

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 APRIL 2004**

**04/0175/FL: PROPOSED DWELLING, CLUBROOMS, GROOM  
ACCOMMODATION AND POLO CLUB AND STABLE ACCOMMODATION  
AT LAND AT MAGBIEHILL FARM, STEWARTON  
BY MS KARINA BOWLBY**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to construct a building that will comprise a dwellinghouse, with ancillary apartment for groom accommodation. The house is detached with seven apartments including 5 bedrooms and a clubroom and lounge/reception area. This unit is included on the applicant's submission to function as a polo club as well as living accommodation for her and the groom. Details also confirm that stables for 26 horses will be sited on the southern extremity of the site parallel to the tree belt. An external arena and polo playing area is indicated to the west of the stables. The proposed polo club building is situated to the north of these elements. A new vehicular access is detailed from the main road. External finishes to the dwelling/polo club are detailed as slate and painted render. The stables will be finished in blockwork and cladding.

1.2 This current application is an amended submission from that made earlier last year by the same applicant; EAC Ref: 03/0935/FL. The new application differs in that it confirms the use and function of the polo club building/dwellinghouse. Additionally the application boundary has been altered to achieve within its confines the sightlines required by the Council's Roads Division.

#### **2. RECOMMENDATION**

2.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters referred to in Sections 3.1 and 7.1 of the report.

### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is considered to be in accordance with the Development Plan. Accordingly the application should be approved unless material considerations indicate otherwise. The relevant material considerations are addressed in Section 6 of the report and are on balance considered to support the presumption in favour of the plan. Chief among these considerations are the benefits of diversification and potential economic activity the application will bring to the locality. Nevertheless, the residential element of the application should only be commenced following completion of the stables building and associated parking access; thus ensuring sufficient prior commitment to that part of the project which assists in justifying the residential use.

#### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application 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 it would not constitute 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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**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 application for planning permission which requires to be considered by the Local Planning Committee under the scheme of delegation because it is subject to an objection and is of local significance.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site in this case involves a field to the west of the Stewarton Dunlop road approximately 500m north of Stewarton. Currently the field is in agricultural use and is generally flat in the southern section but rising gently to the north towards the original Magbiehill Farm. To the south the site is bounded by an established belt of trees which screens the field from Stewarton.

2.2 **Proposed Development:** It is proposed to construct a building that will comprise a dwellinghouse, with ancillary apartment for groom accommodation. The house is detached with seven apartments including 5 bedrooms and a clubroom and lounge/reception area. This unit is included on the applicant's submission to function as a polo club as well as living accommodation for her and the groom. Details also confirm that stables for 26 horses will be sited on the southern extremity of the site parallel to the tree belt. An external arena and polo playing area is indicated to the west of the stables. The proposed polo club building is situated to the north of these elements. A new vehicular access is detailed from the main road. External finishes to the dwelling/polo club are detailed as slate and painted render. The stables will be finished in blockwork and cladding.

2.3 This current application is an amended submission from that made earlier last year by the same applicant; EAC Ref: 03/0935/FL. The new application differs in that it confirms the use and function of the polo club building/dwellinghouse. Additionally the application boundary has been altered

to achieve within its confines the sightlines required by the Council's Roads Division.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 The Council's Roads and Transportation Division has confirmed that they have no objections to the application provided their requirements are met. These extend to matters of sightline provision and the formation of elements of the access to an adoptable standard.

***The application site has been amended to secure the sightlines and these considerations can be secured by means of conditions and a legal agreement if the Committee is of a mind to approve the application.***

3.2 Scottish Power, Power Systems have advised that they have no objections to the application. They have advised that they have plant within the site that may require diversion or protection.

***This issue can be addressed by means of a note attached to a planning permission if the Committee is of a mind to approve the application.***

3.3 Scottish Environment Protection Agency has advised that they have no objection in principle to the application. They have confirmed their requirements which will require, by means of conditions or notes attached to any consent, addressing foul drainage from the house/polo club facility and the operation on a dry basis of the stables.

***Noted.***

3.4 Scottish Water has not confirmed any objection to the application. The specifics of how the facility will be served with a public water supply will require further consultation with the applicant. Additionally they advise that drainage from the development will require treatment by septic tank or other suitable system.

***Noted.***

3.5 West of Scotland Archaeology Service have confirmed that the proposal may result in disturbance that could reasonably unearth buried unrecorded remains. There should be an attempt made to investigate this possibility.

***It is considered prudent to attach a condition as recommended in Planning Advice Note 42 "Archaeology".***

3.6 East Ayrshire Council's Economic Development Division were requested to comment on the variety of information submitted to date in support of the proposals. This information (which was submitted in support of the initial application and prompted the formal amending of the proposal) was promoted as a "business plan" incorporated economic information, information on the level of interest generated in the wider area for the facility and the projected set up costs of the development.

