

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004**

**04/0260/FL: PROPOSED ERECTION OF BUNGALOW, WORKSHOP AND  
STABLE, SOUTH THORN, AIKET ROAD, DUNLOP**

**APPLICATION BY MS. S. JUSTICE-VOSE (DIPLOMACY SADDLERY)**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a dwellinghouse and a workshop/stable block on the site. The proposed dwellinghouse is to be of one and a half storey construction with traditional style dormer windows on the front elevation. The accommodation to be provided on the ground floor comprises a lounge, kitchen, hall and toilet and a large workshop. Within the attic space, three bedrooms and additional toilet facilities are to be provided. The proposed dwellinghouse is of traditional design and is to be finished externally in a dry dash render with smooth cement band around doors and windows. The roof is to be finished either in slate or a slate substitute tile.

1.2 The proposal also involves the construction of a timber stable block comprising of 4 looseboxes and a work area. The roof of the stable block is to be finished in black corrugated onduline sheeting.

1.3 The applicant operates a successful saddlery business from a small workshop at South Thorn and due to continuing expansion and development the business has outgrown the current accommodation which is no longer meeting the space and facilities now required. The proposed development would see the relocation of the business to an adjacent site with the erection of the dwellinghouse providing on site accommodation for the applicant including an integral workshop in the interests of security and site supervision.

**2. RECOMMENDATION**

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

**3./**

### **3. CONCLUSIONS**

3.1 As is indicated at paragraph 5.2 of the report, the application is considered to be consistent with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application and these material considerations have been assessed but are not thought to be of sufficient weight to set aside the provisions of the development plan.

3.2 In terms of the principle of the proposed development, a justification has been provided for the proposed dwellinghouse in conjunction with the proposed workshop and stable facilities. Further the development relates to an already established business at this locality and in policy terms this is considered to be acceptable.

3.3 It is considered that the points of objection raised are either not substantiated through the consultation process, are not relevant to the determination of this application or are not of sufficient weight to justify refusal of the application.

3.4 The proposed dwellinghouse and stable facility are considered to be acceptable in terms of scale, design and use of finishing materials.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it is not 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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04/0260/FL: PROPOSED ERECTION OF BUNGALOW, WORKSHOP AND STABLE, SOUTH THORN, AIKET ROAD, DUNLOP

APPLICATION BY MS. S. JUSTICE-VOSE (DIPLOMACY SADDLERY)

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 because the proposed development is the subject of objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 4 kilometres south west of Dunlop and 4 kilometres north west of Stewarton on the east side of the minor Aiket Road. The site lies 1 kilometre north of the junction of Aiket Road with the B778 Stewarton Road and to the south of the property known as South Thorn.

2.2 The application is bounded to the north by the residential property at South Thorn, to the south and east by agricultural land and some woodland, and by the agricultural lands of Thorn Farm to the west. The site is relatively level and extends to approximately 0.1 hectare in area.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a dwellinghouse and a workshop/stable block on the site. The proposed dwellinghouse is to be of one and a half storey construction with traditional style dormer windows on the front elevation. The accommodation to be provided on the ground floor comprises a lounge, kitchen, hall and toilet and a large workshop. Within the attic space, three bedrooms and additional toilet facilities are to be provided. The proposed dwellinghouse is of traditional design and is to be finished externally in a dry dash render with smooth cement band around doors and windows. The roof is to be finished either in slate or a slate substitute tile.

2.4 The proposal also involves the construction of a timber stable block comprising of 4 looseboxes and a work area. The roof of the stable block is to be finished in black corrugated onduline sheeting.

2.5 The applicant operates a successful saddlery business from a small workshop at South Thorn and due to continuing expansion and development

the business has outgrown the current accommodation which is no longer meeting the space and facilities now required. The proposed development would see the relocation of the business to an adjacent site with the erection of the dwellinghouse providing on site accommodation for the applicant including an integral workshop in the interests of security and site supervision.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to appropriate conditions being attached to any consent granted for the proposed development. The road from the application site to the junction with the B788 shall be provided with intervisible passing places and the location and number of the passing places will depend on the existing provision and the geometry of the road. The applicant will require to submit a layout design for the approval of the Roads Division. The road over the frontage of the access shall be widened to 5.5 metres to allow turning into the site without over run of the adjacent road side verge. The vehicle access crossing shall be 5 metres wide and have a sightline standard of 2.5 metres by 70 metres. All road construction work shall be undertaken to adoptable road standards and be undertaken prior to the occupation of the dwellinghouse.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.3 Stewarton and District Community Council has not responded to the consultation letter.

