

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 03 FEBRUARY 2006**

**05/0798/FL: PROPOSED STABLES  
AT VACANT LAND, A759, MOORFIELD, KILMARNOCK  
BY MR A WILSON**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a stable block and formation of an access at this location in Moorfield. The stable block, which would accommodate two horses, is proposed to be approximately 11 metres long by 9.6 metres wide, creating approximately 100 square metres of internal space. The highest part of the roof is proposed to be 4 metres in height. The stable block will comprise two stables, tack room, a storage area and a storage area for a horsebox.

1.2 The walls of the shed would be constructed from green coloured, polyester coated profiled metal sheeting, with the roof being constructed from green coloured eternit asbestos substitute corrugated roof sheeting. The entrance to the shed is 3.5 wide and secured with sheet steel faced roller shutter doors.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As detailed in Section 3 and Section 5 of the report, the proposed erection of stables at this location is acceptable to the extent that a rural location for stables is appropriate. In that there is no specific planning justification for this area of countryside, as opposed to any other, the proposal is contrary to the provisions of the Adopted East Ayrshire Local Plan. In addition, there have been two objections received in relation to this application, which contain valid planning considerations, in terms of the size and scale of the development. Given the terms of Sections 25 and 37(2) of the Town and Country Planning

(Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in section 6 of the report there are relevant material considerations. Notwithstanding the absence of a locational justification specific to this site, the proposal would result in houses being accommodated within a much more accessible location from the applicant's perspective. On balance, this is considered to merit favourable consideration in terms of location. However, the building would remain a very sizeable structure and would be constructed in materials that are not appropriate to the rural location.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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.**

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**Report by Head of Planning, Development and Building Standards**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objection and is recommended for refusal.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is currently a vacant piece of ground, 0.53 acres in area, located adjacent to the A759. The site is located outwith the settlement boundary of Kilmarnock and is located within the Rural Protection Area, as defined by the Adopted East Ayrshire Local Plan.

2.2 The site is relatively flat in nature and is currently overgrown with weeds, grass and bushes. The site is bound to the west by an existing dwellinghouse which has a small timber stable, that houses one horse. This house is related to a Mobility vehicle business. Moorfield Industrial Estate is located to the north of the site and on the opposite side of the road. To the west and south of the site is vacant ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a stable block and formation of an access at this location in Moorfield. The stable block, which would accommodate two horses, is proposed to be approximately 11 metres long by 9.6 metres wide, creating approximately 100 square metres of internal space. The highest part of the roof is proposed to be 4 metres in height. The stable block will comprise two stables, tack room, a storage area and a storage area for a horsebox.

2.4 The walls of the shed would be constructed from green coloured, polyester coated profiled metal sheeting, with the roof being constructed from green coloured eternit asbestos substitute corrugated roof sheeting. The

entrance to the shed is 3.5 wide and secured with sheet steel faced roller shutter doors.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections, but raised the following concern that the vehicle access crossing from the A759 must be constructed to an adoptable standard. A note to the applicant advising that a road opening permit must be obtained from the Roads Division prior to the commencement of the vehicle crossing, was also included.

***Conditions and notes can be attached to any grant of planning consent relating to these matters.***

3.2 Scottish Environment Protection Agency (SEPA) have no objections to the proposals. However they have requested, that should the application be approved, the applicant install a surface water treatment system to be constructed to the current standards.

***The issue of provision of a surface water treatment system can be addressed through the attachment of an appropriate planning condition to the grant of any planning consent.***

3.3 Scottish Society for the Prevention of Cruelty to Animals have no objections to the proposals.

***Noted.***

3.4 Power Systems have no objections to the proposals.

***Noted.***

3.5 Architectural Heritage Society of Scotland have no objection subject to use of an appropriate neutral colour.

***Noted.***

3.6 Network Rail have no objection in principle subject to compliance with various operational requirements.

***Noted. Network Rail have provided their guidance document direct to the developer/agent.***

3.7 Environmental Health and Waste Management have not replied at the time of writing this report.

**Noted.**

#### **4. REPRESENTATIONS**

There have been two objections received in relation to this application. The grounds of objection stated are:-

4.1 The proposed building would be 20ft high and 30ft in length. The proposed site is higher than the surrounding land and would make the overall height excessive.