***Given the unusual nature of the application, and the applicant's maintenance of her knowledge of the sport, that Division has acknowledged the potential positive benefits of the proposal to the area, but has acknowledged that overall the information was weak and did not in their view demonstrate sufficiently the viability of the entire enterprise.***

***This aspect has since been the subject of protracted discussions and it is considered on balance that the degree of commitment now demonstrated by the applicant, in terms of initial start-up costs for stabling access etc is sufficient to permit a favourable assessment of the proposal.***

#### **4. REPRESENTATIONS**

One letter of objection has been submitted in connection with this application; the grounds of objection are as follows:-

4.1 The proposal is contrary to the development plan and should be refused unless material considerations indicate otherwise.

***This aspect is addressed in Section 5 below.***

4.2 A polo club is of no benefit to the community.

***The demand for the facility has been investigated by the applicant and information has been submitted which seeks to demonstrate that these would indeed be benefit. A petition containing 254 signatures has been submitted by the appellant stating that they support the proposal and disagree with any suggestion that there would be no benefit to the local community.***

4.3 Any development on this rising ground will be conspicuous.

***It is acknowledged that this issue is of importance. The submitted details confirm an intention to utilize existing screening to the south of the site as a backdrop for the stables and it is considered that this***

**would be successful. The dwelling/polo club is more exposed but in terms of its design and relationship with the stabling and other elements of the application it is considered that it could be accommodated in visual impact terms. It would also be possible to seek landscaping to assist in reducing the impact of the physical works.**

4.4 The existing stretch of road abutting the site is heavily used and the new access would be limited in terms of visibility.

**This aspect has been assessed by the Councils Roads Division and found to be acceptable subject to securing certain matters by means of conditions and an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.**

In support of the application the applicant has submitted information of a financial and operational nature explaining the background to the application and anticipated economics of the operation. Additionally a comprehensive statement supporting the application against the terms of the National Guidance and Development Plan considerations has been put forward.

## **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).

5.2 In terms of the Structure Plan the application has been assessed against Policy G5 which confirms the criteria against which the application has to be assessed. These criteria relate to a number of considerations but specifically it is considered that the proposal complies with three of the criteria listed as follows:-

- i) The demonstration of a site specific need, in that the use of stables and polo club should quite properly be based outwith settlement boundaries.
- ii) The proposal can be justified in terms of social and economic benefit to the community.
- iii) The proposal contributes to rural diversification.

**The entire application has been assessed and the stable element and the use of an arena for the purposes of playing polo are considered to be acceptable against these criteria. The issue of the proposed polo**

***club/house raises different considerations which are assessed more appropriately against the provisions of the Local Plan..***

In terms of the Adopted Local Plan the application has been assessed against the following policies, SD4, IND10, RES 13 and 14.

5.3 IND 10 indicates when business development outwith settlement boundaries will be acceptable.

***It is considered that the facility of stables and polo arena meets the requirements of item iii) of this policy which confirms that businesses of a rural and leisure and recreational nature will be acceptable.***

5.4 Policy RES13 confirms which residential development in the Rural Protection Area will be supported. One circumstance is where a worker is employed by a rural enterprise and where the requirement for the worker to live on the site is essential.

***The submitted details confirm permanent accommodation for two workers albeit the groom accommodation is small scale. It is considered that the scale of the stabling and the enterprise as a whole is sufficient to support the accommodation proposed. On the basis of these details it is considered that construction on the dwelling/polo club building should not be commenced until the stables and associated parking/access have been completed.***

5.5 SD 4 confirms at a local level criteria similar to that of Policy G 5 of the Structure Plan where proposals relating to land within the Rural Protection Area will be acceptable to the Council.

***As detailed above it is considered that the proposal meets the majority of the listed criteria.***

5.6 RES 17 confirms nine criteria where residential accommodation in the countryside will not be permitted. It is considered that only criterion (viii) is of particular concern in this case; the polo club/house will be relatively prominent from east and west aspects. However it is not overly prominent in its context, is well designed and would have a backdrop or be screened in north and south aspects.

5.7 The application should be approved unless material considerations indicate otherwise. The application proposes an enterprise best located outwith the urban realm which requires on site staff accommodation.

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

6.1 The material considerations in this case are the consultation responses, letter of objection and supporting information.

6.2 In respect of the consultations, they are considered to support the application with no objection to the building works having been raised.

6.3 The terms of the objection have been considered and are addressed earlier in the report. It is not considered that there is sufficient weight to the matters raised to justify an unfavourable recommendation.

6.4 The submitted supporting information has been assessed and whilst it is accepted that the nature of the business does not submit readily to normal economic stringencies and assessment techniques there has been sufficient demonstration of the market for such a facility to warrant a favourable recommendation by this Division. Subject to the provision that the stables and associated parking and access are complete prior to the commencement of work on the dwelling/polo club building, it is considered that there is adequate justification for the residential accommodation element of the proposals.

