

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 06 AUGUST 2004**

**04/0102/FL: RETROSPECTIVE CHANGE OF USE OF STABLE BLOCK TO  
RESIDENTIAL USE OF STABLES  
AT MAUNSHEUGH ROAD, FENWICK  
BY MR J HARRIS**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Retrospective planning permission is sought for the use of the property as residential as a 'granny annex' attached to the larger house.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 above the application neither accords with nor is it contrary to the Development Plan. The material considerations have been assessed as detailed above. The proposal to utilise the building for ancillary accommodation to complement the existing house is such that in terms of the impact on the area and immediate neighbouring properties there is no compelling reason to warrant the refusal of the use.

3.2 The design of the building is not particularly sympathetic to the area. However as it represents an adaptation of an established building, it is considered that the proposal in terms of its impact on the physical environment is also acceptable.

**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 Division the application 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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### Report by Head of Planning, Development and Building Standards

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present a full application for planning permission which is required to be considered by the Local Planning Committee as it is subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site involves an existing building in part of the garden ground attached to a larger house at Maunsheugh Road Fenwick. Currently the site is occupied by an extended stable building of mixed timber panels and concrete construction with garden ground attached to the east. The stable building was on the applicant's submission originally constructed in 1975. To the west the site is bounded by a field.

2.2 **Proposed Development:** Retrospective planning permission is sought for the use of the property as residential as a 'granny annex' attached to the larger house.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have advised that on the basis of the submission and the understanding that the premises is used as an annex to the existing house, the passing place/widening detail submitted by the applicant agent will be sufficient for their purposes.

***Noted. This matter can be addressed by means of a condition if the Committee are of a mind to approve the application.***

3.2 Scottish Water have advised that there is a public water main and sewerage system available for connection for the proposal, but that separate

application must be made to their office for connection. They have also confirmed that permission for the necessary connection may not be issued, and separate formal application to their office will be required.

***Noted.***

3.3 The Coal Authority have advised that they do not anticipate any ground stability issues to impact on the ability of the proposal to be implemented.

***Noted.***

3.4 Scottish Environment Protection Agency have advised that they have no objections to the proposal

***Noted.***

3.5 Transco have advised that they have plant and apparatus in the vicinity of the application site and that the developer should contact their office to determine whether any diversion works are required.

***Noted.***

3.6 The Council's Community Services Department has confirmed that they have no objection to the proposal but note that the existing building is within falling distance of a Scots Pine.

***Noted. This is an existing building, there is no objection from the Department and the applicants will be fully aware of the presence of the tree.***

***Noted.***

3.7 Fenwick Community Council have objected to the application on the following grounds.;

The proposal to form a new house is contrary to the development plan and in this situation neither the design nor location is appropriate. This application if approved will lead to a precedent for similar such proposals in the village to its detriment.

***Noted. These aspects have been explored with applicant who has confirmed that the proposal is for the creation of accommodation ancillary to the main house. It will be utilised by guests and relatives. It has to be borne in mind that the building is currently onsite has been adapted as per the plans and indeed is currently used on the basis described.***

***The circumstances of the use of the building have been discussed with representative of the Community Council. The issue of potential for precedent is noted. However the merits of this case are such that the existing house sits within its own extensive grounds. The building that is the subject of the application is also long established. The use of the building is apparently ongoing with (due to the lack of third party objections) no perceptible detriment to the amenity of the area or neighbouring properties.***

#### **4. REPRESENTATIONS**

4.1 Apart from the comments from the Community Council no third party objections have been submitted in respect of the application.

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

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires 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 2003

5.2 Given the scale of the application it is appropriate to consider the application primarily against the terms of the Local Plan. However given the specific nature of the application as detailed in submissions by the applicants agent it is considered that there is no policy specifically relevant within the plan.

5.3 The application is therefore neither in accordance with nor contrary to the terms of the Development plan. In such instances more regard must be had to the material considerations.

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

6.1 The principle material considerations in this case are the consultation responses and the impact on the amenity of the area

6.2 The consultations are, with exception of the Community Council generally supportive of the application as detailed in section 3 above.

6.3 In terms of the impact on the amenity of the area it is considered that the proposal raises no significant issues. The building is already on site and has been altered and adapted over a considerable period. The physical impact is

therefore established and whilst it is not in itself an overly sympathetic building it cannot now be considered in itself to have a detrimental impact on the amenity of the area and refused on that basis. The issue of use is therefore the main concern. As the proposal now represents a rationalization of an established residential use on site it is considered appropriate that the application be supported. It is considered prudent to attach conditions ensuring the use of the building remains as detailed in the submissions from the applicant, ie incidental to the residential use of the main house.

## **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 Section 5 above the application neither accords with nor is it contrary to the Development Plan. The material considerations have been assessed as detailed above. The proposal to utilise the building for ancillary accommodation to complement the existing house is such that in terms of the impact on the area and immediate neighbouring properties there is no compelling reason to warrant the refusal of the use.

8.2 The design of the building is not particularly sympathetic to the area. However as it represents an adaptation of an established building, it is considered that the proposal in terms of its impact on the physical environment is also acceptable.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application 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 Division the application 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**

28 July 2004  
(IW/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application forms /Plans
2. Statutory certificates forms
3. Consultations
4. Approved Ayrshire joint Structure Plan
5. Adopted East Ayrshire Local Plan

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

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0102/FL

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Site of Proposal: The Stables  
Maunsheugh Road  
FENWICK

Nature of Proposal: Proposed Retrospective Change of Use of  
Stable Block to Residential

Name & Address of Applicant: Mr John Harris  
The Stables  
Maunsheugh Road  
FENWICK  
Kilmarnock KA3 6AN

Name & Address of Agent: Keppie Planning Ltd  
160 West Regent Street  
GLASGOW G2 4RL

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DPOs Reference: IW/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 02 February 2004 and the amended plans received by the Planning Authority on 15 July 2004.

REASON To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the details of the plans hereby approved permission is granted solely for the use of the building for purposes ancillary to the residential enjoyment of the existing house at 'Viewfield', 7 Maunsheugh Road, Fenwick, and not as a separate dwellinghouse.

REASON In the interests of residential amenity

3. Within two months from the date of this consent the passing place as detailed in the attached plan "A" shall be completed to the satisfaction of the Planning Authority. Said works shall be finished to a standard capable of being adopted by the Council as Roads Authority and in that regard the applicant shall contact the Council's Roads and Transportation Division.

REASON In the interests of road/pedestrian safety.

NOTES TO APPLICANT:-

1. A copy of the consultation response received from Transco is attached. The developer is strongly advised to note same and take any appropriate recommended action.
2. The applicant should make early contact with Scottish Water, 35 Glenburn Road, Prestwick KA9 2NS – Tel: 0845 601 8855.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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VIEWING PLEASE CONTACT (01563) 576790.**