

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 SEPTEMBER 2011

**11/0372/PPP: CHANGE OF USE FROM AGRICULTURAL LAND TO 2
NUMBER HOUSING PLOTS AT GOWANPARK, OCHILTREE, KA18 2NZ**

BY MR ANDREW BARCLAY

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0372/PPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission in principle is sought for the change of use of agricultural land to residential use for the erection of two dwellinghouses, associated garages and the formation of a new access road.

2. RECOMMENDATION

2.1 It is recommended that the planning application should be refused subject to the reasons on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is not considered to be in accordance with the provisions of the Development Plan and in particular with the Adopted East Ayrshire Local Plan 2010. Therefore the application should be refused unless material considerations indicate otherwise. There are material considerations relevant to the application which again are not supportive of the proposal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development then the

application will not require to be referred to Council as it would not represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 SEPTEMBER 2011

**11/0372/PPP: CHANGE OF USE FROM AGRICULTURAL LAND TO 2
NUMBER HOUSING PLOTS AT GOWANPARK, OCHILTREE, KA18 2NZ**

BY MR ANDREW BARCLAY

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission in principle which is to be considered by Southern Local Planning Committee under the scheme of delegation, as the application is subject to objections from more than 10 separate persons.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated on agricultural land in a rural location approximately 2.5 kilometres north-west of Ochiltree. The application site is bounded to the east by agricultural land and the access road to Gowanpark, which includes five residential properties. The site is bounded to the south by the C123 road, to the west by agricultural land and to the north by agricultural land and the existing residential properties at Gowanpark.

2.2 **Proposed Development:** Planning permission in principle is sought for the change of use of agricultural land to residential use for the erection of two dwellinghouses, associated garages and the formation of a new access road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service has no objection subject to conditions in relation to sightlines, the provision of a service layby and access surfacing.

Conditions can be attached to any consent granted to meet the requirements of the Roads and Transportation Service.

3.2 Ochiltree Community Council has not responded to the consultation letter.

4. REPRESENTATIONS

4.1 Twenty seven letters of representations from 32 objectors have been received in connection with the application objecting to the proposed development. The main points of objection are summarised as follows:

4.2 Gowanpark is a courtyard grouping of 5 houses with virtually no distance between the properties. The proposed plan is not sensitive to the design and layout of the existing grouping at Gowanpark.

The proposed layout of houses and access road is linear and suburban in design and does not conform or complement the adjacent rural courtyard design of the dwellinghouses in this particular location.

4.3 The proposed plan appears isolated and sporadically situated away from Gowanpark and remote from the courtyard.

The proposal includes the erection of two dwellinghouses, formation of a parking yard, erection of garages and formation of a new access road, all of which are linear and suburban in terms of layout and design. The proposed houses are distinctly remote from the existing courtyard at Gowanpark and the parking and garages are to the front of the houses and are accessed by a new access road which runs parallel and adjacent to the existing access road to Gowanpark.

4.4 The proposed development has a separate access road that clearly identifies that it is separate from the existing cluster of houses.

The proposed houses are remote from the existing courtyard at Gowanpark, the parking and garages are to the front of the houses and are accessed by a new access road which runs parallel and adjacent to the existing access road to Gowanpark. Indeed the siting and design of the access road indicates that the proposed development is isolated from Gowanpark and not linked in any way to the existing courtyard properties.

4.5 Traffic generation will impact negatively on access and safety onto the B335 road for walkers, runners, cyclists and horse riders.

The consultation response from the Roads and Transportation Service does not indicate that the proposal would result in negative impacts on road safety.

4.6 All of the farms along the road are carefully located, unobtrusive and do not negatively impact on the natural countryside aspect. The proposed

development is visually obstructive and does not respect or compliment the landscape characteristics of this particular area.

The application site is situated on agricultural land within the rural diversification area which is characterised by cohesive groupings of predominantly farm buildings. The linear and suburban design and layout of the proposal does not respect or complement the landscape characteristics of this rural area. In addition the formation of a new access road within 30 metres of the existing access road to Gowanpark does not complement the rural characteristics of the surrounding area.

4.7 Two more houses together with parking places and access road will have a major impact on the peace and quiet of Gowanpark.

It is acknowledged that new residential development would have an impact on the residential amenity of adjacent properties. However an appropriately designed and sensitively sited development is not likely to result in significant adverse effects of the residential amenity of the area. However in this instance the siting and layout of the proposed development including the new access road would result in significant adverse impacts on the residential and visual amenity of the surrounding area.

4.8 The proposed development will harm the identity of Gowanpark courtyard by virtue of its size, massing, elevated position and does not respect or enhance the surrounding country/rural area.

