

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 FEBRUARY 2005

**04/1097/FL PROPOSED REPLACEMENT STABLEBLOCK 300SQM
AT EAST BLACKBYRES FARM WATERSIDE KILMARNOCK
BY MR ALAN CAREY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The planning application proposes to erect a single storey L shaped stable block to replace the existing stable block on site. The proposal will be approximately 300sqm in floor area and will provide 7 stalls for horses with associated tack room, preparation room and toilet. The application proposes to finish the building in a smooth render with a second hand slate roof covering. The applicant indicates that they are the owners of 20 acres of land predominantly to the south east of the property. The applicant has indicated that the proposal is for his own private use and therefore is not a commercial stable. No works are proposed to the access road as part of this proposal.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application. The Roads and Transportation Division would be concerned about access to the site only in the event of the stables being used for commercial purposes.

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 it 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 for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a property located on the higher ground approximately 1.2 kilometres to the east of the settlement of Waterside. The proposed building forms part of the courtyard arrangement of buildings at the former farm. The site takes its access from the A719 via the minor private road which also serves the Village community hall and West Blackbyre Farm.

2.2 **Proposed Development:** The planning application proposes to erect a single storey L shaped stable block to replace the existing stable block on site. The proposal will be approximately 300sqm in floor area and will provide 7 stalls for horses with associated tack room, preparation room and toilet. The application proposes to finish the building in a smooth render with a second hand slate roof covering. The applicant indicates that they are the owners of 20 acres of land predominantly to the south east of the property. The applicant has indicated that the proposal is for his own private use and therefore is not a commercial stable. No works are proposed to the access road as part of this proposal.

2.3 It should be noted that subsequent to the application being submitted work on the stable block has commenced.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the erection of a replacement stable ancillary to the residential unit. However, they indicate that if the proposal was for a commercial livery then improvements would be required to the private access road.

A condition can be attached to any grant of planning permission ensuring that the use of the stable is not of a commercial nature.

3.2 Moscow and Waterside Community Council have indicated grave concern regarding the proposal. They consider that if taken at face value the proposal would appear to be a commercial livery operation with serious road safety implications for the small privately maintained road which passes the community village hall. In our opinion it is a blatant attempt to bypass planning regulations as already it constitutes retrospective planning. In any case the access road would need to be improved and have passing places installed, particularly in the lower sector near the Community Centre.

As indicated above the proposal relates to the provision of stables which would be ancillary to the dwellinghouse and not a commercial operation. A condition can be attached to any grant of planning permission ensuring that the use of the stable is not of a commercial nature.

4. REPRESENTATIONS

4.1 None

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

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

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 It is considered that there are not any policies in the Approved Ayrshire Joint Structure Plan specifically relevant to the determination of this planning application.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy ENV 7 of the Adopted East Ayrshire Local Plan requires developers to accord with the requirements of the Council's Design Guidance.

It is considered that the proposal accords with the requirements of the design guidance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations responses

6.2 It is not considered that any of the aspects of the consultations received indicate that the application should be refused; provided it does not relate to the establishment of a commercial enterprise.

Planning History

6.3 Planning enforcement action has been initiated in relation to the commencement of the stable block without the benefit of planning permission.

6.4 Planning Permission (96/0672/FL) was granted on 29/5/96 for the erection of a conservatory at the application site. Planning Permission (03/0039/FL) was granted on 13/2/04 for the installation of dormers and the conversion of a garage into living accommodation.

Impact on Amenity

6.5 It is considered that as the proposed replacement stable block, being single storey slate roofed with smooth rendered walls and ancillary to the use of the dwellinghouse, would not have a significant detrimental impact on the residential or visual amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Should the proposal be refused, enforcement action would be required to secure removal of the structure.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application. The Roads and Transportation

Division would be concerned about access to the site only in the event of the stables being used for commercial purposes.

9. RECOMMENDATION

9.1 It is recommended that the application be approved 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 it 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

9 February 2005 (CSI/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Letter of objection.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning History – 03/0039FL and 96/0672/FL.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1097/FL

Site of Proposal: East Blackbyres Farm
Waterside
KILMARNOCK KA3 6JH

Nature of Proposal: Proposed Replacement Stable Block
300 sq m

Name & Address of Applicant: Mr Alan Carey
East Blackbyres Farm
Waterside
KILMARNOCK
KA3 6JH

Name & Address of Agent:

DPOs Reference: CSI/SA

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

(1) Notwithstanding the plans hereby approved the roof shall be covered in natural slates.

REASON In the interest of visual amenity and to maintain the visual quality of the area.

(2) The stables shall be used for the livery of horses belonging to the owner or occupier of the premises only, and shall not be used for any commercial purpose.

REASON In the interests of road safety and residential amenity.

(3) Notwithstanding the approved plans the external rendered walls of the building shall be painted white to match the adjacent dwellinghouse prior to the occupation of the building.

REASON In the interests of visual amenity.

**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.**