

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 30 MARCH 2007

**06/0499/FL: ERECTION OF DWELLINGHOUSE FOR FARM WORKER AT
ALTON BRIDGE A719 BY MR BARR**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This planning application proposes to provide a dwellinghouse for an agricultural worker for Crawlaw Farm, Galston. The applicant has submitted a labour requirement report prepared by SAC. The report indicates that the farm extends to 162 hectares. The farm currently has 117 dairy cows, 240 beef cattle under 2 years old and 20 beef cattle over 2 years old.

2.3 The report indicates that the total number of livestock and land would produce 14,281 labour hours per annum therefore producing a labour requirement of 6.49 labour units. It is intended that the proposed dwellinghouse would be occupied by either the farmer's son who works on the farm or a farm worker.

2.4 The proposed house is a single storey bungalow with chimney and detached double garage. The house would be finished in off white roughcast and natural slate. The proposal would be served by a septic tank.

2. RECOMMENDATION

2.1 It is recommended that the application for planning permission be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. However none are of sufficient weight as would merit the refusal of the application.

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 it will not require to be referred to the Development Services Committee, as there would be no 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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ALTON BRIDGE A719 BY MR BARR

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 as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is on land belonging to Crawlaw Farm located to the north of Galston, off the A719 road. The farm incorporates 162 hectares of agricultural land. The application site comprises an area of 0.15 hectares of poor quality agricultural land, adjacent to a section of the old A719 road. The site is bound to the west by a burn and agricultural lands and is enclosed to the east by a mounding of higher ground adjacent to the A719. A 1930s style residential property is located to the north of the application site.

2.2 **Proposed Development:** This planning application proposes to provide a dwellinghouse for an agricultural worker for Crawlaw Farm, Galston. The applicant has submitted a labour requirement report prepared by SAC. The report indicates that the farm extends to 162 hectares. The farm currently has 117 dairy cows, 240 beef cattle under 2 years old and 20 beef cattle over 2 years old.

2.3 The report indicates that the total number of livestock and land would produce 14,281 labour hours per annum therefore producing a labour requirement of 6.49 labour units. It is intended that the proposed dwellinghouse would be occupied by either the farmer's son who works on the farm or a farm worker.

2.4 The proposed house is a single storey bungalow with chimney and detached double garage. The house would be finished in off white roughcast and natural slate. The proposal would be served by a septic tank.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted .

3.2 Moscow and Waterside Community Council have objected to the proposal on the following grounds:

3.3 There seems to be no agricultural need for this development. The applicant owns other properties in close proximity to the proposed site which could be developed and used should such a need exist.

A report from the Agricultural College indicates that the farm is large enough to justify an additional dwellinghouse for a farm worker.

3.4 Any development in this area could cause severe water problems to the adjacent dwelling which currently suffers water shortages.

Any alterations to a private water supply are not a material planning consideration, however, they are a private legal matters between the parties concerned.

3.5 Sporadic development in the countryside is not in the long term best interest of rural areas.

It is considered that the location of the proposed development would not result in sporadic development in the countryside, as it relates well to the surrounding landscape.

3.6 Scottish Environment Protection Agency have no objection to the proposal provided a septic tank with appropriate soakaway is utilised.

Noted.

3.7 East Ayrshire Council Road's and Transportation Division have no objections to the proposal.

Noted.

3.8 East Ayrshire Council Roads and Transportation Division Flooding Section have indicated that it would not be appropriate to ask for a full flood risk assessment however consideration must be given to the potential for the site to flood during high river levels in the Alton Burn. Consideration should also be given to the potential blockage at the bridge and potential flow paths of flood waters which would eventually overtop the road and flow into the development site.

Conditions can be attached to any grant of planning permission in relation to the finished floor level of the house and the works required to the Alton Burn.

4. REPRESENTATIONS

4.1 The application was advertised in the Kilmarnock Standard. Two letters of objection, one from the Community Council detailed above, have been received in relation to this proposal. The other letter raises the following issues:

4.2 The water pressure to Altonlea is very poor and at times we have no water whatsoever. At times Scottish Water were required to provide a water bowser over the last three years.

The provision of a private water supply is not a material planning consideration.

4.3 The entrance does not meet the required sightlines as defined by East Ayrshire Council. The road is used every day by people who are exercising their horses. The road is used as a rat run by motorists to pass slow moving vehicles as they climb the hill on the main road.

The Roads Division have assessed the proposal and have no objection subject to the provision of a service layby.

4.4 The site lies close to a water course and there may be flooding issues.

The Council's Flooding team have assessed the proposal and have no objection subject to the attachment of appropriate conditions.

4.5 The application is clearly contrary to the adopted development plan.

As the proposal is a justified dwellinghouse in the Countryside the scheme accords with the relevant policies in the development plan; (see Section 5 of this report)

4.6 The site is clearly visible and in landscape terms is unacceptable.

The application site is located on a side road off the A719. The site sits in a hollow and is screened from the A719 by higher ground. The application site is immediately south of Altonlea, the existing house at this location. It is considered that the proposal would not be intrusive in the surrounding rural landscape.

