

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
17 FEBRUARY 2006**

**05/0887/FL: PROPOSED ERECTION OF STABLE BLOCK
AT LAND ASSOCIATED WITH 1 EAST HEADS STEADING, NEWMILNS
BY MR & MRS HIBBERT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal consists of the erection of a stable block accommodating four stables, one tack room and one corner storage room. The applicants have confirmed that the building will not be used for commercial purposes. The proposed building covers a footprint area of some 1268 sq metres and is 3 metres in height to the apex of the roof of the building. The building is finished in timber with black roof sheeting. Access to the site is via an existing trackway, which requires widening at the bell mouth and relocation of gates to comply with the standards of the Council's Roads and Transportation Division.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants and the adjoining landowners in respect of the matters detailed in paragraph 7.1 of the report.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 These are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions and the applicants acceptance of a legal agreement as detailed in Section 7 above.

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, on the basis of the principle of residential development on the site, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from 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.

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
17 FEBRUARY 2006**

**05/0887/FL: PROPOSED ERECTION OF STABLE BLOCK
ON LAND ASSOCIATED WITH 1 EAST HEADS STEADING, NEWMILNS
BY MR & MRS HIBBERT**

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, due to the fact that an objection has been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on open ground to the north of the dwellings at East Heads, outwith the settlement boundary of Newmilns. The site is approximately 5 acres in area, is currently open rural ground with an existing field shelter located on the site and rises from the road to the site in a fairly steep south to north gradient.

2.2 **Proposed Development:** The proposal consists of the erection of a stable block accommodating four stables, one tack room and one corner storage room. The applicants have confirmed that the building will not be used for commercial purposes. The proposed building covers a footprint area of some 1268 sq metres and is 3 metres in height to the apex of the roof of the building. The building is finished in timber with black roof sheeting. Access to the site is via an existing trackway, which requires widening at the bell mouth and relocation of gates to comply with the standards of the Council's Roads and Transportation Division.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the access surface material, visibility sightline splays, surface water, internal car turning area and relocation of access gates.

Should the Committee be minded to approve the proposal conditions can be attached relating to the majority of these matters and a Legal Agreement can be concluded to ensure the sightline requirements.

3.2 Scotland Power have raised no objections to the proposed development

Noted.

3.3 Scottish Water have raised no objections to the application.

Noted.

3.4 Scottish Environment Protection Agency (SEPA) have not commented on the application.

The standard conditions of SEPA in respect of stables will be applied to any grant of planning consent, pertaining to storage of manure in field heaps, surface water runoff and runoff from contaminated yards, manure heaps and stabling.

3.5 Newmilns and Greenholm Community Council have not responded to the proposal.

Noted.

4. REPRESENTATIONS

Two letters of objection have been received from the same parties, in relation to the proposal as summarised below;

4.1 The water source for Brownhill Farm is from a private well some 20 metres deep and concern is raised that concentrated effluent from the proposed stables may seep into the water table and affect the domestic water supply of the property.

The matter of potential contamination of the private water supply from effluent waste is primarily a private legal matter between the parties concerned, however the applicants have responded by stating that the stable block is downhill from the objector's private water supply which is located to the rear of the Brownhill Farm, therefore it is unlikely that any run-off, effluent or waste from the proposed development site will affect the neighbouring properties' private water supply. Furthermore the proposed concrete base stable block is unlikely to result in any run-off or release of waste that could potentially contaminate or affect the private water supply for Brownhill Farm.

4.2 There is a limited private water supply in this area and the occupiers of Brownhill Farm are very concerned that this proposal will result in a further drain on precious local water sources.

Effect on the private water supply of Brownhill Farm is a private legal matter between the parties concerned, however the applicants have confirmed that they have contacted Scottish Water to connect to the public water supply located on the public road at East Heads Steadings.

4.3 The proposed stable block is unsightly and will block the view from the property at Brownhill Farm and will be in view of the existing houses at Eastheads.

