

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
02 SEPTEMBER 2005**

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

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This outline planning application proposes to provide a dwellinghouse for an agricultural worker for Hillend Farm, Newmilns. The applicant has submitted a labour requirement report prepared by SAC. The report indicates that the farm extends to 19.42ha of grassland. The farm currently has 31 cattle consisting 10 beef cattle, 5 highland cattle, 8 bovine young stock and 8 breeding cows. The report indicates that the intention is to increase the stock to 30 cows, 15 breeding heifers, 15 bullocks as well as to have 14 ewes. In order to accommodate the livestock, the applicant proposes to purchase an additional 32.4 hectares of land.

1.2 The report indicates that the total number of livestock and land would produce 2358.48 labour hours per annum therefore producing a labour requirement of 1.07 labour units. The 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. This proposal would allow Dr Newland to employ full time a farm worker to carry out the daily duties and livestock management associated with running a farm.

2. RECOMMENDATION

2.1 It is recommended that the application for outline planning permission be refused for the reasons on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is not considered to be in accordance with the development plan. The existing farmhouse is occupied by persons whose full time employment away from the farm has in effect separated the farmhouse from the day to day running of the farm unit. This does not limit the force of Council policy which would not support a second unit in these circumstances. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997

the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. These include the submissions made in support of the application by the applicant, however none are of significant enough weight as would merit the approval of the application.

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 it will require to be referred to the Development Services Committee, as there would be a significant breach of Council Policy.

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.

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

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 as it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is on land belonging to Hillend Farm located to the south of Galston, off the unclassified Galston to Darvel road. The farm incorporates the Cairn monument and is 19.4 hectares in area. The application site is an area of 1.5 acres of poor quality agricultural land incorporating a disused quarry. The site is bounded to the west by a band of trees and is enclosed to the east by the sides of the disused quarry.

2.2 **Proposed Development:** This outline planning application proposes to provide a dwellinghouse for an agricultural worker for Hillend Farm, Newmilns. The applicant has submitted a labour requirement report prepared by SAC. The report indicates that the farm extends to 19.42ha of grassland. The farm currently has 31 cattle consisting 10 beef cattle, 5 highland cattle, 8 bovine young stock and 8 breeding cows. The report indicates that the intention is to increase the stock to 30 cows, 15 breeding heifers, 15 bullocks as well as to have 14 ewes. In order to accommodate the livestock, the applicant proposes to purchase an additional 32.4 hectares of land.

2.3 The report indicates that the total number of livestock and land would produce 2358.48 labour hours per annum therefore producing a labour requirement of 1.07 labour units. The 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. This proposal would allow Dr Newland to employ full time a farm worker to carry out the daily duties and livestock management associated with running a farm.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Natural Heritage have indicated they have no objection to the proposed development.

Noted

3.2 Forestry Commission have not responded to the proposal at the time of writing the report.

Noted

3.3 Scottish Water have indicated that there are no known sewers in the area and therefore have no objection to the proposal.

Noted

3.4 Newmilns and Greenholm Community Council have not responded at the time of writing the report

Noted

3.5 Scottish Environment Protection Agency have not responded at time of writing this report.

Noted

3.6 East Ayrshire Council Road's and Transportation Division have no objections to the proposal subject to the attachment of appropriate conditions to the grant of any planning permission relating to the formation of a layby at the junction of the private access road and the public highway.

A condition can be attached to any grant of planning permission relating to this matter.

3.7 West of Scotland Archaeology Service have indicated that there are no known archaeological issues in this area.

Noted

3.8 East Ayrshire Council's Arboricultural Officer has indicated that he has no objection to the proposal however noted that the proposed house may be within falling distance of some mature trees.

Noted

4. REPRESENTATIONS

4.1 No letters of objection have been received in relation to this proposal

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 Policy

5.2 Policy G5 of the Joint Ayrshire Structure Plan states that development proposals outwith settlements in the rural protection area shall conform to the structure plan only where the development:

5.3 A) has a demonstrated site specific locational need;

Following submission of supporting evidence by the applicant, it is considered that the proposed dwellinghouse has not been sufficiently justified given the presence of the existing farmhouse, therefore the proposal has no site specific need to be located outwith the settlement boundary.

5.4 B) can be justified in term of social and economic benefit to the community;

A new house in the rural protection area cannot be justified in terms of social and economic benefit to the community.

C) contributes to rural land diversification :or

The proposal would not contribute to rural land diversification

D) provides for the operational needs of agriculture and forestry.