4.7 The application states that this is vacant land. This is not true.

The application site is poor quality agricultural land.

4.8 The enclosed pictures show dumping of rubbish on the land and extraction of water from the burn that flows through the ground.

The dumping of rubbish on the site and the extraction of water are not material in the determination of this proposal. The dumping of rubbish on the site is being investigated by the Planning enforcement officers.

4.9 The application form states that there will be no change of use. The field is used for agricultural grazing.

The proposal will result in the alteration of the individual piece of land on the farm however the land and house will still be part of the farm and in agricultural use.

4.10 The site is green belt in characteristic and not brown field.

The application site incorporates poor quality agricultural land. East Ayrshire Council area does not have any designated green belt areas. The East Ayrshire Local Plan aims to protect the rural areas of the district through the restriction of unjustified development in the rural areas. The applicant has justified the need for this agricultural workers unit on the farm.

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:

- A) has a demonstrated site specific locational need;

The proposal has provided a specific locational need associated with Crawlaw Farm.

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

The proposal is a justified agricultural workers house, which will benefit the economy of the local community.

- C) contributes to rural land diversification :or

Not relevant to this proposal.

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

The proposal is a justified agricultural workers house .

East Ayrshire Local Plan (EALP)

5.3 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 farm. Therefore the provision of a farm worker's house separate from the existing farm house is acceptable.

5.4 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 been sufficiently justified, therefore the proposal has a site specific locational need.

5.5 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, thus justifying the erection of a dwellinghouse on the site to accommodate the worker concerned.

5.6 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 indicates that a dwellinghouse on adjacent land, which was inherited by the farm was removed from the farm business over twelve years ago and therefore cannot be taken as being part of the farm steading. The letter submitted by the applicant amends the SAC report submitted with the application.

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, the planning history, the letters of representation, the Finalised Ayrshire Joint Structure Plan and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses, with the exception of the Community Council, are detailed in the report and do not indicate that the application should be refused.

Representations

6.3 The concerns of the objectors have been addressed in the report and it is considered that they fail to raise any issues which would result in the refusal of the application.

Planning History

6.4 Planning Application 04/0344/OL for the erection of a dwellinghouse was withdrawn on 10 November 2005.

Finalised Ayrshire Joint Structure Plan

6.5 Policy COMM5 – 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.

6.6 Supporting information has been received from the applicant demonstrating that there is a justifiable need for a full-time farm worker on the unit, thus justifying the erection of a dwellinghouse on the site to accommodate the worker concerned and therefore it accords with Policy COMM5.

Amenity of the area

6.7 The aspect of the amenity of the area has been assessed and it is considered that as the proposal would result in a justified dwellinghouse in the Countryside, and that the proposal would have minimal impact on the amenity of the area.

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 considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. However none are of sufficient weight as would merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for planning permission be approved subject to the conditions 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 it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

22 March 2007
(CSI/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).
6. Letters of representation.
7. Planning Application 04/0344/OL.
8. Finalised Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer on 01563 578165.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0499/FL

Site of Proposal: ERECTION OF A NEW DWELLINGHOUSE

Nature of Proposal: ALTON BRIDGE A719
BY GALSTON
MOSCOW

Name & Address of Applicant: MR GAVIN BARR
CRAWLAW FARM
MOSCOW

Name & Address of Agent: GRANT MURRAY
30 BELL STREET
GLAGSOW
G1 1LG

DPOs Reference: CSI/RH

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

1. Prior to the occupation of the dwellinghouse hereby approved, a service lay-by, as shown on the approved drawings, shall be constructed and maintained on site.

REASON In the interest of road safety.

2. Prior to the commencement of development, details of the flood water flow path through the site and associated safeguarding finalised floor levels for the house, shall be submitted to and approved by the Planning Authority.

REASON In the interests of residential amenity.

3. Details of the foul drainage solution for the site shall be submitted to and agreed in writing by the Planning Authority, prior to any works commencing on site.

REASON To ensure a satisfactory drainage solution is achieved.

4. The approved drainage solution agreed under Condition 3 shall be implemented prior to the house hereby approved being occupied, thereafter the approved scheme shall be retained and maintained in accordance with the approved details.

REASON To ensure a satisfactory drainage solution is achieved.

5. The dwelling shall only be occupied by a person locally employed or locally last employed in agriculture or in forestry on the land to which the dwelling relates; or by a dependant of such a person residing with him or her (or a widow or widower of such a person).

REASON The proposed development constitutes the construction of a dwelling house in the countryside which would otherwise be refused.

6. Prior to any work commencing on site, details of the design and materials of the double garage shall be submitted to and agreed by the Planning Authority.

REASON To allow the Planning Authority to consider these matters in detail.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**