

## **EAST AYRSHIRE COUNCIL**

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 JULY  
2005**

**04/1125/OL: PROPOSED DWELLINGHOUSE FOR USE OF PROPIERTOR  
AND EMPLOYEES OF CRUFURDLAND FISHERY WITH  
ACCOMMODATION FOR BUSINESS PREMISES PLUS GARAGE  
AT CRAUFURDLAND FISHERY, CRAUFURDLAND LOCH, KILMARNOCK  
BY SIMON D HOUISON CRAUFURD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning consent is sought for the erection of a dwellinghouse for the manager of the fishery business incorporating business facilities such as office, shop and canteen for the fishery and its visitors. The proposal aims to replace the temporary buildings which currently provide office, canteen, shop and staff facilities on the site.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application for planning permission be approved subject to the conditions listed 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 there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application.

#### **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.**

## EAST AYRSHIRE COUNCIL

SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 JULY  
2005

04/1125/OL: PROPOSED DWELLINGHOUSE FOR USE OF PROPIERTOR  
AND EMPLOYEES OF CRUFURDLAND FISHERY WITH  
ACCOMMODATION FOR BUSINESS PREMISES PLUS GARAGE  
AT CRAUFURDLAND FISHERY, CRAUFURDLAND LOCH, KILMARNOCK  
BY SIMON D HOUISON CRAUFURD

### 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 an outline 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 comprises a plot of land to the east of Craufurdland Fishery Lochan. The Fishery is an existing business located within the Craufurdland Estate and has operated at this location since 1996. The Fishery is located to the north of the main driveway to Craufurdland Estate from the C85 south of Fenwick. Two portacabins are currently located on the site providing office, shop and canteen facilities for the fishery. The application site falls within the Provisional Wildlife site of Craufurdland Estate.

2.2 **Proposed Development:** Outline planning consent is sought for the erection of a dwellinghouse for the manager of the fishery business incorporating business facilities such as office, shop and canteen for the fishery and its visitors. The proposal aims to replace the temporary buildings which currently provide office, canteen, shop and staff facilities on the site.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposal.

***Noted.***

3.2 East Ayrshire Council's Outdoor Services have no objection to the proposal subject to the attachment of appropriate conditions to any grant of planning consent in relation to buildings being constructed in close proximity to trees.

***Conditions can be attached to any grant of planning consent relating to these matters.***

3.3 Scottish Environment Protection Agency have no objection to the proposal providing surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems.

***A condition can be attached to any grant of planning permission relating to this matter.***

3.4 Scottish Wildlife Trust have no objection to this proposal.

***Noted.***

3.5 Scottish Natural Heritage have no objection to the proposal. They recommend, because existing buildings would be demolished as a result of the proposal, that a bat survey should be carried out and appropriate mitigating measures taken thereafter. They also indicate that Coral rooted orchid (*Corallorhiza trifida*) has been recorded at Craufurdland Loch and while the proposal does not affect its recorded location they recommend that a survey be carried out between April to August to identify the plant.

***Scottish Natural Heritage's non objection is noted. As the planning permission does not relate to the demolition of the existing temporary buildings (consent for demolition is not required), no condition can be attached to any grant of planning consent relating to the presence of bats. With regards to the orchids, SNH indicate that these are not present within the application site and therefore this matter does not require to be addressed by any condition. It is proposed that a note addressing these matters should be attached to any grant of planning permission.***

3.6 Fenwick Community Council have not replied to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

There is one letter of objection in relation to this proposal commenting as follows:-

4.1 The setting is one of outstanding beauty and can only be ruined by development for all the people that use the right of way past it.

***The proposal would result in the temporary portacabins being replaced by a well designed and located building at this location thus improving the appearance of the area. The right of way is located 170 metres north of the application site.***

4.2 There is no need for a residence or garage there as the tenant/lessee of the fishery has at present a house within 300 yards of the loch.

***The applicant has indicated that the proposed building would negate the need for fishery employees to spend the night located within the portacabins offices to provide security for the fish stock. It is considered that as the house at the gates of the estate is remote from the location and does not have a clear line of sight of the location that it is unsuitable to provide adequate security.***

4.3 Their wish to attract increased visitors cannot be handled with the current access arrangements into the fishery which is from a blind bend on Waterslap Road into a single track estate road. The driver entering has to ensure clear passage to the fishery as there is no room for vehicles to pass.

***The Roads Division have not objected to the proposal.***

4.4 Parking at the fishery is limited and even at present fishers have to park on the grass verges when there is a fishing competition on.

