

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 29 SEPTEMBER 2006**

**06/0657/FL: PROPOSED ERECTION PIGEON LOFTS, HUT AND FENCE IN  
RETROSPECT  
AT LAND AT HUGGINCRAIG ROAD, NEWMILNS  
BY ROBERT AND EDITH McCUBBIN**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The application relates to the erection of two pigeon lofts, a hut and a fence at land adjacent to Huggincraig Road in Newmilns. The larger pigeon loft has a footprint of 13.65 square metres and reaches a height of 3.0 metres. The smaller pigeon loft covers a footprint of 5.15 square metres and reaches a maximum height of 2.5 metres. The hut is similar in size to a standard garden shed. The 1.8 metre high timber panelled fence encloses the pigeon lofts and hut. The pigeon lofts, hut and fence are all finished in timber with felt roofing. The applicant has confirmed that two pigeon lofts of a similar size and scale were previously located on this site for a ten year time period, although these lofts were not in use between 2002 and 2005, therefore it is likely that the presence of these structures would be deemed established in planning terms.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 These are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from 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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 29 SEPTEMBER 2006

06/0657/FL: PROPOSED ERECTION OF PIGEON LOFTS, HUT AND FENCE  
IN RETROSPECT  
ON LAND AT HUGGINCRAIG ROAD, NEWMILNS  
BY ROBERT AND EDITH McCUBBIN

### 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that an objection has been submitted in respect of the application.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located outwith the settlement boundary of Newmilns, on open ground to the north of the dwellings located at Huggincraig Road. The application site, measuring approximately 104 square metres, is bounded to the north, west and east by open fields and to the south by Huggincraig Road. An existing timber garage is located immediately to the south east of the application site. The applicant erected two pigeon lofts, a hut and fence in March 2005 without applying for planning consent, consequently this application is retrospective. Access is taken to the site directly from Huggincraig Road.

2.2 **Proposed Development:** The application relates to the erection of two pigeon lofts, a hut and a fence at land adjacent to Huggincraig Road in Newmilns. The larger pigeon loft has a footprint of 13.65 square metres and reaches a height of 3.0 metres. The smaller pigeon loft covers a footprint of 5.15 square metres and reaches a maximum height of 2.5 metres. The hut is similar in size to a standard garden shed. The 1.8 metre high timber panelled fence encloses the pigeon lofts and hut. The pigeon lofts, hut and fence are all finished in timber with felt roofing. The applicant has confirmed that two pigeon lofts of a similar size and scale were previously located on this site for a ten year time period, although these lofts were not in use between 2002 and 2005, therefore it is likely that the presence of these structures would be deemed established in planning terms.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal.

***Noted***

3.2 East Ayrshire Councils Environmental Health Section have no adverse comments to offer on the proposal.

***Noted***

3.3 Newmilns and Greenholm Community Council have not commented on the application.

***Noted.***

### 4. REPRESENTATIONS

One letter of objection was received in connection with the proposal and is summarised below;

4.1 The pigeon lofts do not enhance the view from my property, instead of the field I now have to look at pigeon lofts.

***The loss of view is not a material planning consideration and it is noted that the pigeon lofts and hut are located on open ground on the opposite side of Hugginraig Road more than 25 metres distant from the objectors property.***

4.2 The location of the pigeon lofts and hut will devalue my property and will be the start of other building at this location.

***The value of properties is not a material planning consideration. The applicant has confirmed that the pigeon lofts are for personal use only. The current application seeks permission (in retrospect) for the erection of two pigeon lofts, a hut and fence and any other development proposal for the site would require to be the subject of further enquiry to the Planning Authority. A planning condition is proposed to prevent the structures being used for commercial/club purposes.***

4.3 I have pigeons kept by a neighbour to the rear of my property and also one to the front of my property, the applicant does not live in this area of Newmilns.

***The keeping of pigeons for private use within permitted structures is not a planning matter. Whilst it is recognised that the applicant does not live in immediate proximity to the application site, he does live in the town of Newmilns, within close distance to the application site. In addition, the applicant has provided information confirming that two pigeon lofts, of similar size and scale were previously established on this site for a period of ten years, although these lofts were not in use between 2002 and 2005.***

4.4 The objector considers the site to be an inappropriate location for such activities on the edge of Newmilns.

***The site is located on the edge of Newmilns, in an area, which was previously operated by a nearby local resident for a period of at least ten years. The site is separated from the objector's property by a public road and is screened by fencing. Therefore, given the extent of use of this site, the location is deemed to be acceptable.***

## **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 Policy G5 of the Structure Plan has regard to development in the Rural Protection Area and states that outside settlements, development proposals shall conform to the Structure Plan only where the development:

A has a demonstrated site specific locational need

***The applicant has justified this proposal at the specific site, by stating that the site has previously been used as a location for two pigeon lofts for a ten year period. In addition, the applicant's dwellinghouse is located nearby in Newmilns and the use of the site compliments the rural setting.***

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

***The proposal will not result in any social or economic benefit to the community.***

C contributes to rural land diversification; or

***Not applicable in this instance.***

D provides for the operational needs of agriculture and forestry

***The proposal does not relate to agriculture or forestry.***

### Adopted East Ayrshire Local Plan

5.3 Policy SD3 states the specific circumstances under which development in the Rural Protection Area will be acceptable. This policy directly relates to Policy G5 of the Ayrshire Structure Plan and is similar to that Policy where the only criteria which would be applicable to this application in terms of justification is criteria (ii) “can be fully justified in terms of site specific locational need”.

***As stated previously, the applicants justify the use of this site as it is located nearby to their dwellinghouse in Newmilns and the site was previously occupied by two pigeon lofts of a similar size and scale for a period of ten years.***

5.4 Policy ENV 13 seeks to protect the integrity of the Rural Area and to mitigate the effects of insensitive development.

***It is considered that the proposed pigeon loft buildings and hut have been sited at sufficient distance from adjacent dwellings and are screened from these dwellings by a 1.8 metre high timber fence to minimise any new visual impact. In addition the pigeon lofts are of a design, scale and material compatible with structures represented elsewhere in the rural area and thus accords with policy ENV13.***

5.5 In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

## Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

## Impact on the Amenity of the Area

6.4 It is considered that the proposed buildings are of appropriate materials, design and scale to minimise any visual intrusion in the area in which it is located. The pigeon lofts and hut are located on the opposite side of Huggincraig Road, well away from any adjoining dwellinghouses. The proposed pigeon loft use is not new to the site, there having been previous similar structures on the site.

## Planning History

6.5 There is no previous planning history at this site.

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

7.1 There are no financial or legal implications for the Council arising from this application.

## **8. CONCLUSIONS**

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 These are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

20 September 2006  
(JL/MMM)  
FV-DVM

#### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999)

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

***Implementation Officer: Dave Morris***



EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0657/FL

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Site of Proposal:	Land at Huggincraig Road NEWMILNS
Nature of Proposal:	Erection of Pigeon Lofts, Hut and Fence (in retrospect)
Name & Address of Applicant:	Robert and Edith McCubbin 72 Main Street NEWMILNS KA16 9DE
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

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DPOs Reference: JL/MMM

The above FULL application should be granted subject to the following conditions:-

1. The pigeon lofts and hut shall be used solely for the private use of the applicant and at no time for any commercial or club related purposes.

REASON In the interests of the amenity of the surrounding area.

**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.**