduction of passing places located at points that inter-visible between each one,

- e) the surfacing and reconstruction in bituminous materials of the first 12 metres of the track back from the public road junction,
- f) the formation of radius curves at the junction of the track and the public road.

Any development on the site proceeding before this access track improvement work is fully completed would be unauthorised. Nothing in this condition supersedes the requirement to obtain all statutory permissions, under planning or other legislation, or obtain any relevant legal rights to carry out such work.

***Reason:*** *In the interests of road safety, the access track is not suitable for a development of this nature and must be upgraded before development can take place.*

- 2. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of the Planning Authority, together with the relative detailed plans which shall include:-

- (a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;
- (c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs;
- (d) Details of the proposed foul and surface water drainage for the site including any SUDS facility required to address this matter;
- (e) Details of all parking and turning areas within the site;
- (f) A Coal Risk Assessment report including details of all engineering works required to address the remediation of the site with regard to land stability matters;
- (g) Details of all tree and hedge planting including species and size of plants at date of planting;
- (h) The details of a new footway along the site frontage;
- (i) The identification of the 3 letting log cabins and the one to be used as a permanent dwellinghouse including details of any private amenity space associated with the permanent house.

No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

**Reason** *To be in compliance with section 59 of The Town and Country Planning (Scotland) Act 1997, as amended.*

3. The development proposals submitted under condition 2 above shall demonstrate a maximum of 4 log cabin style dwellings and these shall be single storey or two storey (attic) buildings where the first floor is entirely within the roof space.

**Reason** *To clearly define the extent of the permission and to ensure that the form of the development respects the details of the application granted planning permission in principle.*

4. Three of the four log cabins shall to be used for holiday letting purposes or for temporary residential accommodation for visitors or users of the Equine Business operated at Ashes Farm, Culross and shall not be occupied as a permanent dwellinghouse. The occupation of these three letting units shall be let to persons occupying the unit for a maximum continuous letting period of 12 consecutive weeks in any 12 month period. These three log cabins shall not be sold or otherwise disposed separately from the residential log cabin at the site.

**Reason:** *To ensure the log cabins are used for holiday accommodation or temporary accommodation for persons using a rural business in compliance with the Local Plan policy on development within the countryside.*

5. The single log cabin to be used as a permanent dwellinghouse shall only be occupied by an employee of the Equine Business operated at Ashes Farm or any spouse, partner or dependants of such a person and only while that person is also employed in the supervision of the three letting properties at the application site. The use of this dwellinghouse shall not commence until such time as all 4 log cabins are complete and ready for occupation. This residential log cabin shall not be sold or otherwise disposed separately from the other three log cabins at the site.

**Reason:** *To ensure the dwelling is used in connection with a rural business in compliance with the Local Plan policy on development within the countryside.*

6. The first application submitted under condition 2 above shall include the Coal Risk Assessment described in Condition 2 part (f) and any remediation measures contained therein shall be carried out before the development proceeds to the stage of erecting the log cabins or laying out the site.

**Reason:** *To ensure that the full risks of developing this site within an area affected by previous coal mining are examined in detail and remediation measures commensurate with the known risk are put in place before any development is completed.*

7. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE a forward visibility splay of 20 metres (measured 1 metre from the inside channel line) shall be provided at the bend on the public road opposite its junction with the access track to the application site. All structures or other obstructions over a height of 600mm above the adjacent road channel shall be cleared and thereafter this area within the forward visibility splay shall be maintained at that level throughout the lifetime of the development. To achieve this, the existing boundary wall shall be removed for a distance of 21 metres to both the east and the south east of the intersection of the projected inside channel line. The boundary wall shall be re-erected in a straight alignment between the two points 21 metres to the east and south east of the intersection of the projected inside channel line or on a curve with a radius measurement of 25 metres.

**Reason** *In the interests of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.*

8. BEFORE THE DEVELOPMENT COMMENCES ON THE RE-ALIGNMENT OF THE WALL as required by condition 7 above detailed plans and elevations at a scale of 1:100 and 1:50 shall be submitted for the prior written approval of Fife Council as planning authority. These drawings shall demonstrate the alignment of the new wall, its method of construction, the details of the stone to be used, the design of the coping stones, the lime based grouting and mortar mix to be employed and its overall height and width in relationship to the remainder of the wall



abutting the re-alignment. Thereafter the alterations of the wall shall be carried out in accordance with those plans.

**Reason:** *In the interests of road safety and visual amenity. The existing wall is a traditional stone boundary wall encircling the fields on the edge of the historic village of Culross and the new length of re-aligned wall should respect the character and style of the existing wall; and should be located and constructed in away that delivers the necessary improvements to road safety.*

- 9. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE the turning area required by condition 2 shall be fully formed and completed in accordance with the details to be submitted under condition 2 above.