***Noted.***

3.4 The Coal Authority, National Air Traffic Services and Power Systems have no adverse comments to make on the proposed development.

***Noted.***

3.5 Scottish Water states that there is an existing public water main located in the road adjacent to the application site which may be suitable to provide a supply to the proposed development. Any septic tank to serve the development should be sited in such a position as to enable it to be emptied by tanker.

***Noted. A condition can be attached to any consent granted for the proposed development to meet the requirements of Scottish Water.***

3.6 The Scottish Environment Protection Agency has not responded to the consultation letter.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding the drainage of the site.***

#### **4. REPRESENTATIONS**

4.1 Two letters of representation have been received objecting to the proposed development. The main points of objection are summarised below.

4.2 It is my understanding that a previous planning application for a proposed dwellinghouse was withdrawn when additional land was purchased for the purposes of the new planning application. I strongly object to rural/agricultural land being bought for development as this would surely be a negative precedent against the development plan.

***The comments of the objector regarding the purchase of agricultural land are noted. Development proposals for such land do require to be assessed against the provisions of the development plan and material considerations which made in sections 5 and 6 of this report.***

4.3 My knowledge of the business is that it is mainly a maker of horse tack, saddles etc. which are made to order. The size of the business I am unaware of but in any business an investment in property, to the extent we are looking at here, would have to be justified from the business plan. This would mean a large projected growth in business to substantiate the capital investment. I understand from the applicant that no growth in business is required or needed which leaves me with the concern that the motivation for the development is one of a personal living requirement rather than a business requirement.

***The applicant currently operates the well established business of some 7 years and the applicant has stated that expansion and continuing development of the business means that it has outgrown the current accommodation which belongs to the applicant's parent. The proposed development provides for a dwelling with a large integral workshop covering approximately one third of the ground floor and for a stable block/work area. The nature of the applicant's business is one which is considered appropriate to be located within the rural area.***

4.4 East Ayrshire Local Plan under RES 13 states that to deviate from the local plan there must be sufficient grounds and in this case 'for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on site is essential to the economic operation of the activity concerned.' The need for someone to live on site is questionable. Why would it be detrimental to the business to drive into work in the morning and leave in the evening as most people in business do? Where

in this instance is it essential to the economic operation of the business to live on site more than in any other business?

***The applicant aims to offer customers a full package of services from bespoke saddlery and side saddle habits, to saddle fitting, side saddle riding tuition and the breaking of horses to side saddle. The applicant takes horses and ponies to break and school to side saddle as well as having her own horses which are used for saddle fitting and tuition. Given the nature of the business it is considered that it is essential for accommodation to be provided on site in the interest of both the economic operation of the business and in the interests of security.***

4.5 If there is a projection of growth in the business, then I believe the development will result in a significant increase in additional traffic, cars horse trailers etc that would constitute a serious hazard on a single track road to the detriment of road safety. At what point and under what criterion does Aiket Road need to be reviewed with the object of a potential upgrade due to the increase in volume and type of traffic vehicles that use it?

***The current application requires to be considered on its own merits having regard to the development plan and material considerations. The Roads and Transportation Division has raised no concerns regarding road safety issues, subject to appropriate conditions being attached to any consent granted for the development.***

4.6 The application is a blatant misuse of the planning system in order to build a house in the countryside, of which there are three examples alone in our short country road.

***The current application requires to be considered on its own merits having regard to the development plan and material considerations. The applicant has submitted information that would provide a justification for the proposed development.***

4.7 There is plenty of commercial accommodation available in Stewarton or Kilmarnock for hire or for acquisition in which to run a saddlery. It may be desirable to the applicant, but it is not necessary to live next to such a business.

***The applicant aims to offer customers a full package of services from bespoke saddlery and side saddle habits, to saddle fitting, side saddle riding tuition and the breaking of horses to side saddle. The applicant takes horses and ponies to break and school to side saddle as well as having her own horses which are used for saddle fitting and tuition. Given the nature of the business it is considered that it is essential for accommodation to***

***be provided on site in the interest of both the economic operation of the business and in the interests of security.***

4.8 There are many farm houses on the open market. There is little to stop the applicant acquiring one of these and running her business from one of these.

***The current application requires to be considered on its own merits having regard to the development plan and material considerations.***

4.9 The objector cites three cases where houses have been constructed and questions the justification for these houses, particularly where two of the houses were subsequently sold on. The result is that a country road now has the appearance of being a desirable residential area and the new kit houses built cheaply have no relation to the architecture of the farm buildings along it.

***The current application requires to be considered on its own merits having regard to the development plan and material considerations and in this instance the selling off of these other properties is not material to the determination of the current application. It is further considered that the proposed dwelling, in terms of its scale, design and use of finishing materials is acceptable in this instance.***

## **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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 Policy G5 of the AJSP states that proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

- A. has a demonstrated specific locational need
- B. can be justified in terms of social and economic benefit to the community;
- C. contributes to rural land diversification; or
- D. provides for the operational needs of agriculture and forestry.

***The principle of a stable to accommodate a saddlery business at this location is acceptable as it is considered to be an appropriate rural***

**business. Furthermore the applicant has submitted a justification to support the application for a house in the Rural Protection Area. This dwelling also incorporates an integral workshop to further support the business use to be undertaken from the site. In this case, a specific locational need has been demonstrated and the proposed development is therefore consistent with the provisions of the AJSP.**

#### East Ayrshire Local Plan

5.3 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to one of five stated types of development. Only one of these stated types of development is pertinent to the application, this being:-

*(iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;*

**A saddlery business is considered to be an appropriate rural activity and is therefore acceptable in principle in terms of policy IND 10.**

5.4 The policy also requires all proposals for industrial and business developments in the countryside to be justified against a set of six criteria, as follows:-

*(i) the impact on the surrounding environment;*

**A stable for the saddlery business is unlikely to have a detrimental impact on the surrounding environment.**

*(ii) the impact on adjacent uses;*

**There will be limited impact on adjacent residential and agricultural uses.**

*(iii) transportation implications:*

**Subject to the imposition of appropriate condition, the Roads and Transportation Division offers no objections to the proposed development.**

*(iv) infrastructure implications;*

**There are no significant issues raised by consultees regarding infrastructure implications relative to the proposed development.**

*(v) loss of prime agricultural land; and*

***The proposed development will not result in the loss of prime agricultural land.***

(vi) *impact on natural and built heritage resources.*

***There will be no significant impact on natural resources resulting from the proposed development.***

***The saddlery element of the proposal therefore meets the provisions of policy IND 10.***

5.4 Policy RES 13 of the adopted EALP states that the Council will be 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:

- (i) for a full time agricultural or forestry worker employed on the land to which the house relates;
- (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;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for a conversion of a large rural residential or institutional property as detailed in Policy RES8.

***The applicant has provided supporting information that indicates that there is a justification for the proposed development. It is clear that the business is well established, is performing well and has outgrown its current premises. It is also accepted that horses are an integral part of the business and that a worker needs to live on site to look after them. It is therefore considered that the proposal meets with criteria (iii) of policy RES 13.***

5.5 Policy RES 15 states that where a new residential development in the countryside is considered acceptable within the terms of Policies RES 13 and RES 14, the Council will require applicants in the first instance:

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and
- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

***The applicant currently utilises buildings in the ownership of her parents and the business has clearly outgrown these buildings. There are no other buildings within the ownership of the applicant that would be suitable for conversion to residential use.***

5.6 Policy RES15 further 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 the development being isolated in the countryside.

***The proposed development lies adjacent to land in the ownership of South Thorn. The proposed development lies adjacent to this land and will allow the business to relocate only a short distance from the current established location.***

5.7 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***The design of the house is considered to meet 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, the representations received and relevant planning history.

### Consultation Responses

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

### Representations

6.3 It is considered that the points of objection raised are either not substantiated through the consultation process, are not relevant to the determination of this application or are not of sufficient weight to justify refusal of the application.

### Planning History

6.4 A previous full application for the erection of a dwellinghouse and workshop on a site immediately north of the current application site was withdrawn on 04 March 2004 (Ref. No 03/0192/FL)

## **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 at paragraph 5.2 of the report, the application is considered to be consistent with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application and these material considerations have been assessed but are not thought to be of sufficient weight to set aside the provisions of the development plan.

