

# APPENDIX 3

## EAST AYRSHIRE COUNCIL

### REPORT OF HANDLING

**Application Number :** 10/0154/PPP  
**Applicant Name:** Mr Alan Wilson  
**Development :** Erection of dwellinghouse  
**Location :** The Water Store Cottage  
Kilmarnock Road  
Mauchline  
East Ayrshire  
KA5 5DD  
**Type :** Planning Permission in Principle

#### 1. Development Description

Erection of dwelling house

#### 2. Site Description

The application site is located within an existing cluster of 3 dwellings to the North of Mauchline and out with the settlement boundary by approximately 60m and therefore falling within the rural protection area. The site is accessed from a narrow un-surfaced track which leads to the Scottish Water site to the north of the application site – bounded by a green metal palisade fence and occupying raised land and the newly converted dwelling house located immediately to the south of the site. To the west the site is enclosed by a 2m high timber vertical boarded timber fence creating a division between the access road and the site. On the opposite side of the access road a mature planted buffer strip provides a good degree of screening from the adjacent main road. To the east the site bounds agricultural land divided by a simple post and wire fence. The site is generally level with some slight undulations.

#### 3. Representations Summary

None.

#### 4. Consultations Summary

##### **Roads And Transportation**

The comments received do not raise any significant issues

##### **Mauchline Community Council**

No response received at the time of writing.

#### 5. Development Plan Summary

#### Ayrshire Joint Structure Plan

Policy COMM5 states that 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 proposed house does not meet with any of the above criteria as insufficient evidence has been presented to fully justify the proposal, the application is therefore contrary to policy COMM 5 of the Ayrshire Joint Structure Plan.

#### East Ayrshire Local Plan

Policy RES 13 is supportive of residential development in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis; relevant criteria are:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

The Policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

The applicant has not submitted any justification in support of the proposal and therefore the proposal is contrary to Policy RES13.

Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located out with settlement boundaries will be acceptable to the Council only in five stated circumstances.

- (i) comprises an acceptable form of residential use as detailed in Policy RES13.
- (ii) can be fully justified in terms of site specific locational need
- (iii) can be fully justified in terms of social and economic benefits to the community
- (iv) contributes to rural land diversification
- (v) provides for the needs of agriculture or forestry.

As stated above the proposal does not comply with Policy RES13. The applicant has not provided any evidence to suggest that the development falls within the above circumstances, therefore the proposal is contrary to SD3.

## **6. Material Considerations**

Consultation Responses – indicate support for the proposal with no adverse issues raised.

Alteration to East Ayrshire Local Plan Finalised with Modifications - the proposal is not compliant with the provisions of Policy SD5 and RES9.

Impact on the Amenity – the impact on the rural, visual and adjacent residential amenity are not considered to be significant as there are currently a cluster of 3 residential units forming within the immediate area, so the principle of a residential land use is established.

The land in question is not agricultural land and could be classed as derelict land taking the form of a gap/infill site (albeit not housing on both sides) rather located between the Scottish Water works plant and the newly converted dwelling of the old water store building.

The ground within the fenced off area is in a derelict/overgrown condition. Although the application site is within the rural protection area but on the edge of the settlement boundary of Mauchline.

Planning History - the application site forms part of a larger site which was subject to a planning application (04/0442/FL) for the conversion of a storage building to form a dwelling house which was subsequently approved with conditions on 23/11/04 and now completed. In addition the adjacent site to the storage building benefited from planning approval for the erection of a single dwelling house within the garden ground of the existing dwelling, planning reference 04/0926/OL and subsequently application 05/1150/RM which was approved on 31/03/06.

**7. Financial and Legal Implications**

None

**8. Application Assessment**

The application for the erection of a new dwelling does not comply with the development plan. Although there has been no additional supporting information submitted it is important to take into consideration the fact that the application site is not a remote site within the countryside, rather a site within the garden grounds of a newly converted dwelling within a cluster of 3 dwellings, visually well screened from the nearby road on the edge of the settlement boundary of Mauchline. The planning history of the adjacent site should also be given weight.

**9. Recommendation**

Refused

**10. Reasons for the Decision**

The proposal is not compliant with development plan policy. Although the material considerations indicate a level of support for the development they do not carry sufficient weight to justify a departure from the development plan. Therefore the overriding consideration in this instance is the development plan and consequently the application should be refused.

**Case Officer :** Robin Ghosh

Signature:

Date:

07/06/10.

**Principal Planner:**

Signature:

Date:

**Development Management  
Manager :**

Signature:

Date: