

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006**

**06/0461/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE  
AT KNOCKLAND HILL, KILMAURS  
BY ALEXANDER MORTON HOMES SCOTLAND LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicant seeks full planning permission for the erection of a three bedroom single storey detached dwellinghouse and detached double garage at Knockland Hill, Kilmaurs. The proposed dwellinghouse would be finished in painted wet dash render with a painted smooth cement basecourse and grey Marley Edgemere concrete roof tiles. The dwellinghouse would have private garden ground area in excess of 300 square metres.

1.2 This application for the erection of a dwellinghouse and double garage is a resubmitted application which represents a similar proposal to a previous application (05/0192/FL) which was withdrawn after discussions with this Division.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus the application should be refused.

## **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 the application will require to be referred to the Development Services Committee as this 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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06/0461/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE  
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BY ALEXANDER MORTON HOMES SCOTLAND LTD

### 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 contrary to the Development Plan and has been the subject of objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is a triangular area of level ground measuring 0.1 hectares and is located at Knockland Hill, close to the settlement boundary of Kilmaurs. The site is bounded to the east and south by agricultural land and to the west by the Irvine Road. Access to the site will be taken from Knockland Hill located immediately to the north of the development site. A sewerage pumping station, serving the Knockland Hill housing development is located on the northern boundary of the site.

2.2 **Proposed Development:** The applicant seeks full planning permission for the erection of a three bedroom single storey detached dwellinghouse and detached double garage at Knockland Hill, Kilmaurs. The proposed dwellinghouse would be finished in painted wet dash render with a painted smooth cement basecourse and grey Marley Edgemere concrete roof tiles. The dwellinghouse would have private garden ground area in excess of 300 square metres.

2.3 This application for the erection of a dwellinghouse and double garage is a resubmitted application which represents a similar proposal to a previous application (05/0192/FL) which was withdrawn after discussions with this Division.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scotland Gas Network have raised no concerns in relation to this proposal.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division have advised that the erection of a dwellinghouse cannot be permitted at this location as this would remove the road surface water drainage swale. The removal of the swale would prevent any SUDS treatment from being provided for the road surface water. Consequently the Council's Roads and Transportation Division consultation response recommends refusal of the application.

***Noted.***

3.3 Scottish Power have advised that they have no objection to the application.

***Noted.***

3.4 Kilmaurs Community Council have not responded in relation to the proposal.

***Noted.***

3.5 Scottish Water advise that they have no objection to the application.

***Noted.***

3.6 Scottish Environment Protection Agency have not responded in relation to this proposal.

***Noted.***

### 4. REPRESENTATIONS

The proposal was advertised in the Kilmarnock Standard as Development Contrary to the Development Plan and three letters of objection have been received in relation to the proposal. The points of objection are as listed below:

4.1 The plot concerned adjoins a neighbouring development constructed by the same builders. During the course of that development the builders removed a boundary hedge and filled in a drainage ditch on land outwith their ownership. As

a result of the blocking of the drainage ditch water now permeates through the soil into the plot on which construction is proposed.

***The issue of ownership of the hedge and ditch is not a material planning consideration. However, any issues relating to drainage within the site and site suitability would be a matter to be considered by the Council's Building Standards Division.***

4.2 There is insufficient sewerage capacity for another plot. Sewerage effluent from the existing development is being discharged into a nearby stream. An additional dwellinghouse will merely exacerbate the current problems.

***The applicant must make separate application to Scottish Water for permission to connect to the public wastewater system and water network. Scottish Water's consultation response to this application indicates that the sewer network assets have adequate capacity to accommodate the proposed development at this time.***

4.3 The proposed property may not be developed by the applicant and concerns are raised that a third party would not complete the building to the same quality or in sympathy with the surrounding dwellings and any development by a third party may take longer to complete.

***Should planning consent be granted for the proposal then all construction undertaken would require to comply with the terms and conditions of the planning consent regardless of the site developer. Any planning consent and associated conditions would ensure that the proposed development would be in keeping with and sympathetic to the surrounding area and surrounding dwellinghouses.***

4.4 The proposed development will substantially detract from the value of my property and will restrict my view to the open countryside.

***The value of houses and the right to a view are not material planning considerations.***

## **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 (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

## Ayrshire Joint Structure Plan

5.2 Policy G5 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;

***No supporting information has been provided to demonstrate that the proposal has a site specific need to be located outwith the settlement boundary.***

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

***The new house 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 rural land diversification.***

D provides for the operational needs of agriculture and forestry.

***The new house is not required for the operational needs of agriculture and forestry.***

***As it stands the application is contrary to the Structure Plan policy as the location of the proposed house in the Rural Protection Area has not been justified.***

## East Ayrshire Local Plan

5.3 Policy RES 13 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:

- (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 RES 8 above.

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 applicant has not submitted details of a site specific locational need to justify the location of the proposed house in the Rural Protection Area, although a letter in support of the proposal has been submitted (see para 6.4 of this report). Furthermore, the proposed dwellinghouse is not required for the operational needs of agriculture or forestry. The application is therefore considered to be contrary to policy RES 13 of the East Ayrshire Local Plan.***

5.4 Policy RES 17 states that residential development in the countryside will not be permitted in nine stated circumstances. Three of those circumstances are pertinent to the application, these being:

- (v) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries.