Loss of view is not a material planning consideration and it is noted that the stable block is located some 300m south-west of the gable of Brownhill Farm, therefore it is considered that there is adequate separation distance between the proposed stable block and existing property at Brownhill Farm.

The stable block is sited adjacent to the existing field shelter and has been reduced in scale to minimise any visual impact. It is considered that the timber construction, design and scale of the stable block is a typical representation of such structures located throughout the countryside and therefore it is considered that any visual impact will be minimised.

4.4 Should the stables be lit, the light pollution would be unacceptable to the owners of Brownhill Farm.

The applicants have confirmed that internal stable lights are proposed with ancillary external down lighters set into the eaves of the roof to overhang the outside of the stables and no external lighting is proposed on the rear elevation of the building which faces Brownhill Farm. As previously stated, the stable block is located some 300 metres from Brownhill Farm and the properties at Eastheads Steading, therefore it is considered that no adverse impact to the amenity of occupiers of Brownhill Farm or surrounding properties is imposed by the form of illumination proposed. A planning condition is proposed, in order to control the lighting on the stables.

4.5 Concern is raised that consent for stables will later result in an application for a house on the site on the justification that the stables form part of a business.

The applicants have confirmed that the stable block is for personal use only. The current application seeks permission to erect a stable block and any proposal for a dwellinghouse on the site would require to be the subject of a further planning application. A planning condition is proposed to restrict the use of the stables to private residential usage associated with the applicants nearby house and not for commercial purposes.

4.6 There has been substantial over-development in the Eastheads area in the last two years where designated holiday homes are being lived in on a permanent basis in contravention of regulations and outdoor horse schools being formed in the area for which the objector believes no permission has been sought or granted. It is anticipated that there would be more requests for an outdoor school on the proposed new stables site and this would make four all in very close proximity.

The above matters of potential breaches of planning legislation have been brought to the attention of the Council's enforcement officer to investigate and are on land outwith the control of the applicant. Any outdoor riding arena would require to be the subject of a further planning application.

4.7 The number of heavy vehicles is increasing all the time on a narrow single track road and this proposed development will only add more traffic to a road that is at capacity.

As detailed in section 3.1 the Council's Roads and Transportation Division have no objections subject to the imposition of conditions and legal agreements being attached to any grant of planning consent.

4.8 There is no mention in the plans of the position of the midden, any arrangements for drain-off effluent and disposal of the contents of the midden.

A condition can be attached to any grant of planning consent to ensure that the storage of manure meets the requirements of SEPA.

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).

Ayrshire Joint Structure Plan

5.2 Policy G5 of the Structure Plan has regard to development in the Rural Protection Area and states that outside settlements, development proposals shall conform to the Structure Plan only where the development:

A has a demonstrated site specific locational need

A rural location is acceptable in principle for stables. The applicant has justified this proposal at the specific site, by stating that the building will be located adjacent to an existing field shelter, the site is in close proximity to the applicants dwellinghouse and the surrounding land at East Heads Steading is used for similar equestrian uses.

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

The proposal will not result in any social or economic benefit to the community.

C contributes to rural land diversification; or

Not applicable in this instance.

D provides for the operational needs of agriculture and forestry

The proposal does not relate to agriculture or forestry.

Adopted East Ayrshire Local Plan

5.3 Policy SD3 states the specific circumstances under which development in the Rural Protection Area will be acceptable. This policy directly relates to Policy G5 of the Ayrshire Structure Plan and is similar to that Policy where the only criteria which would be applicable to this application in terms of justification is criteria (ii) "can be fully justified in terms of site specific locational need".

As stated previously, the applicants justify the use of this site on the basis of it being located adjacent to an existing field shelter, the site is in close proximity to their dwellinghouse and the surrounding land at East Heads Steading is used for similar equestrian uses.

5.4 Policy ENV 13 seeks to protect the integrity of the Rural Area and to mitigate the effects of insensitive development.

