

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 APRIL 2006

**05/0040/FL: CONVERSION OF FORMER DAIRY BUILDING INTO A
DWELLINGHOUSE
AT ROWALLAN HOME FARM FENWICK
BY MRS WILLOX**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is retrospective, as the building has already been converted without the benefit of planning permission. The conversion involved the internal fitting out of the existing building including the installation of windows and a door. The proposal provides a bedroom, kitchen, bathroom and lounge. The application site does not include the access road.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons given on the attached sheet and that enforcement action be commenced regarding the unauthorised conversion of the dairy building into a dwellinghouse.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered not to be in accordance with the terms of the Development Plan.

3.2 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 not require to be referred to the Development Services Committee as this would not be a significant departure from 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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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it has been the subject of a letter of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a redundant single storey farm building located on the southern side of the former farm steading of Rowallan Home Farm. The site area is approximately 0.06 hectares while the building is 11.5m by 7m in floor area with a ridge height of 3m. The redundant dairy is bounded to the north by the residential unit of Rowallan Home Farm, which makes up the remainder of the farm steading. The farm steading is bounded by agricultural fields which are not in the ownership of the applicant. The site is served by an access track from the public highway approximately 730 metres away.

2.2 **Proposed Development:** The application is retrospective, as the building has already been converted without the benefit of planning permission. The conversion involved the internal fitting out of the existing building including the installation of windows and a door. The proposal provides a bedroom, kitchen, bathroom and lounge. The application site does not include the access road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal provided conditions are attached to any grant of planning permission addressing the roads concerns. They indicate that as the access driveway will serve more than five units the access road will require to be upgraded to adoptable standards, providing appropriate sightlines (x = 2.5 m, y = 90 m) at the junction of the access drive and the public highway, the formation of intervisible passing places, a new turning head being provided at the

end of the access road and the upgrading of the road along its length including the bridge over Balgray Mill Burn.

As the planning application red line site does not extend to the access driveway it would not be possible to attach any planning conditions requiring its upgrade to any grant of planning consent. Therefore the Roads' comments should be taken as an objection to the application.

3.3 Stewarton and District Community Council have not responded on this application.

Noted.

3.4 Scottish Environment Protection Agency (SEPA) do not object to the proposal provided the drainage arrangements are to SEPA's specification ie via a Septic tank and the provision of a sub soil soakaway system.

A condition can be attached to any grant of planning consent.

4. REPRESENTATIONS

4.1 One letter of objection has been received in relation to this proposal it requests the following road improvements be either conditioned or the subject of a Legal Agreement ,

- (i) The road formed to an adoptable standard at a minimum of 3.5m wide;
- (ii) Intervisible passing paces of not more than 150m apart of 2.2m wide;
- (iii) The road bridge to have a minimum loading of 30 units of HB;
- (iv) Acceptable sightlines at the junction of the existing private road with the public road at Tannacrieff Farm;
- (v) Acceptable sightlines at the junction with the B751.

As indicated above the Roads Division have raised these matters in their consultation reply. However, as the access road is not included within the application site, no conditions or legal agreement can be attached to any grant of planning consent addressing these matters.

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 G1 of the Structure Plan indicates that only development which accords with Local Plan Policies are acceptable outwith settlement boundaries.

The proposed development fails to accord with Policy RES 7 of the Adopted East Ayrshire Local Plan therefore the proposal fails to accord with the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.3 Policy RES7 of the East Ayrshire Local Plan encourages the rehabilitation or conversion of existing, and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows;

(i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;

No structural information has been provided to support the application.

(ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the complete conversion/rehabilitation shall be formed from the external walls of the original building;

The proposed development accords with the requirements of Policy RES 7(ii).

(iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

The Roads Division have requested alterations to the access road, public road and sightlines, which the applicant cannot achieve. Therefore, it is considered that they object to the proposal and the proposal is contrary to this criteria.

(iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;

The proposal is in keeping with the character and appearance of the area in which it is located.

(v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and

The design of the proposal is in accordance with the Council's Design Guidance.

(vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

The proposal meets the above criterion.

5.4 Policy RES 22 of the East Ayrshire Local Plan requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

There is an adequate amount of private open space attached to the proposed property.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letter of objection and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed above, and of these, the Roads Division's requirements are not supportive of the application as it stands.

Letter of Objection

6.3 The submitted letter of objection has been assessed in Section 4. It is considered that the letter of objection does raise issues similar to the concerns of the Roads Division, which would merit refusal of the application.

Planning History

6.4 Following contact from the Planning enforcement team regarding the unauthorised conversion of the building, a planning application (02/0741/FL) was

submitted on 12 September 2002 for the conversion of the building. Said application was then subsequently withdrawn by the applicant on 30 March 2004.

Impact on Amenity

6.5 It is considered that the proposed conversion of the byre into a dwellinghouse will have a detrimental impact on the residential amenity of the area as the access road does not provide a safe access from the site to the public highway given the number of properties now served by the road.

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 in the report the application is considered not to be in accordance with the terms of the Development Plan.

8.2 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 given on the attached sheet and that enforcement action be commenced regarding the unauthorised conversion of the dairy building into a dwellinghouse.

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 not require to be referred to the Development Services Committee as this would not be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

05 April 2006
(CSI/MMM/SA)
FV-KD

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576779.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0040/FL

Site of Proposal: Rowallan Home Farm
Fenwick
KILMARNOCK
KA3 2LN

Nature of Proposal: Proposed Conversion of Former Dairy Building
into a Habitable Dwelling

Name & Address of Applicant: Mrs S Wilcox
Rowallan Home Farm
Fenwick
KILMARNOCK
KA3 2LN

Name & Address of Agent: Victor a N Swindall
ADM Architecture & Design Ltd
Craighead
Dunlop
KILMARNOCK
KA3 4DT

DPOs Reference: CSI/MMM

The above FULL application should be refused on the following grounds:-

1. As the proposal does not provide adequate and safe access from the public road to the application site the proposal is considered to be an unacceptable development in the Countryside and therefore fails to accord with Policy RES7 of the East Ayrshire Local Plan and Policy G1 of the Ayrshire Joint Structure Plan.
2. As no information has been provided as to the structural condition of the building and its suitability for conversion, the proposal is considered to be an unacceptable development in the Countryside and therefore fails to accord with

Policy RES7 of the East Ayrshire Local Plan and Policy G1 of the Ayrshire Joint Structure Plan.

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