

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE (PLANNING) – 1 APRIL 2004

DECISION OF THE MEETING OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 19 MARCH 2004 RELATING TO PLANNING APPLICATION NUMBER 03/0995/FL – PROPOSED CHANGE OF USE TO ALLOW LIMITED AMOUNT OF HORSES TO BE LIVERIED ON EXISTING FARM AT MEADOWHEAD FARM, HARESHAWMUIR ROAD, WATERSIDE

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Northern Area Local Planning Committee held on 19 March 2004 regarding the above planning application.

2. BACKGROUND

- 2.1 The Northern Area Local Planning Committee on 19 March 2004 considered a report dated 10 March 2004 by the Head of Planning and Building Control (attached as an Appendix) and agreed that the application be referred to the Development Services Committee for consideration with the recommendation that permission be granted on the grounds that in the Committee's view, taking account of all relevant factors in this instance that there was no perceived increase in the risk to road safety as a result of the proposed development.
- 2.2 One objection was received in respect of this application and arrangements have been made for a Hearing to take place.

3. FINANCIAL/LEGAL IMPLICATIONS – Nil

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 10 March 2004 by the Head of Planning and Building Control attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended:-

- (i) that the committee consider the planning application with reference to the Head of Planning and Building Control's report dated 10 March 2004 contained under an Appendix to this report and with consideration to the recommendation by the Northern Area Local Planning Committee, as detailed in paragraph 2.1 above; and
- (ii) otherwise to note the contents of the report.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

23 March 2004

JM/KM

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: Jennifer Morrison, Administrative Officer

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004

**03/0995/FL: PROPOSED CHANGE OF USE TO ALLOW LIMITED AMOUNT
OF HORSES TO BE LIVERIED ON EXISTING FARM
AT MEADOWHEAD FARM, HARESHAWMUIR ROAD, WATERSIDE
BY MR J M PEBERDY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 In terms of horse livery and ancillary usage, it is proposed to utilise the existing stable block and adjacent riding areas and fields. It is not proposed to erect any new buildings within the application site. The applicant has stated that the proposed number of horses to be liveried would fluctuate from between 5 to 10 horses at any one given time. The applicant has stated that there are 23 stables presently on site, the majority of these accommodating the applicants own horses.

1.2 In terms of the number of vehicle movements anticipated, the applicant has stated that he would not expect any more than 4 or 5 car movements per day, even at an upper limit of 10 horses, as the owners would not be in attendance daily. The applicant has also stated that all vehicle movement would cease before 9.00 pm every day.

1.3 The applicant has also submitted a supporting statement which has been reproduced in Section 6 of the Report.

2. RECOMMENDATION

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

3. CONCLUSIONS

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 indicated at Section 6 of the report, there are material

considerations relevant to this application, however it is considered that these material considerations are not of sufficient weight to justify the approval of the application.

3.2 Whilst the proposed business use is acceptable in principle at this location, it is considered that the proposal would give rise to an increase in vehicle movements at the junction with the A713 public road, to the detriment of road safety.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from development plan policy.

Alan Neish
Head of Planning and Building Control

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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004

**03/0995/FL: PROPOSED CHANGE OF USE TO ALLOW LIMITED AMOUNT
OF HORSES TO BE LIVERIED ON EXISTING FARM
AT MEADOWHEAD FARM, HARESHAWMUIR ROAD, WATERSIDE
BY MR J M PEBERDY**

Report by Head of Planning and Building Control

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, due to the fact that the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 52.6 hectares, formerly an operational farm. Meadowhead Farm is served by a single track public road (Hareshawmuir Road) which accesses onto the A719 public road to the south of Waterside. Access to Meadowhead Farm itself is via an unsurfaced single access track to the steading.

2.2 The building proposed for usage as a limited livery yard is located to the north-east of the existing traditional dwellinghouse and is located adjacent to an open arena. To the north of the proposed stable building, a larger building is currently used as an indoor horse arena.

2.3 **Proposed Development:** In terms of horse livery and ancillary usage, it is proposed to utilise the existing stable block and adjacent riding areas and fields. It is not proposed to erect any new buildings within the application site. The applicant has stated that the proposed number of horses to be liveried would fluctuate from between 5 to 10 horses at any one given time. The applicant has stated that there are 23 stables presently on site, the majority of these accommodating the applicants own horses.