***This planning application relates to the provision of residential accommodation for the manager and business premises for the existing fishery and does not relate to the suitability of the location for a fishery.***

4.5 Security should certainly not be a problem in this day and age especially due to the closeness of his present house to the loch along with even the simplest of alarm systems installed.

***The applicant has indicated that it is not financially viable to provide an alarm system to protect the fish stock in the lochan.***

## **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 Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

5.2 Policy G5 of the Ayrshire Joint Structure Plan 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;*

***The applicant has demonstrated that the fishery manager's dwellinghouse requires to be located adjacent to the fishery lochan for security reasons.***

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

**As the proposed new house is essential to the existing fishery it is considered that it is justified as an economic benefit to the rural 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.

**It is not considered that the operation of the fishery business constitutes an agricultural or forestry operation.**

### 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;

**It is not considered that the operation of the fishery business constitutes an agricultural or forestry operation. The proposed dwelling house cannot therefore be justified against this particular criteria.**

(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;

**The applicant demonstrates that the provision of formal residential and fishery facilities is essential to support the existing fishery business.**

(iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

**It has been demonstrated that the house is required as accommodation for a full time worker employed at the Fishery.**

(iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

**This part of the policy is not applicable to the application.**

5.4 Policy RES15 of the East Ayrshire Local Plan requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows:

- i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and

***There is no suitable existing building on or near the application site.***

- ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

***The proposed location of the dwellinghouse is an area of degraded land.***

- iii) The policy also states that, in all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses, in preference to being isolated in the countryside.

***Due to the specific locational justification for the proposed dwellinghouse it is not possible to locate it next to existing dwellinghouses within the estate.***

5.5 Policy RTC7 supports retail development proposals in out-of-town centre locations in six stated circumstances. One of these circumstances is pertinent to the application, this being where:

The proposal is for a tourism, leisure or recreation related retail development including provision for the sale of refreshments, not exceeding 200m<sup>2</sup> gross floor area where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed; or

***It is proposed as part of the application to provide café facilities to support the existing business facilities on the site. It is considered that this element of the proposal would be in accordance with this particular strand of the policy.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letter of objection addressed in Section 4 of this report, the planning history and the impact on the amenity of the area.

## Consultation Responses

6.2 The consultation responses are detailed in the report and are considered to be supportive of the application.

## Letter of Objection

6.3 The submitted letter of objection has been assessed and is not considered to raise issues of sufficient weight to justify refusal of the application in this case.

## Amenity of the area

6.4 The aspect of the amenity of the area has been assessed and it is considered that the proposal can be accommodated without any detrimental impact on the area.

## Planning History

6.5 Planning consent KL/E/FL/95/075A for the erection of portacabins for office, rest room and public convenience and car parking was granted on 01 June 1995.

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

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

## **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 there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission be approved subject to the conditions listed 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**

20 June 2005  
(CSI/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of objection
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1125/OL

---

Site of Proposal: Craufurdland Fishery  
Craufurdland Loch  
Craufurdland Estate  
KILMARNOCK  
KA3 6BW

Nature of Proposal: Proposed Dwellinghouse for Use of  
Proprietor and Employee of Craufurdland  
Fishery with accommodation for business  
Premises Plus Garage

Name & Address of Applicant: Simon D Houison Craufurd  
Midland Cottage  
Fenwick  
KILMARNOCK  
KA3 6BY

Name & Address of Agent:

---

DPOs Reference: CSI/MMM

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

1. The dwelling shall only be occupied by a person, or dependants of a person, employed full time in the management of the adjacent fishery business.

REASON The proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouse/building(s);
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;

- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site and associated maintenance arrangements;
- (i) Existing and finished site levels/floor levels.

REASON The approval is in outline only.

3. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

4. Notwithstanding the plans hereby approved the roofs of the proposed building shall be covered in natural slates.

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

5. Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

6. Notwithstanding the details on the approved application form, the proposed house shall be restricted to single storey in height.

REASON In the interests of visual amenity.

7. Prior to the commencement of the proposed dwellinghouse the existing temporary accommodation on site shall be removed from the application site.

REASON In the interests of visual amenity.

8. Before any work commences on site, details of a Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The SUDS shall thereafter be installed on site prior to the use of the buildings/house.

REASON To ensure that adequate drainage is provided.

NOTE:- The applicant should be aware that Scottish Natural Heritage have indicated the presence of coral rooted orchids within Craufurdland Estate. They recommend that a survey be carried out to assess the extent of their presence. They also indicate that bats may be present within the existing

temporary structures and that an appropriate bat survey be carried out and appropriate mitigating measures implemented, if necessary, prior to removal of the temporary buildings.

**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.**