

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 16 NOVEMBER 2004**

**04/0494/OL: PROPOSED ERECTION OF A NEW DWELLINGHOUSE  
AT HILL FARM, DUNLOP  
BY MR E MACCOLL**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The proposed development is for the erection of a new dwellinghouse. The application is outline only, therefore no details have been given as to the design and finishing materials of the proposed property.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan as the location of the proposed house in the Rural Protection Area has not been adequately justified. The application is also contrary to Policy RES13 of the East Ayrshire Local Plan as the application is not for a full time agricultural worker and an art studio on a farm does not justify the construction a new house. The applicant has therefore failed to submit sufficient justification for the new dwelling making the proposal contrary to policy RES13.

3.3 The proposed development therefore does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

3.4 In terms of those considerations the consultations offer only one objection on roads issues which is explained in Section 3 of the report. The overall impact

of the development is such that the proposed development could be accommodated without detriment to the surrounding area. On balance therefore the material considerations do not offer sufficient justification to set aside the Development Plan position.

**James Lavery**  
**Executive Director of Development and Property Services Department**

**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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AT HILL FARM, DUNLOP  
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**Report by Executive Director of Development and Property Services**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an outline planning application which is referred to the Development Services Committee under the Scheme of Delegation having been agreed by the Northern Area Local Planning Committee on 6 August 2004, contrary to the recommendation of the Head of Planning, Development and Building Standards.

1.2 The application was considered at the Northern Area Local Planning Committee in August this year when it was presented with a recommendation for refusal based on the following considerations.

'That the proposed development would constitute the erection of a dwelling in the countryside without agricultural support or any other site locational justification and would therefore not be in accordance with Policy G5 of the AJSP and Policy RES 13 of the adopted EALP.'

'The proposal cannot be provided with the necessary sightlines at the junction with the A735 and consequently would be detrimental to road safety.'

The Local Planning Committee took the view that the principle of the house could be justified on the basis of the applicant's submission. The Planning Division was instructed to liaise with the Roads Division to determine options for an alternative access location. Information has now been submitted that demonstrates the extent of land that is in the applicant's control or can be brought into his control and it has been determined that the required sightlines could be provided to the south of the existing substandard access.

If the Development Services Committee was of a mind to approve the application contrary to the recommendation, then it would be possible to address the issue

of an appropriate access by means of a condition. This condition should require the formation of the new access prior to the commencement of work on the new house.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site located at Hill Farm to the South East of Dunlop off the A735. The site is 0.89 acres in area and is predominantly bounded by agricultural land with residential properties to the North. The site is currently unkempt with trees and shrubs being in evidence.

2.2 **Proposed Development:** The proposed development is for the erection of a new dwellinghouse. The application is outline only, therefore no details have been given as to the design and finishing materials of the proposed property.

## 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water, Transco and Dunlop Community Council raise no objection to the application.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division originally recommended refusal as the sightline standard for the existing junction onto the A735 at this location would require to be improved to  $x = 2.5$  metres and  $y = 215$  metres. This standard cannot be achieved to the right of the access due to the horizontal alignment of the A735. They also indicated that the present access would also require to be upgraded to adoptable standard as the proposed house would constitute the third dwelling served by the access.

***Noted. Subsequent to the decision of the Local Planning Committee the issue of achieving a safe access for the proposal has been reassessed with the Councils Roads Division. Further information has been submitted on the applicants behalf confirming that it will be possible to secure a separate access for the proposal that meets the requirements of the Roads Division within land that is in the ownership of the applicant's family.***

3.3 Scottish Environment Protection Agency has not responded to their consultation at the time of writing this report.

***Noted.***

#### 4. REPRESENTATIONS

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

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

##### Approved 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;

**A “justification statement” has been submitted with the application and states that the new house is to be located on the site of a former cottage. This, however, is not relevant to the determination of this application as the application is for a new house and not a conversion. There are two other houses on the farm, one of which is occupied by the applicant’s parents and the other is rented to tenants. The justification given for the house to be located in the countryside is that the applicant works as an artist in one of Hill Farm’s outbuildings and does part time maintenance work on the farm. This is not considered to be a sufficient justification therefore the proposal is contrary to A above.**

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

**The proposed new house in the rural area cannot be justified in terms of social and economic benefit to the community.**

C contributes to rural land diversification; or

**This proposal would not contribute to appropriate rural land diversification.**

D provides for the operational needs of agriculture and forestry.

