

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 22 AUGUST 2006

**04/0949/OL: PROPOSED NEW RESIDENTIAL PROPERTY FOR FARM
LABOURER AND FAMILY
AT HILLENFARM, OLD MOOR ROAD, NEWMILNS
BY MR A NEWLAND**

SUPPLEMENTARY REPORT

1. PURPOSE OF REPORT

1.1 This planning application is being re-presented to the Committee for determination as the applicant is unable to purchase the land, required to provide the labour justification for the dwellinghouse. The Development Services Committee had agreed the proposed dwelling subject to a Legal Agreement being concluded that verified the additional husbandry and land purchase identified in the Labour Assessment.

2. DEVELOPMENT DESCRIPTION

2.1 This outline planning application proposes to provide an additional dwellinghouse for an agricultural worker at Hillend Farm, Newmilns. As part of the application the applicant submitted a labour requirement report prepared by the Scottish Agricultural College (SAC). The SAC report indicates that the current farm extends to 19.42 ha of grassland. The farm currently has 31 cattle consisting of 10 beef cattle, 5 highland cattle, 8 bovine young stock and 8 breeding cows.

2.2 The SAC report indicates that it is the applicant's intention to increase the stock to 30 cows, 15 breeding heifers, 15 bullocks as well as having 14 ewes. This would then provide a total labour justification of 1.07 for the proposed farm. In order to accommodate the livestock, the SAC report indicates that the applicant "proposes to purchase" an additional 32.4 hectares of land.

2.3 The SAC report indicates that the farm owners, Dr Newland and his wife, work full-time at Crosshouse Hospital, near Kilmarnock. This off farm employment means that there is no one on the farm to look after the livestock during the daytime. The erection of this additional dwellinghouse would allow Dr Newland to employ a full time farm worker to carry out the daily duties and livestock management associated with running a farm.

3. PLANNING HISTORY

3.1 Following referral from the Northern Area Local Planning Committee, the Development Services Committee agreed approval of the outline planning application, on 20 September 2005, subject to the conclusion of a legal agreement to ensure the purchase of all husbandry and land as detailed in the SAC Report.

3.2 The applicant has now indicated that he is unable to purchase the additional land from the third party. However the applicant has indicated that he is able to get a 5 to 10 year lease on the additional lands.

4. CONSULTATION

4.1 East Ayrshire Council's Legal Division have indicated that the leasing of the land does not accord with the decision of the Development Services Committee which was based on the applicant's statement that he was prepared to "purchase" additional land. In addition a lease provides a lower degree of control over land than does ownership.

Noted.

5. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

5.1 The applicant has indicated that they have been unable to purchase the additional land specified in the SAC report from the adjacent land owners. However they have indicated that the adjacent land owners are willing to enter into a 5 to 10 year rolling lease agreement for the land. The applicant has also indicated that they would be unwilling to provide the new stock levels for the extended farm until the additional dwellinghouse was occupied.

It is considered that the leasing of the land would not provide adequate security of tenure over the land required to justify the new additional dwellinghouse for the farm and therefore it would not meet the terms of the approval by the Development Services Committee.

In addition it is considered that the provision of the additional dwellinghouse for the farmhand, before the farm is at an operational level to justify the house, is inappropriate. This would result in the house being erected and occupied prior to the business on which it is being justified being operational. In circumstances where a residential accommodation is required for the supervision of the business during the start up period the Planning Authority is supportive of a temporary caravan being located on site to provide temporary accommodation.

6. CONCLUSION

6.1 It is considered that without the ownership of the additional land, as detailed in the SAC report, the farm is not large enough to provide the appropriate labour justification to support an additional residential unit and therefore the proposal does not accord with the Development Plan. In addition it is considered that the provision of the additional dwellinghouse for the farm worker before the farm is at an operational level to justify the house, is premature and does not accord with the development plan.

6.2 There are material considerations relevant to the consideration of this application however it is considered that they are not of such significant weight as to justify any variation of the terms of the Committee's earlier decision or variation of the agreed Legal Agreement. Any approval as now proposed would be contrary to the development plan.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Legal implications would arise for the Council in the event of any decision of the Committee to approve the application subject to a Legal Agreement detailing obligations upon the applicant relative to livestock or land interests.

8. RECOMMENDATION

8.1 It is recommended that the application be refused for the reasons detailed in the attached committee report submitted originally to the Northern Area Local Planning Committee on 02 September 2005.

15 August 2006
(CSI/MMM)

040949OLHillendFarmNewmiInsSupplementaryReportMMM

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**