***The stable was originally proposed at 6.7 metres high and 13.7 metres long. It has been reduced to 4 metres (13ft) in height and 11 metres long (35ft).***

4.2 The remaining ground would only be capable of grazing one to two horses. Fail to see why such a large shed would be required.

***The applicant has stated that the proposed number of horses to be kept at the site will be two. He had previously stated there would be six horses. The shed will also provide storage space for hay, equipment and a horsebox.***

4.3 A group of established trees would have to be removed.

***The trees are not protected by a Tree Preservation Order and are not within a Conservation Area, so are not afforded any particular protection.***

4.4 The number of horses proposed would not have adequate grazing.

***The applicant has reduced the number of horses intended to be kept on the site from six to two.***

4.5 The waste generated from the site will not be able to be disposed of on site. The waste urine may pollute neighbouring land as the application site is higher than the neighbouring properties. As the ground is elevated the intended soakaway would result in liquid and solid waste seeping into our land.

***SEPA have requested a Waste Water Treatment system to deal with waste water products that are generated on-site. Appropriate drainage arrangements would be required, to ensure there would be no spillage from the site. This could be dealt with by the application of appropriate conditions.***

4.6 The access road would increase traffic onto the A759.

***East Ayrshire Council's Roads and Transportation Division have no objections to the proposals. The proposal is unlikely to significantly increase traffic on the adjoining road.***

4.7 A building of this enormity would not be required for stables on such a small piece of land.

***The overall size of the proposed stable has been significantly reduced from the original proposal. The applicant intends that the building not only accommodates two horses but also a horse box and storage.***

4.8 The applicant has secured a letter from the British Horse Society supportive of the application in terms of its size relative to two horses.

***The Society's support is noted.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 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 (EALP).

### Ayrshire Joint Structure Plan

5.2 Policy G5 of the Structure Plan has regard to development in the Rural Protection Area. This policy has options based on scenarios where development in the countryside, outwith settlement boundaries would be acceptable. The policy states:-

“Outside settlements, development proposals shall conform to the Structure Plan only where the development:

A has a demonstrated site specific locational need

***A rural location is acceptable in principle for stables. However, the applicant has not justified the proposal at the specific site, other than by stating that this is land he owns and it is in close proximity to his home.***

B can be justified in terms of social and economic benefit to the community;

**No social or economic benefit to the community.**

C contributes to rural land diversification; or

**Not applicable in this instance.**

D provides for the operational needs of agriculture and forestry”

**The proposal does not relate to agriculture or forestry.**

Adopted East Ayrshire Local Plan

5.3 Policy SD3 states the specific circumstances under which development in the Rural Protection Area will be acceptable. This policy directly relates to Policy G5 of the Ayrshire Structure Plan and similar to that Policy the only option which would be applicable to this application in terms of justification is option (ii) “can be fully justified in terms of site specific locational need”.

**As stated previously, the applicant justifies the use of this site on the basis of it being land he owns, the closest he could purchase relative to his house. The applicant's horses are currently stabled in Ayr; the applicant resides in Hurlford.**

5.4 Policy ENV 13 has regard to the standards any authorised development within the rural area must adhere to. The purpose of this policy is to protect the integrity of the Rural Area and to mitigate the effects of insensitive development.