**Reason** *In the interests of road safety.*

- 10. BEFORE THE DEVELOPMENT IS OCCUPIED off street car parking spaces shall be provided for the proposed development outwith the turning area in accordance with the current Fife Council Transportation Development Guidelines and thereafter permanently maintained. Details of these spaces shall be submitted under the terms of condition 2.

**Reason** *To ensure adequate provision of off-street car parking.*

- 11. The existing hedgerow and trees marking the western boundary of the site shall be fully retained and incorporated into a new hedgerow and boundary tree planting scheme encircling the whole development site submitted under the terms of condition 2 above. The hedge and trees shall be planted within the first planting season following commencement of development and maintained for the lifetime of the development.

**Reason** *In the interests of visual amenity.*

.....

Iain Matheson,  
Head of Legal Services

## **NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions*

### **NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

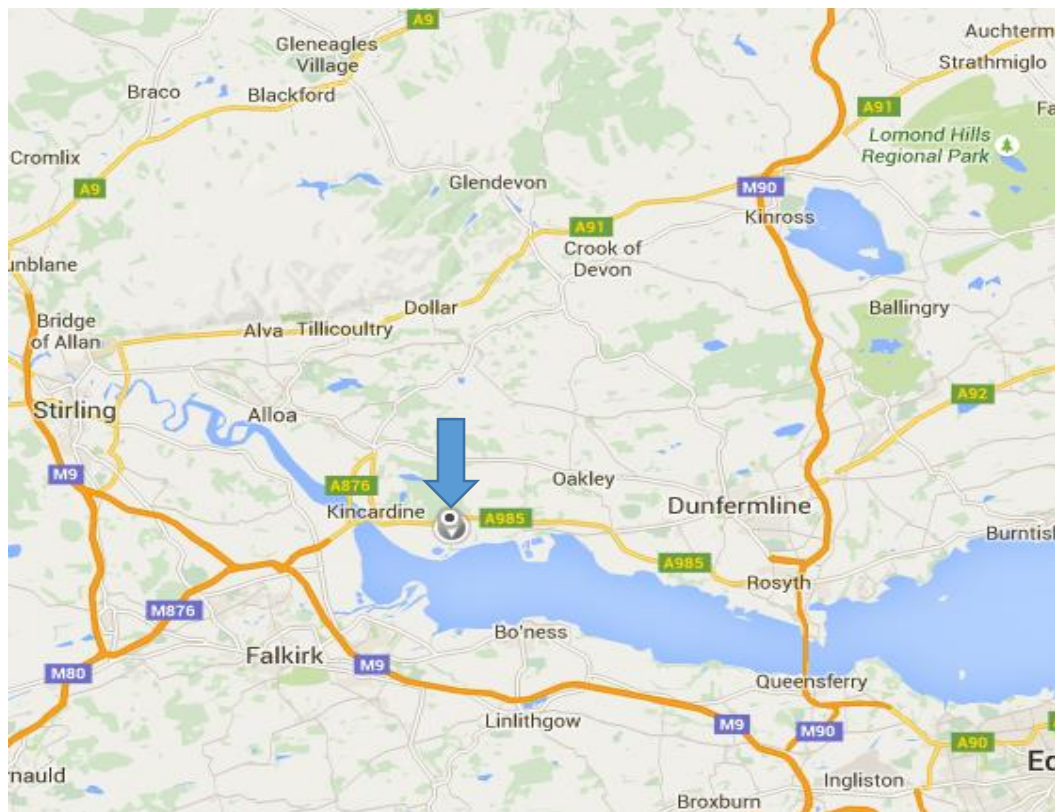
#### **Notice under the Town and Country Planning (Scotland) Act 1997 as amended by Sections 27A and 27B of the Planning etc. (Scotland) Act 2006**

You are required, prior to the development hereby approved commencing on site, to submit written notification to Fife Council as Planning Authority ("this Council") of the intended date of commencement of the development. The development shall not commence until this notification has been acknowledged in writing by this Council. On completion of the development, you are also required to submit written notification to this

Council of this as soon as practicably possible. Any submission on this matter should be addressed to Economy, Planning and Employability Services, Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LT.



High wall which has to be moved back to widen the road and improve the visibility and access.



McCrae & McCrae Limited, Chartered Surveyors, 12 Abbey Park Place, Dunfermline,

Fife KY12 7PD 01383 722454

29 York Place, Edinburgh EH1 3HP 0131 478 8708