It is considered that the proposed stable building has been sited adjacent to the existing field shelter to minimise any new visual

impact and is of a design, scale and material compatible with typical stable structures represented elsewhere in the rural area and thus accords with ENV13.

In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposed building is of appropriate materials, design and scale to minimise any visual intrusion in the rural area in which it is located. It is located adjacent to an existing field shelter, well away from any adjoining dwellinghouse. The proposed domestic stabling use is considered appropriate for the rural location of the site, given the proximity of the applicants dwellinghouse.

Planning History

6.5 Planning permission (02/0511/FL) was approved on 19 August 2002 for a wooden field shelter on the site which has been implemented. This shelter was conditioned not to be used for commercial purposes and only for the domestic use of the owner.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 As detailed in section 3.1 the applicants require to provide sightline visibility splays on land outwith their control, thus it would be necessary for the applicant's, the adjoining landowners and the Council to enter into a legal agreement under Section 75 of the Town & Country Planning (Scotland) Act 1997 committing themselves to providing and maintaining the sightline visibility splays.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 These are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions and the applicants acceptance of a legal agreement as detailed in Section 7 above.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants and the adjoining landowners in respect of the matters detailed in paragraph 7.1 of the report.

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, on the basis of the principle of residential development on the site, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

09 February 2006
GC/RH

FV/DVM
050887FLEastHeadsSteading1NewmilnsRH

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Permission 02/0511/FL

Implementation Officer: Dave Morris

**Anyone wishing to inspect the above papers please contact Gillian Craig,
Senior Planning Officer on 01563 576769.**

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0887/FL

Site of Proposal: Land Associated with 1 East Heads Steading,
Newmilns, KA16 9LG

Nature of Proposal: Proposed Erection of Stable Block

Name & Address of Applicant: Mr & Mrs Hibbert
226 West George Street
Glasgow
G2 2LN

Name & Address of Agent: James Barr Limited
226 West George St,
Glasgow
G2 2LN

DPOs Reference: GC/RH

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

1. The stables shall be used for purposes incidental to the occupant's enjoyment of the residential property at 1 East Heads Steading and shall not be used for commercial purposes.

REASON In the interest of residential amenity.

2. All runoff from contaminated yards, manure heaps and stable washing must be contained and disposed of in such a manner that water pollution will not occur, as detailed in the "Code of Practice – Prevention of Environmental Pollution from Agricultural Activity".

REASON To comply with the requirements of SEPA.

3. If manure is to be stored in field heaps, these should not be located near field drains, within 10 metres of a watercourse or 50 metres of a spring, well or borehole".

REASON To comply with the requirements of SEPA.

4. Notwithstanding the plans hereby approved details of the method of disposing of uncontaminated surface water, including roof water shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved prior to the stables coming into use.

REASON To ensure appropriate drainage of surface water from the site.

5. No surface water shall issue from the site onto the public road and the first 5 metres of the access shall be bituminously surfaced from the edge of the road to avoid loose material being deposited onto the public road, prior to the stables coming into use.

REASON To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

6. Notwithstanding the plans hereby approved any gates must be set back a minimum distance of 15 metres from the rear of the public carriageway edge, prior to the stables coming into use and retained in position.

REASON In the interest of road safety.

7. Details of the internal car turning and parking area shall be submitted to and agreed in writing by the Planning Authority, prior to any work commencing on site. The approved scheme shall be formed prior to the stables coming into use, and thereafter be retained and maintained in accordance with the approved details.

REASON To allow vehicles to enter and leave the site in forward gear in the interest of road safety.

8. Notwithstanding the plans hereby approved details of the external lighting arrangements shall be submitted to and approved in writing by the Planning Authority. Thereafter, the external lighting shall be implemented and retained in accordance with the approved details.

REASON To ensure the external lighting is appropriate for the rural setting of the stables.

NOTES TO APPLICANT

1 The developer shall make early contact with Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2 The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**