

# APPENDIX 3

## EAST AYRSHIRE COUNCIL

### REPORT OF HANDLING

**Application Number :** 09/0573/PP

**Applicant Name:** Mr And Mrs A Hunter

**Development :** Proposed erection of 2 dwellinghouses

**Location :** Land Adjacent Redgate Cottage  
Catrine  
East Ayrshire

**Type :** Planning Permission

#### 1. Development Description

Proposed erection of 2 dwellinghouses

#### 2. Site Description

The application site is located in the rural area outwith the nearest settlement of Sorn on the edge of a small cluster of houses not delineated by a formal settlement boundary on the C86 public road. The application site is agricultural ground falling slightly to the south. A native beech and hawthorn hedgerow runs along the frontage of the site linking in with a small copse of trees to the north which bounds the adjacent property. An agricultural gate provides a means of access to the application site. The house styles within the small cluster of dwellings depict a mix of scales and design styles with some single storey and 1.5 storey properties. The adjacent dwelling is a single storey detached bungalow with dual hipped roof structure.

#### 3. Representations Summary

None received at the time of writing.

#### 4. Consultations Summary

**Roads And Transportation** has no objection subject to the provision of visibility splays of 2.5m by 90m to the right hand side of the junction and 2.5m by 160m to the left hand side of the junction. Furthermore any gates require to open inward, no water to discharge to the public road, the first 2 metres of the access road to be hard paved and the access to be formed to Roads Division specifications.

**Scottish Water** has not responded at the time of writing.

**SEPA** has pointed to their standing advice note on small scale development outwith the public sewer. In principle they have no objections to the development subject to drainage arrangements being to their satisfaction. In this regard SEPA supports the principle of a sub soil soakaway system.

**Sorn Community Council** has not responded at the time of writing.

## 5. Development Plan Summary

### Ayrshire Joint Structure Plan

#### COMM 5 Housing in the Countryside

Throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

***The proposed development cannot be described as an infill site within the cluster and could be defined more as an extension to a cluster of housing. On this basis and as the development is also contrary to the East Ayrshire Local Plan, the development is contrary to this policy.***

#### East Ayrshire Local Plan 2010

##### Policy RES10

The Council will be supportive of single or small scale residential developments within the Rural Diversification Area, as shown on the rural area map, where it can be demonstrated, to the satisfaction of the Council, that:

(ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a

formal settlement boundary in line with the provisions of Policy 11; or

***Whilst the general principle of this development is in line with Policy RES 11, the provisions of Policy RES 11 have not been met as detailed below and as such the development is contrary to this policy.***

### **Policy RES11**

The Council will be supportive of a limited addition to existing, clearly defined groups of four or more houses not delineated by a formal settlement boundary, within the Rural Diversification Area as shown on the rural area map, where:

- (i) the total number of any new houses proposed in the particular grouping concerned at the end of the local plan period in 2017 does not exceed 50% of the total number of houses existing in that grouping as of the date of adoption of the local plan; and
- (ii) the total number of houses within the group, as expanded, does not exceed 15.

Any new housing development will require to be appropriate in terms of design to the particular location in which it is proposed, be sensitive to the design and layout of the particular existing group of buildings concerned and meet the standards required by all relevant public and statutory service providers or the provisions of the water supply regulations monitored by the Council. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the housing group concerned.

***The proposed site is within the rural diversification area and can be described as being adjacent to a clearly defined group of 5 dwellings. On this basis the principle of a 50% extension to the grouping is acceptable.***

***Turning now to the detail of the policy, the proposal requires to be***

- a. Appropriate in terms of design to the particular location in which it is proposed.***
- b. Sensitive to the design and layout of the particular existing group of buildings concerned.***
- c. Meet the standards required by all relevant public and statutory service providers or the provisions of the water supply regulations monitored by the Council.***

***The properties within the loose grouping known as Redgate are predominantly of single or 1.5 storey in height and detached. The properties all sit back from the road with the exception of the steading conversion which is also the largest property within the group. In terms of the proposed design of the dwellings themselves it is considered that they are acceptable and would meet with the standards expected from a new dwelling in the rural area.***

*Whilst the individual house designs are considered to be acceptable, their position and layout within the site are not considered to be sensitive to the grouping. The Redgate grouping is fairly compact with an "L" shaped cluster of houses mainly located between two sharp 90° bends on the minor road (C86). The C86 road runs in a south west to north east direction with a short section running south east to north west. Four of the five houses are located on the central leg between the two bends with the fifth house located on the northern end of the cluster. When approaching the grouping from both directions, the end of the road before the bends are characterised by an open outlook, generally of farmland. The two proposed properties would remove this site characteristic as the SW to NE and the NW to SE approaches would be visually blocked.*

*Further to this, each property within this grouping is accessed over a single private driveway which is typical of a rural area. The proposed access for the two dwellings would be shared over the initial portion of the access which is a typically suburban style layout that does not relate to the design and layout of this particular grouping.*

*The Redgate grouping is also typified by its low visual impact within the immediate surrounding landscape. This is created through the height of the dwellings and its screening by a mixture of landscape levels, mature beech hedging and the presence of tree shelter belts, particularly along the boundary of the property known as Redgate Cottage which is the southern most dwelling of the group, adjacent to the site. The site as it exists is barely visible, even in winter conditions, from the next nearest and heavier trafficked public road, the B743 located to the south. The proposed location of the two dwellings on the end of this line is not well screened by any of the existing natural features such as hedges, trees or through site levels. Therefore it is considered to be visually intrusive and is therefore not sensitive to the well considered and screened grouping as it currently exists.*

