

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
16 JUNE 2006**

**06/0283/FL CHANGE OF USE AND ALTERATIONS TO REDUNDANT
AGRICULTURAL BUILDING TO FORM OFFICE SPACE, ANCILLARY
DISTRIBUTION, STORAGE AND CAR PARKING AT BALGRAYMILL FARM
CUTSTRAW ROAD FENWICK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the change of use of the redundant farm building to form office and storage space for a landscaping contractor. The proposal includes the upgrading of the access road to 5.5 metre wide, with service strips on either side and terminating in a standard commercial turning head within the site. The proposal would also improve the visibility sightlines at the junction of the private road and Cutstraw Road up to the current roads standard of X = 2.5 metres and Y = 160 metres. One of the offices within the building will be sublet to be used by Travis Homes a local building company. This application is retrospective, as the building has been occupied by this use since 2004.

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 indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore 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 considered to be of such significant weight as would merit 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 the application will not require to be referred to the Development Services Committee as this would not represent 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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06/0283/FL CHANGE OF USE AND ALTERATIONS TO REDUNDANT AGRICULTURAL BUILDING TO FORM OFFICE SPACE, ANCILLARY DISTRIBUTION, STORAGE AND CAR PARKING AT BALGRAYMILL FARM CUTSTRAW ROAD FENWICK

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 this has been requested by the Local Councillor.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a redundant farm building at the former Balgraymill Farm. The building sits on the private access road which serves other residential units in the locality. The building measuring 18m by 27m and stands 6.5m tall, is of portal frame construction and clad in metal sheeting. The building contains approximately 90m² internal office space and toilet facilities. The proposal is bound to the east and west by farmland and to the north by the farmhouse of Balgraymill and an older agricultural building. The application site includes the access road to and sightlines on Cutstraw Road.

2.2 **Proposed Development:** Full planning consent is sought for the change of use of the redundant farm building to form office and storage space for a landscaping contractor. The proposal includes the upgrading of the access road to 5.5metre wide, with service strips on either side and terminating in a standard commercial turning head within the site. The proposal would also improve the visibility sightlines at the junction of the private road and Cutstraw Road up to the current roads standard of X = 2.5 metres and Y = 160 metres. One of the offices within the building will be sublet to be used by Travis Homes a local building company. This application is retrospective, as the building has been occupied by this use since 2004.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division do not object to the proposal provided that the access junction with the public road is improved to meet the required sightlines, the junction re-constructed to an adoptable

standard, a standard turning head provided, and a 5.5 metre wide carriageway with 2 metre service strips provided from the public road to the site.

The proposal incorporates the requirements of the Roads Division however conditions can be attached to any grant of planning consent addressing the timing and maintenance of these requirements.

3.2 Scottish Environment Protection Agency has not responded to the consultation at the time of writing this report.

Noted.

3.3 Stewarton and District Community Council have not responded to the consultation at the time of writing the report.

Noted.

3.4 Fenwick Community Council have not responded to the consultation at the time of writing the report

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been received in relation to this proposal. However, a three-page letter of support has been provided by the applicant, which summarised, indicates the following.

4.2 The redundant farm building was first occupied by Scottish Woodlands in September 2004 who at that time were involved in the landscaping works associated with the upgrading of the M77. This work is ongoing and Scottish Woodlands continue to have a contractual commitment to projects associated with the trunk road and its environs.

4.3 In connection with this business Scottish Woodlands employ two full time office staff who are responsible for the management and administration of the project work the company is involved in throughout the area. In addition to these people, a mobile labour force operates from the site in connection with the landscaping contract work. The number of employees varies depending on the season and the nature of the landscaping work.

4.4 Scottish Woodlands store equipment associated with the business such as grass cutting equipment, rotovators and small excavation equipment. In addition to this there is also a requirement to store trees, plants and shrubs and other plant related materials.

4.5 No nursery facilities are provided on the site and no growing of plant materials takes place. The hours of operation of the business are 8:00 am until 4:30 pm in the winter months and 8:00am to 6:00pm in the summer months.

4.6 It is the intention of Mr Brown the applicant to use an area of the office for the administrative purposes of Travis Homes, of which Mr Brown is a Director. It is not the intention to use any part of the farm building for the purpose of a builder's yard.

4.7 The change of use as proposed is to directly serve the operational needs of a rural based enterprise. Scottish Woodlands business operates in the surrounding area and requires a suitable storage distribution and administrative base in close proximity to the operational area it serves in order to facilitate efficient operation of the business and economic viability.

This type of business fits well with the rural location of Balgray Mill Farm.

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 (EALP).

Ayrshire Joint Structure Plan

5.2 Policy G5 of the Ayrshire Joint Structure Plan indicates that development 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 site specific locational need :

The supporting statement submitted with the proposal indicates that Scottish Woodlands have been occupying the existing office and agricultural building since 2004 in relation to the landscaping works associated with the M77. The information supplied further states that Scottish Woodlands continue to have a contractual commitment to projects concerned with the M77 and its immediate environment, as well as other landscaping projects within Ayrshire. Thus a site specific locational need can be justified.

b) can be justified in terms of social and economic benefit to the rural

community.