***It is considered that the proposed house would constitute an inappropriate extension of development into the countryside as the access road serving the existing development is seen as a strong defensible boundary which should not be breached.***

- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations.

***It is considered that approval of this application would lead to ribboning development along this public road in a rural location.***

- (ix) where the development would not meet the service requirements of the Council as a Roads Authority or the standards of all appropriate statutory undertakers and other service providers.

***The Council's Roads and Transportation Division has recommended refusal of this development because the erection of a dwellinghouse cannot be permitted at this location as this would remove the road surface water drainage swale. The removal of the***

***swale would prevent any SUDS treatment from being provided for the road surface water.***

***Consequently the proposed development fails to meet the above criteria and is therefore contrary to Policy RES 17 of the East Ayrshire Local Plan.***

5.5 Policy RES 22 of the East Ayrshire Local Plan indicates that minimum private open space as set out in Schedule 4 of the Local Plan should be adhered to.

***The proposed layout of the development would provide suitably designed private garden ground well in excess of the 100 sq metres required by Schedule 4 of the East Ayrshire Local Plan.***

5.6 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and policy documents relating to and advising on the particular type of development proposed. Developments which do not meet these required design standards detailed in these documents will require to be fully justified. In this instance the relevant design guidance is New Residential Development in the Countryside.

***The proposed house type complies with the requirements of the Council's Design Guidance document for new residential development in the countryside in terms of general building form and material finishes.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letters of objection, letter of support, the planning history and the Ayrshire Joint Structure Plan Finalised Version.

### Consultation Responses

6.2 The consultation responses are detailed in Section 3 of this report, the Council's Roads and Transportation Division recommends that the application be refused. The remaining consultees offered no objection to the proposed development.

### Letters of Objection

6.3 The submitted letters of objection have been assessed in Section 4 above. The letters raised issues relating to the drainage and sewerage capacity at the

site and that the quality of build of a new house would be sympathetic to surrounding dwellinghouses.

#### Letter of Support

6.4 The applicant has provided a letter of support which relates to the planning consent (04/1002/FL) granted on 14 December 2004 for the erection of three dwelling houses to the north of the current planning application site. The applicant maintains that the current application site is capable of accommodating an appropriately designed dwelling without in any way affecting the amenity of the neighbouring properties. The proposed dwellinghouse would be consistent in appearance and material finishes with the three dwellinghouses located to the north of the site. The applicant states that the "planning permission for this overall site did not require the subject area to be retained or utilised as amenity open space".

***Whilst it is acknowledged that planning consent (04/1002/FL) was granted for the erection of three dwellinghouses to the north of the current application site, in that particular instance the application site was effectively landlocked from the surrounding countryside by the access road to the Knockland Hill housing development. It is considered that the access road to the Knockland Hill housing development provides a strong defensible boundary which should not be breached. However, the location of the current planning application site on the southern side of the access road is considered to be an inappropriate extension of development into the countryside with no defensible boundary.***

***This current application site did not form part of the red line application site for the previous application 04/1002/FL; therefore no permission exists that would have changed the use of the site to residential or non agricultural purposes.***

#### Planning History

6.5 Planning application 04/0788/FL for the construction of four dwellinghouses was withdrawn on 12/10/2004 by the applicant after discussions with this Division.

6.6 Planning consent 04/1002/FL was granted on 14/12/2004 for the erection of three dwellinghouses to the north of this current application site.

6.7 Planning Application 05/1092/FL for the erection of a single dwellinghouse, on the same site as this current application was withdrawn on 03/02/2006 by the applicant after discussions with this Division.

## Ayrshire Joint Structure Plan – Finalised Version

6.8 Policy COMM 5 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.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

***The proposed house does not meet with any of the above circumstances and the application is therefore contrary to policy COMM 5 of the Finalised Ayrshire Structure Plan.***

## **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 indicated in the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated 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 the application will require to be referred to the Development Services Committee as this would be a significant breach of Council Policy.

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

26 July 2006  
(JL/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan.
7. Ayrshire Joint Structure Plan - Finalised Version.

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

06/0461/FL

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Site of Proposal: Knockland Hill  
Kilmaurs  
KA3 2LS

Nature of Proposal: Proposed Erection of Single Dwellinghouse

Name & Address of Applicant: Alexander Morton Homes Scotland Ltd.  
1 Gibbs Yard  
SAC  
Auchincruive  
AYR  
KA6 5HN

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DPOs Reference: JL/MMM

The above FULL planning application should be refused for the following reasons:-

1. The proposed development is contrary to the requirements of Policy G5 of the Approved Ayrshire Joint Structure Plan and Policy COMM 5 of the Finalised Ayrshire Structure Plan and hence the proposed house has not been fully justified as acceptable within the Rural Protection Area.
2. The proposed development is contrary to the requirements of Policy RES 13 of the Adopted East Ayrshire Local Plan as the proposed house has not been justified as being for a full time agricultural or forestry worker.
3. The proposed development is contrary to the requirements of Policy RES 17 of the Adopted East Ayrshire Local Plan in that it proposes a residential unit that would constitute an inappropriate extension and ribboning of development into the countryside.
4. The proposed development would be detrimental to road safety by reason that the removal of the swale would prevent any SUDS treatment being provided for the road surface water at this location.

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