

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 30 MAY 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 28
APRIL 2006 RELATING TO PLANNING APPLICATION NO 05/1087/OL:
PROPOSED ERECTION OF A DWELLINGHOUSE ON THE SITE OF THE
FORMER ARDNITH HOUSE, BOIG ROAD, NEW CUMNOCK**

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 28 April 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 28 April 2006 considered a report dated 14 April 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed that this application be referred to the Development Services Committee with a recommendation for approval since the proposed development would represent an acceptable departure from the Development Plan in view of the former residential use of the application site which had previously been occupied by Ardnith House.
- 2.2 No objections were submitted in respect of this application. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 14 April 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that the Committee consider the planning application with reference to the report by the Head of Planning, Development and Building Standards dated 14 April 2006, and with consideration to the recommendation by the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

5 May 2006

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**05/1087/OL: PROPOSED ERECTION OF A DWELLINGHOUSE
ON SITE OF FORMER ARDNITH HOUSE, BOIG ROAD, NEW CUMNOCK**

APPLICATION BY MR. G. CALDWELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought for the development of the site for the erection of a single dwellinghouse. No details of the house type have been submitted at this stage.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application under consideration is for the residential development of a site which lies well outwith the current settlement envelope of New Cumnock in open countryside. The site is within the Rural Diversification Area and no sufficient justification has been cited for the development in this rural area. It is not considered that the supporting statement of the applicant, in identifying the site as one which was previously occupied by a dwelling, is of sufficient weight to set aside the provisions of the development plan.

3.3 In the absence of any specific locational need for this residential

development there is no justification for approval which would represent a significant departure from the development plan.

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 require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**05/1087/OL: PROPOSED ERECTION OF A DWELLINGHOUSE
ON SITE OF FORMER ARDNITH HOUSE, BOIG ROAD, NEW CUMNOCK**

APPLICATION BY MR. G. CALDWELL

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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation at the request of the Local Member, and the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of agricultural land extending to 1.15 hectares and lies in open countryside on the north east side of the C36 Boig Road on the outskirts of Connel Park in New Cumnock. The site lies approximately 500 metres north west of the junction of the B741 road with the C36 Boig Road.

2.2 The present use of the land is for rough grazing, the site previously having been occupied in the past by the former Ardnith House which has long since been demolished. The application site comprises a small hillock and is elevated in nature with site levels rising in a general south east to north west direction. The site is also occupied by a number of mature trees and the applicant has indicated that the development of the site will require the felling of some of these trees.

2.3 The applicant has provided an indicative layout outlining the former position of Ardnith House and it is intended to site the proposed new dwellinghouse at this location as it provides a level area within the plot albeit in an elevated position as viewed from the C36 Road.

2.4 **Proposed Development:** Outline planning permission is being sought for the development of the site for the erection of a single dwellinghouse. No details of the house type have been submitted at this stage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a tarred standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 215 metres will require to be formed and maintained at the new access onto the C36 public road with no obstruction greater than 1 metre in height allowed within these areas. These sightlines must be shown on any full planning application and may require a Section 75 Agreement to trim or lower hedges and trees, depending on the final access point location. No surface water must be allowed to discharge onto the public road from the site. Off road parking spaces will require to be provided for the dwelling in line with the Roads Development Guide. The private driveway will require to be paved for a minimum distance of 5 metres from the rear of the footway to avoid overcarry of loose material onto the public road. Any garages must be set back a minimum of 6 metres from the rear of the footway. Any gates will require to open inwards away from the public road. An internal turning area must be formed within the site to allow vehicles to enter and leave in forward gear. A 3 metres wide servicing lay-by / visitor parking area must be provided by the developer adjacent to the public road to accommodate service vehicles off the public road without reducing the width of the C36 public road.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has not responded to the consultation letter.

Noted.

3.3 National Air Traffic Services (NATS) has no objections to the proposed development.

Noted.

3.4 Power Systems has no objection in principle to the proposed development.

Noted.

3.5 New Cumnock Community Council has not responded to the consultation letter.

Noted.

3.6 The Scottish Environment Protection Agency has no objections to the proposed development provided the foul drainage from the site connects to a septic tank. Surface water from roof and hardstanding areas should be drained utilising SUDS.