It is acknowledged that the proposed development will result in an adverse visual impact on the adjacent properties at Gowanpark in terms of siting, layout and design and that the proposal does not respect the character of the surrounding rural area or the character of the design of surrounding residential properties.

4.9 The applicant does not control or own the land to meet the requirements of East Ayrshire Council Roads Division for the sightlines for the proposed development.

The applicant has complied with all necessary owner notification procedures in terms of planning legislation. The requirements of the Roads and Transportation Service can be successfully addressed by the inclusion of a planning condition to address the issue of sightlines, should planning consent be granted.

4.10 The plan shows planning permission for a stable block. I have concerns that this will eventually become a business venture if potentially purchased with either or both of the proposed houses.

Planning consent 09/0457/PP was granted on 05 October 2009 for the erection of a stable block, tack room and feed store on a site immediately adjacent to the current application site. In order to protect the rural amenity of the surrounding area a condition of this planning consent was that the stables shall solely be used for the enjoyment of the dwellinghouse at The Barn, Gowanpark and shall not be used for any commercial purposes.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

Ayrshire Joint Structure Plan

5.1 Policy COMM 5:Housing in the Countryside 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 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 could be described as an infill site within the cluster and is considered to be in compliance with this policy.

East Ayrshire Local Plan 2010

5.2 Policy SD5 of the East Ayrshire Local Plan states that development proposals in the rural area will be acceptable only in a number of stated circumstances, the most relevant to this application being (i) where the development comprises an acceptable form of residential development in accordance with policies RES9 and RES10.

Given that the proposal is located within the Rural Diversification Area (RDA) policy RES10 applies. This policy is supportive of small scale residential developments within the RDA in certain stated circumstances, the most relevant to this proposal being criteria (ii)

where the development constitutes a limited addition to a clearly defined group of four or more houses in line with policy RES11.

5.3 Policy RES10 of the East Ayrshire Local Plan 2010 states that 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

The overarching principle of this development meets with the requirements of Policy RES 11.

5.4 Policy RES11 of the East Ayrshire Local Plan 2010 states that 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 is situated adjacent to a clearly defined group of 5 dwellings. On this basis the principle of a 50% extension to the grouping is acceptable. The proposal would not result in a total of more than 15 houses within the group.

5.5 The detail of Policy RES11 also requires the proposal to comply in terms of the following issues:

- Appropriate in terms of design to the particular location in which it is proposed.
- Sensitive to the design and layout of the particular existing group of buildings concerned.
- 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.

Given that the proposal is in principle no details of the design or material finish of the dwellinghouses has been submitted. The submitted layout plan indicates two detached dwellinghouses with parking yard, garages and the new access to the public road.

The site is located on agricultural land within the rural diversification area which is characterised by cohesive groupings of predominantly farm buildings. The site is located adjacent to a cohesive grouping of 5 residential properties which have an established courtyard layout and design. The proposed layout of houses and access road is linear and suburban in design, is isolated from Gowanpark and does not conform or complement the adjacent rural courtyard design in this particular location. The parking yard and garages are to the front of the houses and are accessed by a new access road which runs parallel and adjacent to the existing access road to Gowanpark.

Indeed the siting and design of the access road, some 30 metres from the existing access road to Gowanpark indicates that the proposed development is distinct from Gowanpark and not linked in any way to the existing courtyard properties. Consequently the proposal is not sensitive to the design and layout of the existing group of properties or to the character of the surrounding rural area. In addition the dwellinghouses indicated on the layout plan are two larger sized detached properties that do not respect the built form of the adjacent courtyard at Gowanpark and would result in an incongruous pattern of design at this location.

Given that the proposal constitutes a linear design and layout with a typically suburban appearance and is isolated from Gowanpark, it is not sensitive to the consolidated courtyard grouping of properties at Gowanpark.

5.6 Policy RES18 of the East Ayrshire Local Plan states 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; and

(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.

As the application is in principle only, criterion (i) cannot be assessed. Whilst the development does not impact on natural topography or landscape it is considered to have an adverse impact on the landscape character of the area as required by criterion (ii) as the linear and suburban design and layout of the proposed development and the isolated siting of the proposal from Gowanpark, does not blend in with the rural landscape character of the surrounding area.

In terms of criterion (iii), the formation of an additional access road and the linear design of the proposal do not reflect or complement the rural setting or reflect the rural characteristics of the surrounding area. Consequently the proposed development, by nature of design, siting and layout would undermine the identity of the rural area.

5.7 Policy RES26 of the East Ayrshire Local Plan states that all developers of new housing developments should have regard to the private open space guidelines in Schedule 5. These may be relaxed where the Council is satisfied that relaxation is justified.