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

7.1 As detailed above in paragraph 3.1 a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 will be required to appropriately secure the provision and maintenance of the necessary sightlines required by the Council's Roads and Transportation Division.

7.2 There are no financial implications for the Council in the determination of the application.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the application is considered to be in accordance with the Development Plan. Accordingly the application should be approved unless material considerations indicate otherwise. The relevant material considerations are addressed in Section 6 of the report and are on balance considered to support the presumption in favour of the plan. Chief among these considerations are the benefits of diversification and potential economic activity the application will bring to the locality. Nevertheless, the residential element of the application should only be commenced following completion of the stables building and associated parking and access; thus ensuring sufficient prior commitment to that part of the project which assists in justifying the residential use.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters referred to in Sections 3.1 and 7.1 of the report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application 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 it would not constitute a significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Property Services**

15 April 2004  
(IW/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form/Plans.
2. Statutory Notices/Certificate.
3. Consultations.
4. Letter of Objection and Petition in Support.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Previous Application 03/0935/FL.

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

***Implementation Officer: Dave Morris***

03/0953/FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0175/FL

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Site of Proposal:	Land at Magbiehill Farm STEWARTON
Nature of Proposal:	Proposed Dwelling, Clubrooms, Groom Accommodation and Polo Club and Stable Accommodation
Name & Address of Applicant:	Ms Karina Bowlby 26 Ewing Way STEWARTON KA3 5RA
Name & Address of Agent:	BSP Architects Ravenstone House 4 Ravenstone Drive Giffnock GLASGOW G46 6AL

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DPOs Reference: IW/MMM

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

1. The dwelling/polo club shall only be occupied by a person or persons employed full time in the stables and polo club facility hereby approved, or by a dependant of such a person residing with him or her.

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

2. Notwithstanding the plans hereby approved details/samples of all external finishing materials and road surfacing to be used shall be submitted to and approved by the Planning Authority before any development commences on the site, and thereafter implemented as approved.

REASON In the interests of visual amenity.

3. Details submitted in pursuance of condition 2 above shall provide for the use of natural slate roof to the dwelling/polo club, the use of a wet dashed render on its external walls and smooth cement bands to the wall openings.

REASON In the interests of visual amenity.

4. A high quality landscaping scheme including native species shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development. The scheme shall be designed so as to allow for the screening of the built elements of the proposal and shall be implemented as approved not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the means by which the landscaping is to be maintained thereafter.

REASON To ensure that adequate landscaping is provided within the site and that it is subsequently maintained, in the interests of residential and visual amenity.

5. There shall be no construction of buildings on site prior to SEPA confirming in writing that they have agreed the means of foul drainage for the house/polo club facility. The stables shall be operated on a dry basis in accordance with SEPA's guidance.

REASON To ensure that the proposal can be accommodated without adverse impacts on their existing drainage infrastructure and additional surcharging of the downstream Combined Sewer Overflow.

6. The proposed junction with A735 shall be formed so as to achieve the required visibility sightlines of  $x = 4.5$  and  $y = 160$  metres. Said junction will be formed as per the attached details, (A), to meet the requirements of the Council's Roads Division.

REASON In the interests of road safety.

7. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interests of public safety.

8. Notwithstanding the plans hereby approved should an LPG tank be proposed, the LPG Tank shall be sited in accordance with the approved plans and shall be screened in accordance with a planting scheme to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

9. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before development commences on the site. Fences and walls shall thereafter be constructed as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

10. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON In the interests of preserving and recording archaeological remains.

11. There shall be no commencement of the construction of the dwellinghouse/polo club until such time as the stables and associated car parking and access have been fully implemented on site in accordance with the approved details.

REASON The dwellinghouse is only permissible at this location where the other elements of the development have first been provided.

12. Notwithstanding the details on the plan hereby approved, prior to the commencement of works, details of the existing and proposed ground levels for the arena and finished floor levels for the dwellinghouse/polo club building shall be submitted to and approved by the Planning Authority and thereafter implemented in accordance with those details.

REASON In the interests of visual amenity.

#### Notes to Applicant

1. Prior to the commencement of development on the site, the applicant should satisfy herself as to the suitability of the site for construction purposes.
2. A copy of the consultation responses received from Scottish Power, Transco and The Coal Authority are attached. The developer is strongly advised to

note the location of all apparatus within the site and to make contact with each relevant body as soon as possible.

3. SEPA have advised that all drainage arrangements should be to their satisfaction and consideration given to the use of Sustainable Urban Drainage (SUDS) techniques for the disposal of surface water. SEPA have further advised that septic tank and soakaway systems will require to accord with current Code of Practice BS6297:1983. The developer is advised to contact SEPA at 2 Alloway Place, Ayr KA7 2AA – Tel No: 01292 294000, particularly with regard to confirming the drainage arrangements.
4. The applicant should make early contact with Scottish Water at 35 Glenburn Road, Prestwick KA9 2NS - Tel No: 0845 601 8855.

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