8.2 In terms of the principle of the proposed development, a justification has been provided for the proposed dwellinghouse in conjunction with the proposed workshop and stable facilities. Further the development relates to an already established business at this locality and in policy terms this is considered to be acceptable.

8.3 It is considered that the points of objection raised are either not substantiated through the consultation process, are not relevant to the determination of this application or are not of sufficient weight to justify refusal of the application.

8.4 The proposed dwellinghouse and stable facility are considered to be acceptable in terms of scale, design and use of finishing materials.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions on the attached sheets.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it is not a significant departure from policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

10 June 2004  
HM/HM/FGD

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of representation
5. Adopted East Ayrshire Local Plan 2003.
6. Approved Ayrshire Joint Structure Plan 1999.
7. Previous application 03/0192/FL.

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

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Location	South Thorn Aiket Road Dunlop KA3 4BP
Nature of Proposal:	Proposed erection of bungalow, workshop and stable
Name and Address of Applicant:	Ms. S. Justice-Vose Diplomacy Saddlery South Thorn Aiket Road Dunlop KA3 4BP
Name and Address of Agent	Stairhill Architectural Services Stairhill MAUCHLINE KA5 5HN

DPO's Ref: [                    ]  
PPO's Ref: [Hugh Melvin    ]

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

1. The proposed dwellinghouse shall not be sold off independently from the stables and workshop approved under this application.

REASON – The proposed development constitutes the erection of a new dwelling in the countryside which is only acceptable in policy terms for a worker employed by a rural enterprise and where there is a requirement for that worker to live on the site as essential to the economic operation of the activity concerned.

2. There shall be no commencement of the construction of the house hereby approved until the timber stables have been completed on site.

REASON – It is only upon completion of this building that there is provided a full justification for the proposed dwellinghouse.

3. Prior to the commencement of construction work on site, the applicant shall submit to, and have approved by the Planning Authority, a sample of the render to be used in the external wall finish of the proposed dwellinghouse.

REASON – In the interests of visual amenity

4. Prior to the commencement of construction work on site, the applicant shall submit to, and have approved by the Planning Authority, a sample of the roofing material to be used on the proposed dwellinghouse.

REASON – In the interests of visual amenity

5. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority, details of hedging and other planting to enclose the curtilage of the proposed dwellinghouse and stables. The hedging/planting shall be provided within 12 months of the commencement of works on site and thereafter mentioned as approved.

REASON – In the interests of visual and residential amenity.

6. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority in consultation with the Roads Authority, details of a design/layout for the provision of intervisible passing places to be provided on Aiket Road. Such approved works shall thereafter be implemented prior to the occupation of the proposed dwellinghouse.

REASON – In the interests of public road safety.

7. Prior to the commencement of development on site, the public road over the frontage of the access shall be widened to 5.5 metres to allow turning into the site without over run onto the adjacent roadside verge.

REASON – In the interests of public road safety.

8. Any road side ditch shall be piped and protected beneath the proposed access. Any existing public utility apparatus located in the verge shall be protected beneath the proposed access.

REASON – In the interests of public road safety.

9. Visibility sightline splay areas of 2.5 metres by 70 metres shall be formed and maintained at the site access, with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON – In the interests of public road safety.

10. The applicant shall provide off road parking for a minimum of 3 cars and incorporate a turning area within the site, prior to the occupation of the house.

REASON – In the interests of public road safety.

11. Any future garage associated with the proposed development shall be set back a minimum distance of 6 metres from the rear of the road verge.

REASON – In the interests of public road safety.

12. The private driveway shall be paved for a minimum distance of 5 metres from the edge of the road and any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety.

13. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON – In the interests of proper servicing of the site.

14./

14. At no time shall the ground floor workshop within the dwellinghouse be used for residential purposes or any use other than a workshop for the purposes of operating a saddlery business.

REASON – The workshop use contributes to the justification for the dwelling provided by the saddlery business and in its absence the basis for the residential accommodation would be seriously diminished.

Note to Applicant

1. The applicant should make early contact with The Scottish Environment Protection Agency to discuss and agree the proposed surface water and foul drainage arrangements for the development site. SEPA may advise that a SUD system be introduced to address surface water drainage. SEPA can be contacted on 01292 294015.
2. The applicant is advised to make early contact with East Ayrshire Council Roads Division regarding the access arrangements for the site and provision of intervisible passing places on Aiket Road. The Division can be contacted on 01563 576310.
3. Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.

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