As the proposal only provides an indicative design it cannot be fully assessed under the Councils standards however it is likely that the applicant could meet an acceptable minimal standard.

5.8 Policy ENV9 of the East Ayrshire Local Pan states that the Council will actively encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design guidance

documents relating to, and advising on, the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

As the proposal only provides an indicative design it cannot be fully assessed under the Councils Design Guidance at this time.

5.9 Policy ENV16 of the East Ayrshire Council states that the Council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage to the landscape character of rural areas. In this regard the Council will ensure, through the development process, that:

(i) any authorised development is in keeping with, has minimal visual impact and reflects the nature and landscape character of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour. The design and material finish of any ancillary features will also be required to be sympathetic to the character and appearance of the area;

(ii) any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is to be located; and

(iii) the landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of appropriate planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

In terms of criterion (i) the linear and suburban layout and design of the proposed two large scale detached dwellinghouses and new access road does not reflect the landscape character of the rural area. In terms of criterion (ii) the proposed development is isolated from the existing courtyard grouping of residential properties and is not sensitively sited. The design of the proposed layout does not complement the landscape quality of this particular area which is characterised by predominantly agricultural land with traditional grouping of buildings. It is considered therefore that the proposed development is contrary to the provisions of Policy ENV16.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, representations, the planning history of the site and the impact of the proposal on the amenity of the area.

Consultation Responses

6.2 The consultation responses are summarised in Section 3 of this report and they do not suggest that this application should be refused.

Representations

6.3 Section 4 of this report details the objections received in connection with the application. It is considered that in the main, the issues raised in these objections are of significant weight to merit the refusal of the application.

Planning History

6.4 There is no planning history relevant to the application site itself. However it should be noted that planning consent was granted for the erection of a stable block, tack room and feed store adjoining the eastern boundary of the current application site (Ref. No. 09/0547/PP which was approved with conditions on 08 October 2009).

6.5 In terms of the justification of the current application, planning consent was granted on 30 November 2004 to convert the farm buildings at Gowanpark into 4 new dwellinghouses and retain the existing farmhouse resulting in 5 dwellinghouses at Gowanpark (Ref. No.04/0627/FL).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in the report the application is not considered to be in accordance with the provisions of the Development Plan and in particular with the Adopted East Ayrshire Local Plan 2010. Therefore the application should be refused unless material considerations indicate otherwise. There are material considerations relevant to the application which again are not supportive of the proposal.

9. RECOMMENDATION

9.1 It is recommended that the planning application should be refused subject to the reasons on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not represent a significant departure from Council policy.

Alan Neish
Head of Planning & Economic Development

JL/

FV/HM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Consultation response
3. Representations
4. Adopted East Ayrshire Local Plan 2010
5. Ayrshire Joint Structure Plan 2007

Anyone wishing to inspect the above papers please contact Jane Little, Senior Planning Officer, on 01563 576768.

TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 11/0372/PPP

Site of Proposal: Gowanpark
Ochiltree
KA18 2NZ

Nature of Proposal: Change of use from agricultural land to 2
number housing plots

Name & Address of Applicant: Mr Andrew Barclay
The Barn
Gowanpark
Ochiltree
KA18 2ZN

Name & Address of Agent: William Wyllie
Kirkgate
10 Main Street
Symington
KA1 5QE

DPO's Reference: Jane Little
(01563) 576768

The above application for planning permission should be refused for the following reasons

1. The proposal does not comply with Policy RES11 of the EALP 2010 as the linear and suburban design and layout is not appropriate to the particular landscape location in which it is proposed; and the design and layout of the proposed dwellinghouses and access road are isolated from, and are not sensitive to the design and layout of the existing grouping of buildings at Gowanpark.
2. The proposal does not comply with Policy RES18 (ii) of the EALP 2010 as the linear and suburban design and layout; and the isolated siting from Gowanpark of the proposed development does not respect or blend in with the landscape character and appearance of the surrounding area.

3. The proposal does not comply with Policy RES18(iii) of the EALP 2010 as the access provision for the proposed development does not respect, reflect or complement the particular local landscape characteristics of the surrounding area.

4. The proposal does not comply with Policy RES16 (i) of the EALP 2010 as the linear and suburban design of the proposed development and the formation of a new access road does not reflect the nature and landscape character of the surrounding area.