2.4 In terms of the number of vehicle movements anticipated, the applicant has stated that he would not expect any more than 4 or 5 car movements per day, even at an upper limit of 10 horses, as the owners would not be in

attendance daily. The applicant has also stated that all vehicle movement would cease before 9.00pm every day.

2.5 The applicant has also submitted a supporting statement which has been reproduced in Section 6 of the Report.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has commented that Hareshawmuir road connects onto the A719 outwith the 30 mph speed limits where the sightline and forward visibility are particularly poor. As there is no other means of access to the Hareshawmuir road, the additional traffic generated by this development would be forced to use this sub-standard junction.

3.2 The application does not indicate the extent of the proposed development and therefore the potential numbers of vehicle movements anticipated cannot be determined. However, given that horse transporters are slow moving vehicles, the turning manoeuvres that would take place at the junction would be particularly dangerous, the numbers would be less important than would be the case for a junction where the geometry was satisfactory. The use of this junction by vehicles towing horse boxes would be particularly dangerous as visibility at the junction is insufficient for the traffic speeds on the A719. The road safety of customers without horse transporters is also of concern as passenger car drivers unused to this junction would be at risk to an extent considered unacceptable to the Roads Division.

Noted.

3.3 A commercial development being served by the Hareshawmuir road would also have to consider the need for two-way traffic. The existing road is single track with no passing place provision. The use by additional traffic would not be acceptable. Meadowhead Farm is a considerable distance from the junction with the A719 and the number of passing places required to provide access for a commercial activity would be considerable and unlikely to permit the development to be financially viable.

Noted.

3.4 The existing junction from Meadowhead Farm onto the Hareshawmuir road is not of a standard suitable for commercial traffic and in particular use by horse transporters.

Noted. It has been indicated that the land on either side of this junction is not within the ownership or control of the applicant. As a result, any improvements to this junction could not be achieved by

means of conditions, placing an obligation on the applicant, should planning permission be granted.

3.5 The Coal Authority has not identified any instability issues which would affect the determination of this planning application.

Noted.

3.6 Moscow and Waterside Community Council has not objected to the proposed development but has commented that they have some concerns as to the definition of limited deliveries.

Noted. The applicant has stated that he would not expect any more than 4 or 5 car movements per day, even at an upper limit of 10 horses, as the owners would not be in attendance daily. The applicant has also stated that all vehicle movement would cease before 9.00pm every day.

3.7 The Scottish Environment Protection Agency (SEPA) has no objection in principle to the proposed development. SEPA have also forwarded a copy of their Pollution Prevention Guidance Note 24: Stables, Kennels, and Catteries, to the applicant as part of the consultative process.

Noted.

3.8 East Ayrshire Council's Environmental Health and Waste Management Division has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received in respect of the application.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no Structure Plan policies directly relevant to this application.

Noted.

East Ayrshire Local Plan

5.3 The application site is within the defined Rural Protection Area within the East Ayrshire Local Plan. The application therefore falls to be considered against the terms of Policy IND 10.

5.4 Policy IND 10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (i) Category 1 and 2 business and industrial sites and those Miscellaneous Development Opportunity Sites with potential for industrial or business development, as indicated in the Local Plan Rural Area Map;
- (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;
- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;
- (iv) Rail freight based industrial uses at existing coal disposal points; or
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

All proposals for industrial or business developments in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources.

In terms of the principle of the use of the proposed development, the development as a limited livery yard accords with the terms of point (iii) of this policy. However, in terms of transportation implications, East Ayrshire Council Roads and Transportation Division has recommended refusal of the application.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site, and the supporting statement submitted by the applicant.

Consultations Responses

6.2 East Ayrshire Council Roads and Transportation Division has objected to the application. The other consultation responses received do not indicate that the application should be refused.

Planning History

6.3 97/0076/FL: An application for planning permission for the proposed erection of a general purpose farm building at Meadowhead Farm was withdrawn on 03 March 1997.

6.4 98/0264/FL: Full planning permission was granted on 30 June 1998 for a proposed general purpose farm building at Meadowhead Farm. East Ayrshire Council's Roads and Transportation raised no objections to this application.

6.5 01/0151/AN: Prior Notification for the erection of an agricultural shed at Meadowhead Farm was submitted to East Ayrshire Council on 02 March 2001. Confirmation was provided by this Division that planning permission was not required for the works proposed.

Other Recent Applications Along Hareshawmuir Road

6.6 96/0327/FL: Full planning permission was granted on 07 October 1996 for the proposed erection of polytunnels for agricultural use and the siting of a residential caravan at The Cantles, Waterside.

6.7 97/0560/FL: Full planning permission was granted on 05 December 1997 for the proposed erection of stock housing and removal of Condition 1 of application Ref No 96/0327/FL (temporary use of caravan), erection of field shelter, and gas and fuel storage container at The Cantles, Waterside. East Ayrshire Council's Roads and Transportation Division raised no objections to this application.

6.8 98/0469/FL: Full planning permission was granted on 13 November 1998 for a proposed new house and machinery storage shed for Ostrich farm etc at The Cantles, Waterside. The proposed means of access to the dwellinghouse was from Hareshawmuir Road. At the time of the application, East Ayrshire Council's Roads and Transportation Division stated that the existing access onto

Hareshawmuir Road required to be improved to accommodate the commercial and domestic users, and carried out prior to the dwellinghouse being occupied.

Supporting Statement Submitted by Applicant

6.9 *“Our plan to allow a limited amount of horses to be liveried on our farm only came about as one of our friends asked us to look after her horse whilst she was away from home on a British Airways pilot training course for 18 months. She agreed to pay us a tiny amount per week to do this. This we agreed to until we found out that planning permission was required. In order to ensure we did everything above board, I contacted your Office and completed the current planning permission for a change of use. It was at this point we asked for a limited amount of horses to be liveried on the farm to:-*

- (i) allow for the possibility that we could in fact get another such request and the current application would allow this (if approved) without the need to re-apply each time; and*
- (ii) give all our neighbours the security that we were not going to turn our farm and the local area into the ‘Horse of the Year’ show.*

6.10 *If I did not wish to go down this certain route with my farm and start farming the land under its current use, I would in fact be more likely to use the road a great deal more than I am proposing with this change of use, especially with HGV transport. Therefore, it is our intention to actually use the road less than we are currently allowed.*

6.11 *Having only a certain amount of horses on the farm would only necessitate the owners coming to the farm every few weeks, this in private cars. Currently this is running at a visit from the above lady once every 3 months.*

6.12 *We do in fact have our own horse lorry which I can drive on my normal private car driving licence. We cannot bring anything bigger than this to the farm as neither my wife nor I have a HGV licence.*

6.13 *My neighbours who have working dairy farms etc have HGV traffic on this same road at least 4 times a day for milk and live stock transportation.*

6.14 *If there is something that the Roads Department wish to implement at the road junction in order to improve the road safety (ie. a mirror etc) I would be only too willing to meet with them and discuss a sharing of the costs.*

6.15 *I feel I am attempting to do the right thing and would appreciate a fair hearing”.*

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 indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these material considerations are not of sufficient weight to justify the approval of the application.

8.2 Whilst the proposed business use is acceptable in principle at this location, it is considered that the proposal would give rise to an increase in vehicle movements at the junction with the A713 public road, to the detriment of road safety.

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 and Building Control, the application will require to be referred to the Development Services Committee because such a decision would represent a substantial departure from development plan policy.

Alan Neish
Head of Planning and Building Control

10 March 2004
(RD/MMM)

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. Prior Notification Ref No 96/0287/AN.
7. Planning application Ref No 96/0327/FL.
8. Planning application Ref No 97/0076/FL.
9. Planning application Ref No 97/0560/FL.
10. Planning application Ref No 98/0264/FL.
11. Planning application Ref No 98/0469/FL.
12. Prior Notification Ref No 01/0151/AN.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576790.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0995/FL

Site of Proposal: Meadowhead Farm
Hareshawmuir Road
Waterside
KA3 6JJ

Nature of Proposal: Change of Use to Allow Limited Amount of
Horses to be Liveried on Existing Farm

Name & Address of Applicant: Mr J M Peberdy
Meadowhead Farm
Hareshawmuir Road
Waterside
KA3 6JJ

Name & Address of Agent:

DPOs Reference: RD/MMM

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

1. The proposed development would be detrimental to road safety by reason of :-
 - (i) the junction from Meadowhead Farm onto Hareshawmuir Road not being of a standard suitable for additional commercial traffic;
 - (ii) a lack of adequate passing place provision along Hareshawmuir Road to accommodate additional commercial traffic; and
 - (iii) the junction from Hareshawmuir Road onto the A719 public road not being of a standard suitable for additional commercial traffic.

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VIEWING PLEASE CONTACT (01563) 576790.**