A note could be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site and the use of SUDS

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

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). The application relates to an area of land located in the Rural Diversification Area.

Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

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

D contributes to rural land diversification: or

E provides for the operational needs of agriculture and forestry.

No justification for the proposed location of the house in the Rural Diversification Area has been provided, therefore it is contrary to Policy G6 of the Structure Plan.

East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances.

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or
- (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, subject to a set of stated criteria being met; and
- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES18 below.

As is stated under policy G6 of the Ayrshire Joint Structure Plan above, no justification for locating the proposed house in the Rural Diversification Area has been provided, therefore it meets none of the above stated circumstances and is contrary to policy RES 14.

5.4 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows;

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and
- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

As stated above, the development is not considered acceptable in terms of local plan policies RES13 or RES14. The development also does not utilise any existing buildings which are considered capable of residential use or utilise areas of derelict or degraded land in preference to the development of greenfield land.

The policy also states that, in all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses, in preference to being isolated in the countryside.

It is not considered that the development consolidates or compliments any small group of house.

5.5 The application is contrary to both Ayrshire Joint Structure Plan and East Ayrshire Local Plan policy and is therefore not acceptable in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the statement of support by the applicant.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

Statement of Support by Applicant

6.3 The applicant has stated that the site was formerly occupied by Ardnith House and as far as can be ascertained this property was built circa 1860. The site consisted of a large detached blonde dressed sandstone house of two storeys in height. To the rear were single storey outbuildings. The gardens were well presented and terraced with mature trees and shrubs with a gravel driveway. There was also a levelled area to accommodate a tennis court. The site in its present condition has mature trees and is overgrown with vegetation. The area where Ardnith House sat is still obvious and both accesses from Boig Road are still in existence. The intention is to build a single dwelling on the site with a detached garage block. With the release of PAN 72: Housing in the Countryside, Scottish Planning Policy 15: Planning for Rural Development and PAN 73 Rural Diversification, the applicant feels that from an agricultural stance he has a strong justification for the erection of a house on this site.

It is considered that the current policies within the approved Ayrshire Joint Structure Plan and the adopted East Ayrshire Local Plan already embrace many of the aspects of good planning practice promoted in the relevant Planning Advice Notes. With regard to SPP15 and the promotion of residential development in the countryside, it also states that the aim of SPP15 is not to see small settlements increase in size to the extent that they lose their identity,

nor to suburbanise the Scottish countryside or to erode the high quality of its environment. Rather it is to ensure that planning policy regimes are put in place to accommodate selective, modest growth. Most development should be foreseen, agreed and programmed to reflect the local circumstances. It is in that context that the review of the East Ayrshire Local Plan will assess and identify, through formal processes, those sites which would ensure that the aims of SPP15 are delivered. The proposed development, in the absence of any justification in terms of policy, remains contrary to the provisions of the development plan.

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 Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application under consideration is for the residential development of a site which lies well outwith the current settlement envelope of New Cumnock in open countryside. The site is within the Rural Diversification Area and no sufficient justification has been cited for the development in this rural area. It is not considered that the supporting statement of the applicant, in identifying the site as one which was previously occupied by a dwelling, is of sufficient weight to set aside the provisions of the development plan.

8.3 In the absence of any specific locational need for this residential development there is no justification for approval which would represent a significant departure from the development plan.

9. RECOMMENDATION

9.1 **It is recommended that the application be refused for the reasons listed 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 require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

14 April 2006
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Statement by Applicant including Photograph of Ardnith House.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1087/OL

Location	Site of Former Ardnith House Boig Road, New Cumnock KA18 4QE
Nature of Proposal:	Proposed Erection of a Dwellinghouse
Name and Address of Applicant:	Mr. G. Caldwell South Boig Farm New Cumnock KA18 4QE
Name and Address of Agent	Axiom Design Services 69 High Street Sanquhar DG4 6DT

DPO's Ref:
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be refused for the following reasons:-

1. The proposed development would constitute the erection of a dwellinghouse in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES 13 and RES 14 of the Adopted East Ayrshire Local Plan.

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