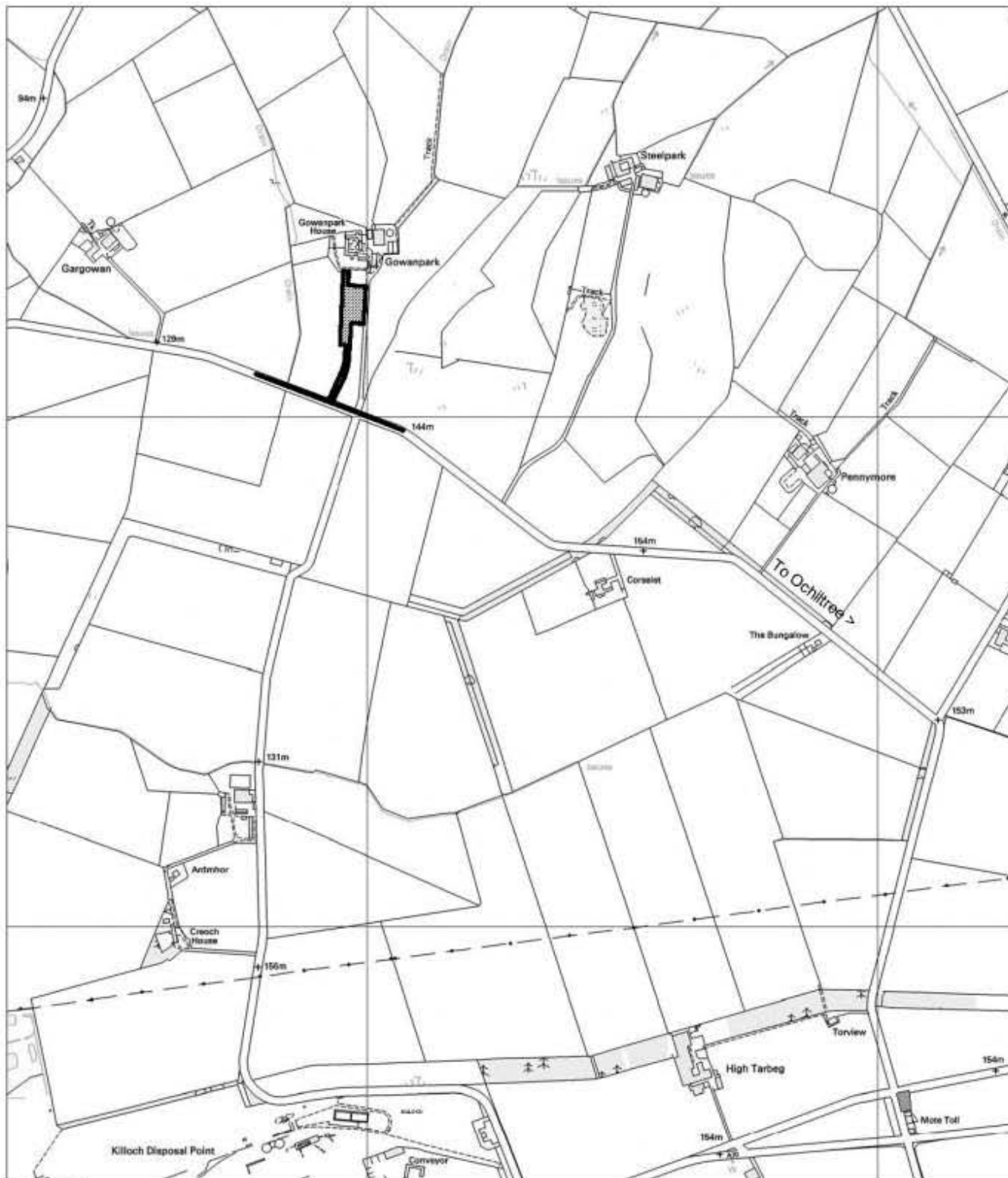
5. The proposal does not comply with Policy RES16(ii) of the EALP 2010 as the proposed development is isolated from the existing grouping of buildings at Gowanpark and the layout is not sensitively sited or designed to respect or complement the landscape characteristics of the particular area in which it is to be located.



6. The proposal does not comply with Policy ENV16 (i) of the EALP as the linear and suburban layout and design of the proposed two large scale detached dwellinghouses and new access road does not reflect the landscape character of the rural area.

7. The proposal does not comply with Policy RES16 (i) of the EALP as the proposed development is isolated from the existing courtyard grouping of residential properties and is not sensitively sited. The design of the proposed layout does not complement the landscape quality of this particular area which is characterised by predominantly agricultural land with traditional grouping of buildings.

Reason for the Decision

The proposal does not comply with the policies of the development plan and the material considerations do not indicate that the application should be supported contrary to the development plan.



<p>Title/Location</p> <p>Gowanbank</p> <p>Ochiltree</p> <p>Application No. 11/0372/PPP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail: Planning@east-ayrshire.gov.uk Com Date: 30/09/2011</p> 
<p>Key</p>  <p>Application Site</p>	

This map is reproduced from the Ordnance Survey material with permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office(C) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 100023409.