The supporting information indicates that two full time office based staff are employed at this location and that a mobile labour force operates from this site in connection with landscaping contract work. Therefore, the proposal demonstrates a limited economic benefit.

c) contributes to rural land diversification:

The proposal contributes to rural land diversification through the reuse of a redundant farm building.

d) provides for the operational needs of agriculture and forestry.

Although not related to agriculture or forestry, it is considered that as the principle business is landscaping this could be considered to be best suited to being located in a rural location

East Ayrshire Local Plan

5.3 Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances. Four of these stated circumstances are pertinent to the application, these being where the development:-

(ii) can be fully justified in terms of site specific locational need; or

The supporting statement submitted with the proposal indicates that Scottish Woodlands have been occupying the existing office and agricultural building since 2004 in relation to the landscaping works associated with the M77. The information supplied further states that Scottish Woodlands continue to have a contractual commitment to projects concerned with the M77 and its immediate environment, as well as other landscaping projects within Ayrshire. A site specific locational need can thus be established.

(iii) can be fully justified in terms of social and economic benefit to the community; or

The supporting information indicates that two full time office based staff are employed at this location and that a mobile labour force operates from this site in connection with landscaping contract work. Therefore, the proposal demonstrates a limited economic benefit.

- (iv) contributes to rural land diversification; or

The proposal contributes to rural land diversification through the reuse of a redundant farm building.

- (v) provides for the operational needs of agriculture or forestry.

Although not directly relating to agriculture or forestry, it is considered that the principle business is a landscaping business which is best suited to being located in a rural location.

5.4 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:-

- (ii) sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;

It is considered that the landscaping business is an appropriate type of business for this location.

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) their impact on the surrounding environment;

It is considered that there would be minimal impact on the surrounding environment.

- (ii) their impact on adjacent uses;

It is considered that the proposal would have a minimal effect on the environment and adjacent uses, provided the appropriate road improvements are carried out.

- (iii) transportation implications:

The Councils Roads Division has no objection to the proposal provided appropriate conditions are attached to any grant of planning permission, requiring improvements to the road and sightlines.

- (iv) infrastructure implications;

There are no infrastructure implications resulting from this proposal.

- (v) loss of prime agricultural land; and

There would be no loss of prime agricultural land.

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

It is considered that there will be no impact on natural or built heritage resources.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses are detailed in the report and do not raise any issues sufficient to warrant refusal of this application.

Planning History

6.3 Planning Application 05/0733/FL for the proposed change of use of Agricultural Shed for Landscaping Business was withdrawn on 31 March 2006 further to the submission of the current application.

6.4 Planning application 04/0217/FL for the proposed extension to existing offices to create new office and storage for agricultural drainage and fencing construction was withdrawn on 30 October 2004.

Impact Upon Amenity

6.5 It is considered that the scheme can be implemented without any detrimental impact on the amenity of the surrounding area, provided the appropriate road improvements are carried out.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Due to the retrospective nature of the proposal if the planning application was refused then enforcement action may require to be taken to address the unauthorised breach of Planning Control.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore 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 considered to be of such significant weight as would merit 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 the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

01 June 2006
CSI/RH

FV/DVM

060283FLBalgraymillFarmFenwickRH

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Letter of Support
7. Planning Application No. 04/0217/FL

8. Planning Application No. 05/0733/FL

Anyone wishing to inspect the above papers please contact Craig Iles,
Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0283/FL

Site of Proposal: Balgraymill Farm
Off Cutstraw Road
FENWICK
Kilmarnock KA3 6BB

Nature of Proposal: Change of Use and Alterations to Redundant
Agricultural Building to Form Office Space and
Ancillary Distribution, Storage Area and
Associated Car Parking Area.

Name & Address of Applicant: Mr P Brown
Balgraymill Farm
Off Cutstraw Road
FENWICK
Kilmarnock KA3 6BB

Name & Address of Agent: Lawrence McPherson Associates
The Atrium
6 New Road
A Y R KA8 8EX

DPOs Reference: CSI/RH

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

1. Within two months of the date of this consent the road improvements required as part of the application shall be implemented and agreed in writing with the Planning Authority.

REASON In the interest of road safety

2. Within two months of the date of this consent the existing private access road shall be upgraded to an adoptable standard of 5.5m wide with 2 metre wide

service strips and thereafter retained and maintained in accordance with the details agreed under condition 1.

REASON In the interests of road safety.

3. Within one month of the date of this consent, details of a commercial turning head within the curtilage of the building shall be submitted to and agreed in writing with the Planning Authority. The agreed turning head shall be installed, within one month of the date of that agreement and thereafter be retained and maintained in accordance with the agreed details.

REASON In the interests of road safety.

4. Within one month of the date of this consent, details of sightlines of 2.5 metres by 160 metres at the junction of the private access road and Cutstraw Road shall be submitted to, for agreement by, the Planning Authority. The agreed sightlines shall be installed, within one month of the date of such agreement and shall thereafter be retained and maintained with no obstruction to visibility greater than 1.0 metres in height within either sightline, in accordance with the agreed details.

REASON In the interests of road safety.

5. Notwithstanding the approved plans and the provision of the Town & Country Planning (Use Classes) Scotland Order 1997, any extension or alteration of the internal office space will require the prior written approval of the Planning Authority.

REASON To ensure that the office accommodation within the building remains the ancillary use to the landscape storage use.

**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.**