

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 APRIL 2005**

**04/1116/FL: PROPOSED ERECTION OF A DWELLINGHOUSE AND  
DEMOLITION OF EXISTING HOUSE  
AT BARMILL COTTAGE, MAXWOOD ROAD, GALSTON  
BY MR J FITZGERALD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The proposed development comprises the demolition of the existing single storey cottage and the erection of a replacement dwellinghouse. The replacement dwelling would be one and a half storey comprising off white wet dash render and a slate roof. The dwelling would also be repositioned within the plot.

**2. RECOMMENDATION**

**2.1 The application should be granted subject to the conditions indicated on the attached sheet.**

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

3.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the East Ayrshire Local Plan. The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to both policies.

3.3 The proposal does not entail the reconstruction of a house abandoned or demolished after any great passage of time. It was occupied until Summer 2004. The development is not seeking consent on the basis of some partial remnants of a past use, rather there is an actual residential use established within a building

that is clearly a dwelling and that could again be used as such without recourse to the Planning Authority. Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the continuation of that use in a form constructed to modern standards. Given the poor structural condition of the existing dwelling and the high quality of the proposals it is considered that an exception to policy can be justified and the proposal supported in this instance. The new dwelling is considered acceptable and beneficial to both the character and appearance of the area.

### **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.

**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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BY J FITZGERALD**

**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 recommended for approval as an exception to policy.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at Barrmill Cottage just outside the settlement boundary to the eastern edge of Galston. The site is surrounded by agricultural land to the south and east, the old Barrmill site to the north and the residential properties of Maxwood Road to the west.

2.2 **Proposed Development:** The proposed development comprises the demolition of the existing single storey cottage and the erection of a replacement dwellinghouse. The replacement dwelling would be one and a half storey comprising off white wet dash render and a slate roof. The dwelling would also be repositioned within the plot.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water and East Ayrshire Council's Roads and Transportation Division have been consulted and have offered no objection.

***Noted. There is an existing public water main and a public sewerage system available. There are no flooding issues.***

3.2 SEPA and Galston Community Council have not responded to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received with respect to the proposed development. However one letter of supporting information has been submitted on behalf of the applicant. It indicates the following:-

4.2 The property was purchased by Mr Fitzgerald on 02 August 2004. A valuation survey report indicated that the building is approximately 80 years old, of masonry construction with a hipped, slated roof and a flat roofed, timber framed extension. High moisture content readings to floors and lower walls were noted reflecting a lack of adequate maintenance. Mr Fitzgerald engaged the services of an architect to advise on the extent of remedial works and potential improvements and to seek the advice of East Ayrshire Planning Department to assess the potential for extension or re-building of the property.

***Noted.***

4.3 In summary, the applicants indicate that there have been several meetings between the architects, the applicant and officers of the Planning Division. At these it was confirmed that there was no policy approving construction of a new house replacing an existing house and consequently this proposal would be contrary to RES 13 of the Local Plan, being a new house inconsistent with the criteria in that policy.

4.4 The applicant refers to planning officers commenting that replacing a sub-standard house with one of a higher standard would not be a major problem. On receipt of further design proposals, officers offered a positive response suggesting that an approval as an exception to policy could be made.

***This interpretation of discussions is not fully accepted by officers; it being the case that the applicants were advised that given the circumstances, the Committee may approve the proposal as an exception to policy, albeit it was contrary to RES 13.***

4.5 As a result of sickness, holidays and absence a further officer, unaware of the previous supportive advice, was given the application to determine.

4.6 In January 2005 a more intensive, partially destructive survey was carried out.

***Noted.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

### Approved Ayrshire Joint Structure Plan

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas 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. However, a consultant's report has been submitted along with the application stating that it is not economically viable to repair the existing property on the site, the building being in a poor state of repair.***

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

***This new house in the rural area 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 applicant has not demonstrated that the new house is required for the operational needs of agriculture or forestry.***

## East Ayrshire Local Plan

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.

***None of these circumstances are applicable to the application as submitted.***

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.

***As stated in relation to Structure Plan policy G5 above, no site specific locational need for the development has been demonstrated by the developer.***

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.

***As stated under policy G5 of the AJSP, the applicant has submitted a house condition statement supporting demolition of the property and its replacement with a new building of higher quality and higher standards of design.***

5.5 The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to Policy G5 of the approved Structure Plan and Policy RES13 of the East Ayrshire Local Plan and is therefore considered inconsistent with planning policy.

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

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations, the impact of the proposal on

the amenity of the area and immediate neighbours and the long established residential use still extant on site.

### Consultations

6.2 The consultation responses have offered no objections to the above proposed development.

### Representations

6.3 No letters of objection have been received in respect of this application. One letter of supporting information has been submitted by the applicant and is summarised in Section 4 of this report.

### Impact on the Amenity of Neighbours

6.4 The application will have no significant impact on the amenity of neighbouring properties.

### Extent Residential Use

6.5 The existing house has been occupied and in use for residential purposes up until July 2004. Consequently it has an extant residential use and could again be re-occupied for that purpose at the current time.

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

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

8.2 It is considered that the proposed development does not meet the requirements of Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the East Ayrshire Local Plan. The principle of demolishing an existing dwelling house in this rural location and replacing it with a new house is contrary to both policies.

8.3 The proposal does not entail the reconstruction of a house abandoned or demolished after any great passage of time. It was occupied until Summer 2004. The development is not seeking consent on the basis of some partial remnants of a past use, rather there is an actual residential use established within a building that is clearly a dwelling and that could again be used as such without recourse to the Planning Authority. Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the continuation of that use in a form constructed to modern standards. Given the poor structural condition of the existing dwelling and the high quality of the proposals it is considered that an exception to policy can be justified and the proposal supported in this instance. The new dwelling is considered acceptable and beneficial to both the character and appearance of the area.

## **9. RECOMMENDATION**

**9.1 The application should be granted 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 it would not be a significant departure from policy.

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

6 April 2005  
(EMcL/BD/MMM)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576787.

***Implementation Officer: Dave Morris***  
041116FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1116/FL

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Site of Proposal: Barrmill Cottage  
Maxwood Road  
GALSTON KA4 8LU

Nature of Proposal: Proposed Erection of a Dwellinghouse and  
Demolition of Existing House

Name & Address of Applicant: Mr J Fitzgerald  
Barrmill Cottage  
Maxwood Road  
GALSTON KA4 8LU

Name & Address of Agent: IIXII Architects  
107 Busby Road  
Clarkston  
GLASGOW G76 8BD

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DPOs Reference: EMcL/MMM

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

1. Prior to the commencement of development, the applicant shall submit to and have received approval for, details of the proposed roof finishing material which shall thereafter be implemented on site as approved.

REASON In the interests of visual amenity.

2. Prior to the commencement of development, details of all proposed new fencing and of the finish to the access drive shall be submitted to and approved by the Planning Authority and thereafter implemented as approved.

REASON In the interests of visual amenity and road safety.

3. The finished materials to the proposed house shall, with the exception of the roof finish considered further to Condition 1 above, be as indicated on Drawing No. 02/04/04.

REASON In the interests of visual amenity.

4. No demolition or construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours Monday to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

NOTE TO APPLICANT:-

1. A totally separate drainage of foul and surface water will be required.
2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the construction purposes.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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