**Although the applicant does part time maintenance work on the farm, it is not on a full time basis, and does not accord with this criteria.**

5.3 The application is therefore contrary to structure plan policy as the location of the proposed house in the Rural Protection Area has not been adequately justified.

#### Adopted East Ayrshire Local Plan

5.4 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes. The purposes pertinent to this application are:-

(i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

**Although it is stated that the applicant works part time on the farm carrying out routine maintenance work, the applicant is not employed on the farm on a full time basis.**

(ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;

**The applicant is an artist who works in an outbuilding at Hill Farm. It is not considered that the economic operation of his business is dependent on the applicant living on the farm.**

5.5 The policy also states that developments for which a site-specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. In addition, the policy enables the Council to request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information.

**The justification given for the new house is that the applicant is working as an artist in an outbuilding at Hill Farm and carries out maintenance works on the farm on a part time basis. The applicant currently lives with his parents in a detached house on the farm but is getting married and wishes to construct a new house to live with his new wife and family. These circumstances do not meet with the provisions of policy RES13 as the applicant is not a full time agricultural worker and an art studio on a farm does not justify the construction of a new house. It is also noted that one of the existing houses on the farm is let out to tenants. It is not clear if they have**

**any involvement in the running of the farm. Any existing units must be considered for use by farm workers before a new one can be acceptable.**

The proposed development is therefore considered to be contrary to the terms of the Development Plan and it should be refused unless material considerations indicate otherwise.

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

6.1 The material considerations relevant in the determination of this application comprise the consultation responses and the impact of the proposal on the amenity of the area.

### Consultation Responses

6.2 The consultation responses are detailed in section 3 of this report. East Ayrshire Roads and Transportation Division have now indicated that a suitable access could be formed to the south of the existing one, across land in the ownership of the applicant's family.

### Impact of the Proposal on the Amenity of the Area

6.3 The circumstances of the proposed development are such that it is considered that the proposal if policy compliant could be accommodated without detriment to the surrounding area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan as the location of the proposed house in the Rural Protection Area has not been adequately justified. The application is also contrary to Policy RES13 of the East Ayrshire Local Plan as the application is not for a full time agricultural worker and an art studio on a farm does not justify the construction a new house. The applicant has

therefore failed to submit sufficient justification for the new dwelling making the proposal contrary to policy RES13.

8.3 The proposed development therefore does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

8.4 In terms of those considerations the consultations offer only one objection on roads issues which is explained in Section 3 of the report. The overall impact of the development is such that the proposed development could be accommodated without detriment to the surrounding area. On balance therefore the material considerations do not offer sufficient justification to set aside the Development Plan position.

## **9. RECOMMENDATION**

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

**James Lavery**  
**Executive Director of Development and Property Services Department**

05 November 2004  
(IW/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Alan Neish***  
040494OL

## EAST AYRSHIRE COUNCIL

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

Application No: 04/0494/OL

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Site of Proposal:	Hill Farm DUNLOP
Nature of Proposal:	Proposed Erection of a New Dwellinghouse
Name & Address of Applicant:	Mr E MacColl Hill Farm Dunlop KILMARNOCK      KA3 4DH
Name & Address of Agent:	SAC Building Design Services Auchincruive AYR                      KA6 5HW

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DPOs Reference: IW/MMM

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 support or any other site locational justification and would therefore not be in accordance with Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the Adopted East Ayrshire Local Plan.

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