*The consultation responses and the standing advice from service providers indicates that the proposal is acceptable.*

### **Policy RES 18**

Requires that developers of new houses in the countryside to demonstrate successfully against certain criteria which include:

- (i) their proposed developments utilise innovative and energy efficient technologies to achieve particularly low / zero carbon emissions;
- (ii) their proposed developments are sited and orientated specifically to respect the natural topography of the proposed development site and to blend in with the landscape character and appearance of the area in which they are proposed;
- (iii) their proposed developments, any ancillary outbuildings, boundary

treatments and access provision respect, reflect and complement, in their style and material finish, the particular local characteristics of the area in which they are proposed;

Developments which are unduly visually prominent or which undermine the identity of the rural area in which they are proposed will not be considered acceptable to the Council.

***No particular detail has been submitted to demonstrate compliance with criteria (i). As noted above, the development is considered to have an adverse impact on the natural topography and landscape of the area given its prominence from the south and from key views on the C86 public road as the grouping is approached.***

***The design of the dwellings themselves are a mix of modern and traditional styles which are generally considered to be appropriate to a rural area.***

***On the basis that the landscape setting is adversely affected by the development due to its visual prominence from the southerly directions, it is considered that the rural identity of the area and in particular the grouping, will be undermined.***

#### **Policy RES 26**

The proposed houses meet with the private open space standards of the Council.

#### **Policy ENV 9**

The dwellings are a mix between traditional and modern design and materials and can be considered to meet with the Council's design guidance.

#### **Policy ENV 16**

As noted under RES 11 above, the proposed location of the dwellings is considered to be visually intrusive, particularly from a general southern direction. The grouping at Redgate is well screened by natural features and landform however the extension onto the end of the group proposed would not benefit from the screening currently enjoyed by the existing properties. On this basis the proposal is considered to create an unacceptable visual intrusion which damages the landscape character of the surrounding area and is therefore contrary to part (ii) of this policy.

## **6. Material Considerations**

The key material considerations of this case are the impact on the amenity of the area and the consultation responses.

### Impact on amenity

As stated at section 5 above, this grouping of dwellings is characterised by its well screened and compact nature, predominantly based on a short section of the C86 road between the two 90° bends. The key approaches to this grouping from the north east and south west as well as the views in both directions from the short section of road fronted by the dwellings are open in aspect which gives a strong impression of openness and a rural 'feel' to the grouping. The proposed dwellings would detract from this open and rural impression to the detriment of visual amenity from the C86 and B743 public roads as well as from the wider surrounding area.

#### Consultation responses

No significant issues have been raised by the consultees that would warrant refusal of the application.

### **7. Financial and Legal Implications**

None

### **8. Application Assessment**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2010).

Under the terms of the development plan the proposal is not considered to be compliant with policy. Whilst it is an extension to a group of dwellings with no formal settlement boundary in the rural diversification area the location of the proposal is unacceptable.

However, the proposal requires to be assessed under the specific criteria of Policy RES 11 and as noted at section 5 above it is considered to be in conflict with the requirement for the proposal to be sensitive to the design and layout of the particular existing group of buildings concerned.

This grouping of dwellings is typified by its compact nature around the two 90° bends in the C86 public road. The bends in the road combined with the position of the existing dwellings leads to an open aspect as the group is approached in both directions as well as immediately in front on the middle section of the bends. The two proposed dwellings which are located at the end of the row of dwellings would interrupt this open aspect when viewed from the south west on the C86 and also when viewed from the west in the middle section of the bends.

Given the compact nature of the grouping noted above and the presence of large sections of beech and other hedging, a tree belt to the side of Redgate Cottage and the general landform of the area, the existing grouping is well

screened, particularly from the south west, south and south east directions. As the proposal would place the two dwellings within the field adjacent to Redgate Cottage, they would not benefit from the existing screening of the site nor from the landform which sees a gradual increase in levels of this field towards the Redgate grouping. Adequate screening of the dwellings in the longer term would be difficult given the size and position of the dwellings and more particularly the sloping nature of the ground which would create difficulties in achieving good height screen planting to the south of the dwellings.

As a final point under this strand of the policy, the layout of the Redgate grouping sees dwellings served by single accesses which is a standard rural access design. The proposed dwellings would be accessed from a shared access point before splitting into separate driveways. Such a layout is typical of suburban residential accesses but is less common in rural areas and does not exist within the grouping. To maintain the character and design of this grouping such an access solution should be avoided.

On the basis of the above three paragraphs, the proposal is considered to be contrary to the requirements of Policy RES 11. Furthermore and based on similar points to those of RES 11, the development can also be considered to be contrary to policy RES 18. On this basis the application should be refused as being contrary to the development plan.

In terms of the material considerations, the impact on the amenity of the area is reflected in the above concerns under Policies RES 11 and RES 18 and in particular the adverse visual impact brought about by the loss of openness on approaches to the site and from the wider surrounding area detracts from the setting of the grouping to the detriment of visual amenity. As such the material considerations, on balance, do not support the proposal.

## **9. Recommendation**

Refused

## **10. Reasons for the Decision**

The application is considered to be contrary to the key development plan policy in respect of its adverse impact on the design and layout of the grouping concerned. The material considerations in this instance, on balance, do not indicate that the application should be approved.

**Case Officer :** David Wilson

Signature:

Date:

**Principal Planner:**

Signature:

Date:

**Development  
Management Manager**

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Signature:

Date: