

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 17 APRIL 2007

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON FRIDAY 13 APRIL 2007 RELATING TO PLANNING APPLICATION NO 06/0517/OL: PROPOSED ERECTION OF FAMILY DWELLING ON FORMER SMALL HOLDING SITE AT VACANT LAND ADJACENT TO GLAISNOCK MOOR, CUMNOCK BY MR K SIMMONDS

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 13 April 2007 regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 13 April 2007 considered a report dated 3 April 2007 (attached as an Appendix) by the Head of Planning and Economic Development, and agreed to refer this application to the Development Services Committee with a recommendation for approval, on the basis that the proposed development would represent an acceptable departure from the Development Plan, in view of the former use of the proposed development site which had previously been occupied by a small holding including a residential dwellinghouse, and therefore represented a brownfield site which is not being used for agricultural purposes.
- 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 3 April 2007 by the Head of Planning and Economic Development, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that this Committee consider the planning application with reference to the report by the Head of Planning and Economic Development dated 3 April 2007, 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

13 April 2007

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

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 13 APRIL 2007

**06/0517/OL: PROPOSED ERECTION OF FAMILY DWELLING ON
FORMER SMALLHOLDING SITE AT VACANT LAND
ADJACENT TO GLAISNOCK MOOR, CUMNOCK**

APPLICATION BY MR K. SIMMONDS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse on this site that formally was occupied by a small holding with evidence of a residential dwellinghouse present (the applicant has provided historic maps detailing this). No details of the layout or house type have been submitted at this stage other than the proposed dwelling being referred to as a family home. The size of the application site and available frontage onto the road would indicate that a dwellinghouse would be easily accommodated within the site.

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 a residential development of a family dwellinghouse on a site which was formerly occupied as small holding but no justification has been provided for the development in this rural area in planning policy terms, other than the applicant's supporting statement. The letter of support indicates that the applicant is considering the use of energy efficient methods of power generation and is proposing to enhance the visual amenity of this area of ground which is currently in a derelict condition with rubble from the previous dwelling and a section wall still remaining. Reference

is also made within the supporting statement to nearby similar approved planning applications for housing in the countryside however this in itself along with the content of the supporting statement does not provide a justification for a departure from policy.

3.3 Although the applicant has clearly researched this site and has submitted a supporting statement, in the absence of any specific locational need for this residential development, there is no justification for approval that would represent a significant departure from the development plan and set a precedent for similar non-compliant development in the rural area.

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 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

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 13 APRIL 2007

06/0517/OL: PROPOSED ERECTION OF FAMILY DWELLING ON FORMER SMALLHOLDING SITE AT VACANT LAND ADJACENT TO GLAISNOCK MOOR, CUMNOCK

APPLICATION BY MR K. SIMMONDS

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 outline planning application which is to be considered by the Local Planning Committee at the request of the Local Member under the scheme of delegation.

1.2 This application was first presented to the Southern Local Planning Committee on 23 March 2007 at which time the Committee resolved to undertake a site visit prior to determination of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies outwith the nearby settlement of Cumnock and Skares on the corner of the U743 Newfield Road. The land immediately to the west and bounding the application site forms a relatively small enclosed area of ground with some shrub planting. A formal wooded plantation forms the boundary to the west of this section of ground following the direction of the public road. To the east of the application site the ground is largely overgrown falling relatively steeply to a lower ground level.

2.2 The site extends to approximately 970m² in area and is largely level with some undulations. Rubble and stone is visible forming the remnants of what would appear to be a previous dwellinghouse. A section of wall forming a corner of the previous dwelling still remains standing to an approximate height of 2 metres. Two access gates provide vehicular access to the site on both sides of the corner. Immediately to the west of the application site a Scottish Power overhead single line runs between two wooden posts.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on this site that formally was occupied by a small holding with evidence of a residential dwellinghouse present (the applicant has provided historic maps detailing this). No details of the layout or house type have been submitted at this stage other than the proposed dwelling being referred to as a family home. The size of the application site

and available frontage onto the road would indicate that a dwellinghouse would be easily accommodated within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) Visibility splay areas of 2.5 metres by 120 metres shall be required to be formed and maintained at the access road with no object greater than 1 metre in height allowed within these areas. These sightlines must be shown on any full planning application submission and may require a section 75 agreement to trim or lower hedges depending on the final location of the access point.
- (ii) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads standards.
- (iii) Off road parking spaces shall require to be provided for the dwelling in line with the requirements of the Roads Development Guide.
- (iv) A 3m wide service lay-by/visitor parking area shall be formed by the applicant adjacent to the public road.
- (v) The private driveways shall require to be paved for a minimum distance of 5 metres from the rear of the road verge to avoid the overcarry of loose material onto the public road and any roadside drainage ditch shall be piped.
- (vi) An internal car turning area shall be formed within the site to allow vehicles to enter and leave the site in forward gear.

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 no objections in principle to the proposed development provided that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and/or water network.

Noted. Conditions could be attached to any consent granted for the development to meet the requirements of Scottish Water.

3.3 The Scottish Environment Protection Agency has no objection to the proposed development provided the drainage arrangements are to its satisfaction. In view of the absence of a suitable watercourse for the acceptance of septic tank effluent, it is recommended that a sub-soil soakaway system is used for effluent disposal. The septic tank and blind

soakaway must be designed and constructed in accordance with the current code of practice. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. If ground conditions prove unsuited to this type of effluent disposal then SEPA would consider a consent application for a discharge of a fully biologically treated sewage effluent to a burn.

A note could be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA with respect to the drainage of the site.

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

Noted.

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

Noted.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

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

- C contributes to rural land diversification: or
- D provides for the operational needs of agriculture and forestry.

No justification as to why the house requires to be located in the Rural Protection Area has been submitted for the proposal. It meets none of the above criteria and is therefore contrary to Policy G5.

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. One of those circumstances is pertinent to the application, this being where:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13;

The applicant has submitted a supporting statement including a range of information in an attempt to justify the proposal. However this fails to comply with any of the above criteria. The proposal is therefore contrary to policy RES14.

5.4 Therefore the principle of the development is not considered acceptable in terms of Structure Plan Policy G5 or in terms of adopted local plan policy RES 14. For this reason the proposal cannot therefore be supported 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 the planning history of the site, the Finalised Ayrshire Joint Structure Plan 2006 and a letter of support for the application from the applicant.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused.

Supporting Statement

6.3 I have been actively looking for at least three years now for a piece of ground suitable for building a family home. I have tried to understand the residential policies contained within the East Ayrshire Local Plan with respect to finding a suitable site that complies but unless there is a site within a settlement boundary the principle for someone like me to build a house is just not possible to justify in terms of these policies. It seems like the only people

who can comply with the current residential policies in the countryside are farmers.

6.4 I have approached numerous people whom I have been led to believe own gap sites in the likes of Cumnock and the surrounding towns, villages but all have either been sold to larger house builders or are not willing to sell. I really am restricted to building something in the Cumnock area as I have children in schools, my family are all from the Cumnock area and I also run a small business in which I am based in Glasgow but desperately seeking to relocate closer to home.

6.5 My reason for choosing this specific site was in an attempt to try to comply and respect the Local Plan policies as much as possible. I felt I was unable to find land within the designated settlements so I would start to look at sites outwith the settlements (ideally a conversion, but again these are few and far between). As a boy I could remember playing in this area where there was once a small holding comprising of a house and various outbuildings. However all that is left at present is the foundations and rubble sections of walls proving that a house once occupied the site. Basically I feel the principle of house is established on this site, also it is not prime agricultural land, and in fact the farmer can not really use this area for farming purposes.

6.6 I would love the opportunity to build a dwellinghouse for my family respecting the rural nature and history of the site. My aim would be to incorporate a high level of sustainability into the project introducing geothermal underground heating pumps, solar panels for hot water heating, and as much eco-friendly building materials as I can afford to use. The final design is something I have already prepared and is not out of scale with the surroundings and in fact I would consider it as a great improvement to this derelict area of ground.

6.7 I have also searched the map archive and included two maps identifying the ground and showing a house and outbuildings present. I have submitted this as information accompanying my application.

6.8 I keep a keen eye on the planning section of the East Ayrshire web site and try to familiarise myself with the emerging new draft local plan. I have been keenly watching increasing applications for housing in the countryside being approved, and I believe two houses were recently approved on the Loganhill Road and at a site nearby on the Skares Road. I eagerly went to the planning office to view this application after its approval and found that the no previous dwellings occupied the site and no justification had been submitted in support of the proposal. I found this slightly confusing but was excited at the prospect that this may be the move towards a relaxation in planning policy. I have made a list of all applications for housing in the countryside which has been approved in which I can supply on request.

6.9 In conclusion I love this area and after spending all my life here I don't want to move my family away in search of our dream. I feel after a long time searching I have found a piece of ground I love and I therefore would greatly

appreciate the opportunity to build a family house on this former small holding site.

The supporting statement prepared by the applicant demonstrates a high level of commitment and research in trying to establish and justify the principle of a dwellinghouse at this location. While the site could be considered to be a brownfield site as a former dwelling and outbuildings were once present at this location, the proposed development has not been justified in policy terms and remains contrary to the provisions of the Development Plan.

Ayrshire Joint Structure Plan (New Finalised Version)

6.10 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.

6.11 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 does not fall under any of the above types of development and is not acceptable in terms of the East Ayrshire Local Plan. It is therefore contrary to Policy COMM 5.

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 a residential development of a family dwellinghouse on a site which was formerly occupied as small holding but no justification has been provided for the development in this rural area in planning policy terms, other than the applicant's supporting statement. The letter of support indicates that the applicant is considering the use of energy

efficient methods of power generation and is proposing to enhance the visual amenity of this area of ground which is currently in a derelict condition with rubble from the previous dwelling and a section wall still remaining. Reference is also made within the supporting statement to nearby similar approved planning applications for housing in the countryside however this in itself along with the content of the supporting statement does not provide a justification for a departure from policy.

8.3 Although the applicant has clearly researched this site and has submitted a supporting statement, in the absence of any specific locational need for this residential development, there is no justification for approval that would represent a significant departure from the development plan and set a precedent for similar non-compliant development in the rural area.

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 and Economic Development

RG/HM
FV/DVM
03 April 2007

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. Supporting Statement prepared by applicant.
7. Historic maps showing a dwelling and outbuildings submitted by applicant.

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0517/OL

| | |
|--------------------------------|---|
| Location | LAND ADJACENT TO GLAISNOCK MOOR, CUMNOCK |
| Nature of Proposal: | PROPOSED ERECTION OF FAMILY DWELLINGHOUSE ON SITE OF FORMER SMALL HOLDING |
| Name and Address of Applicant: | MR K SIMMONDS 18 FORBES AVENUE CUMNOCK |
| Name and Address of Agent | N/A |

DPO's Ref: Robin Ghosh
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 new dwelling in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policy RES 14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G5 of the Approved Ayrshire Joint Structure Plan and Policy RES 14 of the Adopted East Ayrshire Local Plan.

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