The policy states that the Council will ensure, through the development process, that:

(i) any authorised development is in keeping with, has minimal visual impact on and reflects the nature 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 require to be sympathetic to the character and appearance of the area;

**The proposed development even in amended form would have a significant visual impact due to its size and scale. It does not respect the rural area in which it is located. The proposed structure is of a substantial size, and is proposed to be constructed in green metal sheeting which is not considered to be a suitable material at this location.**

(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;

***There has been no screening proposed so as to reduce the potential impact of any development, making the proposed shed highly visible from neighbouring properties and from the public road. Indeed existing trees would have to be felled.***

(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 agreement agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

***The landscape setting of this area would be damaged by the erection of the proposed stables due to its size, scale and the proposed materials.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report, the supporting information and the objections received detailed in Section 4 and the impact on the amenity of the area.

### Consultation Responses and Representations Received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. As detailed above, the proposal needs to be assessed against the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan. There has been no justification, in terms of this specific location, however it is accepted that a rural location for such stabling is preferable. It is noted that the proposed stables would have no on-site supervision, care or maintenance, however the application would result in the animals being stabled within a much closer distance of the applicant's house than currently is the case.

6.3 The size, scale and materials proposed for the proposed stable are considered to be inappropriate at this location. The applicant was requested to reduce both the size and scale of the stable to a more modest 5 metres by 5 metres, for the housing of two animals, but has declined to do so. He has, though reduced the floor area of the building by approximately one third and the height by 2.5 metres, again approximately one third. The proposal has also been clarified somewhat from solely stables for 6 animals to stabling for 2 animals and a large area for storage of a horse box and animal feed.

6.4 The applicant has provided evidence of his current arrangements, in terms of accommodation for his seven horses, which are currently stabled at Ayr

Standardbreds, Glebe Crescent, Ayr. The applicant has confirmed that he proposes to house two of his animals at the application site. He has stated in his correspondence of 11 October 2005 that this piece of ground is the only suitable piece of ground he has been able to acquire for stabling purposes. In the same letter he has indicated that the cost of his current stabling arrangement is becoming unmanageable. Any approval of the application would require a condition to ensure that only two horses were indeed accommodated.

6.5 The British Horse Society has submitted a letter, supporting the accommodation proposed for the housing of two horses. They have commented that the proposed stables and paddock represent a reasonable and appropriate private facility for two horses.

6.6 The applicant has been requested to change the materials from sheet metal to timber, which is considered to be a more appropriate material in a rural location, but he declined to do this.

6.7 Objectors' concerns expressed regarding the size and scale of the proposed stable, coupled with the proposed site being on slightly higher ground are considered to be valid planning concerns.

## **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 detailed in Section 3 and Section 5 of the report, the proposed erection of stables at this location is acceptable to the extent that a rural location for stables is appropriate. In that there is no specific planning justification for this area of countryside, as opposed to any other, the proposal is contrary to the provisions of the Adopted East Ayrshire Local Plan. In addition, there have been two objections received in relation to this application, which contain valid planning considerations, in terms of the size and scale of the development. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in section 6 of the report there are relevant material considerations. Notwithstanding the absence of a locational justification specific to this site, the proposal would result in horses being accommodated within a much more accessible location from the applicant's perspective. On balance, this is considered to merit favourable consideration in terms of location.

However, the building would remain a very sizeable structure and would be constructed in materials that are not appropriate to the rural location.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated 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, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

26 January 2006  
(FC/MMM/RH)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Fiona Campbell, Planning Officer, on 01563 576787.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0798/FL

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Site of Proposal: Vacant Land  
A759  
Moorfield  
KILMARNOCK

Nature of Proposal: Proposed Stables

Name & Address of Applicant: Mr A Wilson  
88 Galston Road  
Hurlford  
KILMARNOCK  
KA1 5JB

Name & Address of Agent: Grant Murray  
30 Bell Street  
GLASGOW  
G1 1LG

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DPOs Reference: FC/MMM/RH

The above FULL application should be refused on the following grounds:

1. The proposed development does not meet the provisions of Policy ENV 13 of the Adopted East Ayrshire Local Plan in terms of the proposed size, scale and materials of the stable which are not in keeping with or appropriate to the rural area.

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