The applicant has provided documentation which shows that the farm would produce the labour requirement for one farm worker. However, this requirement would be justified only upon the applicants acquisition of an additional 32.4 hectares of land beyond the 19.4 hectares currently owned and upon the acquisition of additional livestock.

As noted above, the farm already contains an existing farmhouse. The additional farmworker's house is required as the applicants, who occupy the existing farmhouse, have full time employment

elsewhere that is unrelated to the farm business. Consequently the proposal is that a farm unit meriting one farm house is provided with two units. In this situation, it is considered that there is no justifiable need for an additional dwellinghouse to be constructed on the site specifically to house the agricultural worker.

East Ayrshire Local Plan (EALP)

5.5 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, these being;

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (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;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

Supporting information has been received from the applicant demonstrating that there would be a justifiable need for a full-time farm worker on the unit subject to increasing the land holding by 32.4 hectares and increasing levels of livestock. In normal circumstances, this would support the erection of a dwelling house on the site to accommodate the worker concerned. However, in this particular case there is an existing farmhouse associated with the farm which is being occupied by the applicants, the owners of the farm, but who do not work on the farm themselves and have full time employment elsewhere.

It is considered that the presence of the existing farmhouse in principle offers accommodation for the farm unit. The applicants are not however available on a daily basis to maintain the farm. It is not considered reasonable that in exercising this choice, there should be permitted a further unit contrary to the terms of Council policy.

In the circumstances of the applicants not being available during the working day, duties during these hours could well be undertaken by a farm labourer employed specifically over these hours. The passive night time security required by the farm could be provided by the applicant in the farmhouse.

5.6 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.

Following submission of supporting evidence by the applicant, it is considered that the proposed dwellinghouse has not been sufficiently justified, therefore the proposal has no site specific locational need.

5.7 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.

Supporting information has been received from the applicant demonstrating that there is a justifiable need for a full-time farm worker on the unit. In normal circumstances, this would support the erection of a dwellinghouse on the site to accommodate the worker concerned. However, in this particular case there is an existing farmhouse associated with the farm which is being occupied by the applicants, the owners of the farm, but who do not work on the farm themselves and have full time employment elsewhere.

5.8 Policy RES 16 of the East Ayrshire Local Plan indicates that the Council will not be supportive of any proposals for additional houses in the Countryside for agricultural workers where it can be established that:

- (i) an existing farmhouse or other agricultural workers accommodation previously serving the agricultural unit concerned has been sold off separately from the unit to persons not employed on the farm, with the preceding five year period:

The applicant, who is not employed as a farm worker, has through the occupation of the existing farmhouse, in effect, separated the farmhouse from the farm. Thus, the erection of a new farm workers dwellinghouse at this location is only required as the applicant occupies the farmhouse and therefore the proposal fails to accord with the requirements of the Policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses from the amenity bodies are detailed in the report and do not indicate that the application should be refused.

Amenity of the area

6.3 The aspect of the amenity of the area has been assessed and it is considered that as the proposal would result in an unjustified dwellinghouse in the Countryside the proposal would have an unwarranted impact on the amenity of the area. Whilst reference is made to the condition of the proposed site, this is not a justification for the approval of an additional dwelling contrary to policy.

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 is indicated in Section 5 of the report the application is not considered to be in accordance with the development plan. The existing farmhouse is occupied by persons whose full time employment away from the farm has in effect separated the farmhouse from the day to day running of the farm unit. This does not limit the force of Council policy which would not support a second unit in these circumstances. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. These include the submissions made in support of the application by the applicant, however none are of significant enough weight as would merit the approval of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for outline planning permission be refused for the reasons 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 it will require to be referred to the Development Services Committee, as there would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

19 August 2005 (CSI/SA/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and supporting information.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0949/OL

Site of Proposal: Hillend Farm
Old Moor Road
NEWMILNS
KA16 9LS

Nature of Proposal: Proposed New Residential Property for
Farm Labourer and Family

Name & Address of Applicant: Mr A D Newland
Hillend Farm
Old Moor Road
NEWMILNS
KA16 9LS

Name & Address of Agent:

DPOs Reference: CSI/IMB/RH

The above FULL application should be refused on the following grounds:

1. The proposed development would constitute the erection of a new dwellinghouse in the countryside without appropriate agricultural support and therefore would not be in accordance with Policy G.5 of the Approved Joint Ayrshire Structure Plan.
2. The proposed development would constitute the erection of a new dwellinghouse in the countryside without appropriate agricultural support and therefore would not be in accordance with Policy RES 13 of the Approved East Ayrshire Local Plan.

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