

Development Management Sub-Committee Report

Report returning to Committee - Wednesday 13 March 2024

Application for Planning Permission

land 178 Metres East of Humbie Cottage, Humbie Farm Road, Humbie Quarry.

Proposal: Erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with agricultural business at Merryhall Farm (as amended).

Item – Local Delegated Decision

Application Number – 21/05218/FUL

Ward – B01 - Almond

Report Returning to Committee

On 28 February 2022 the Council issued a minded to grant decision notice under delegated powers for the erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with an agricultural business at Merryhall Farm. Consent was to be issued subject to the conclusion of an appropriate legal agreement to restrict the occupancy of the farmhouse to a person or persons employed in the agricultural holding known as Merryhall Farm.

The applicant was advised that the legal agreement should be included within a six month period. However, due to the size of the farm in question and complexities relating to landownership arrangements it has taken longer than anticipated to agree appropriate wording within the Section 75 Agreement and for the appropriate ownership drawings required for the agreement to be provided.

Following extensive discussions with the applicant, the Council's Legal Services has advised that appropriate wording has now been agreed and required drawings relevant to the agreement can now be provided. A legal agreement to restrict the occupancy of the proposed dwelling and to ensure the consented office remains linked to the farm can now be concluded in short course. A short extension of three months is requested to allow conclusion of the agreement.

Recommendations

It is recommended that this application be Granted subject to the details below.

SECTION A – Assessment

As noted above, on 28 February 2022 the Council issued a minded to grant decision notice under delegated powers for the erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with an agricultural business at Merryhall Farm. Consent was to be issued subject to the conclusion of an appropriate legal agreement to restrict the occupancy of the farmhouse to a person or persons employed in the agricultural holding known as Merryhall Farm.

Due to the size of the farm in question and complexities relating to landownership arrangements it has taken longer than anticipated to agree appropriate wording within the Section 75 Agreement and for the appropriate ownership drawings required for the agreement to be provided.

Following discussions with the applicant, the Council's Legal Services has advised that appropriate wording has now been agreed and required drawings relevant to the agreement can now be provided. A legal agreement to restrict the occupancy of the proposed dwelling and to ensure the consented office remains linked to the farm can now be concluded in short course.

It is recommended that a further three months be allowed in order to conclude this agreement.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

Or [Council Papers online](#)

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