

**EAST AYRSHIRE COUNCIL**

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

**06/0301/FL: CONSTRUCTION OF FARM FIELD ACCESS ROADS  
AT THREEWOOD FARM, GALSTON  
BY MR JAMES GIBB**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicant is applying, in retrospect, for the construction of farm field access roads. The access roads will generally be 4.5 m wide and constructed with demolition hardcore as a basecourse and surfaced with grey whin scalplings. The roads are to facilitate easier access for modern farm machinery and vehicles to access the fields immediately adjacent to the farm.

**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 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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

**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 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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 JUNE 2006

**06/0301/FL: CONSTRUCTION OF FARM FIELD ACCESS ROADS  
AT THREEPWOOD FARM, GALSTON  
BY MR JAMES GIBB**

**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 objections have been submitted in respect of the application.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to an area of land immediately to the north of the existing Threepwood Farm and its associated buildings and activities. The access roads are on the edge of the main area of farm related activity and are intended to afford acceptable access to the adjoining fields. The delineated application site lies within the confines of the overall farm and in this respect is surrounded by the farm and open fields associated with it.

2.2 **Proposed Development:** The applicant is applying, in retrospect, for the construction of farm field access roads. The access roads will generally be 4.5 m wide and constructed with demolition hardcore as a basecourse and surfaced with grey whin scalplings. The roads are to facilitate easier access for modern farm machinery and vehicles to access the fields immediately adjacent to the farm.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health Division have not responded to the proposal at the time of writing.

*Noted.*

3.2 East Ayrshire Council's Roads and Transportation Division have raised no objections to the proposal advising that as the proposed roads are internal and not joining the local public road network, they are not of concern to them.

***Noted.***

3.3 Scottish Environment Protection Agency (SEPA) has no objection in principle to the proposed development on the understanding that the following issues are addressed to SEPA's satisfaction:

As the applicant has indicated their intention to import and use waste material (in the form of demolition rubble) in the construction of the track, they must register this waste management activity with SEPA under the Waste Management Licensing Regulations 1994 (as amended)

Under Schedule 3, Paragraph 19 of the Regulations, the use of waste for construction purposes is an activity which requires to be registered with SEPA as an exempt waste management activity.

***Notes can be attached to any grant of planning permission in relation to SEPA's comments.***

3.4 Galston Community Council object to the proposal on the grounds of adverse visual impact to the surrounding greenbelt area. The area served by the proposed access road has seen several changes over the years and the question has to be raised as to the use of the land. Is this solely for access to fields or to ground being used for other purposes?

***The access roads are intended for use in relation to the farming activities on site and it is considered that the final grey finish will allow the roads to blend in with the surrounding area and countryside.***

#### **4. REPRESENTATIONS**

One letter of objection has been received from the Sornhill and District Action Group. The grounds of objection are summarised below:

4.1 The plan contained in the application is grossly inaccurate as it fails to show the road openings already made by Mr Gibb without any permissions being received from your Authority.

***Following an inspection of the site, it is considered that the plan is an accurate indication of the applicant's intentions. The applicant***

**was asked if any other road openings had been formed and advised that none had been.**

4.2 The application is already retrospective as the roadways have been largely formed and at least partially bottomed, again without any permissions being given.

**It is noted in the report that the application is in retrospect and a large extent of the works have been undertaken.**

4.3 The roadways shown are not of an agricultural nature but are rather roadways to service Mr Gibb's continually expanding commercial yardage.

**Concern was expressed at the width and construction of the access roads with the applicant and he assured that these were solely intended to allow access for modern vehicles and machinery to the fields, without causing damage to the existing tracks.**

4.4 They believe that this application is primarily intended to give Mr Gibb a "back door" to import a further major amount of demolition material under the guise of roadmaking.

**The applicant was advised of the objector's concern that this could be construed as a "back door" to permit the disposal of demolition waste that comes to the site. The applicant confirmed that the access roads were solely for farm use and not a mechanism to dispose of demolition waste. It should be noted that any further such activities will require to be the subject of further planning applications and will be considered on their merits at that time.**

4.5 It is their opinion that any further applications for operations at Threepwood should not be permitted until the complete and large scale developments at this farm can be considered as a whole.

**This proposal is considered to be related to the running of the farm and aside from the use of some demolition material as road basecourse, it does not relate to the ongoing consideration of planning applications 05/0287/FL and 05/0207/FL, (see Planning History for details). There are no road implications for this proposal as advised by the Council's Roads and Transportation Division.**

4.6 Finally they advise that these objections are in addition to the many objections already submitted to you and, indeed, we are at a loss to understand how this major planning matter cannot be resolved without further delay.

**The objector's concern in relation to the other activities on the farm and the related planning applications are noted. The Council is**

***actively pursuing the resolution of the outstanding matters in relation to both planning applications (05/0287/FL and 05/0207/FL) to allow determination of these planning applications. The present proposal is considered to be a separate matter from these and relates to the farming activities on site.***

## **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 With regard to the Structure Plan there are no specific policies applicable to the assessment of the application.

### East Ayrshire Local Plan

5.3 The proposal needs to be assessed against the requirements of Policy ENV 13 which state that within the rural area and especially within the Sensitive Landscape Character areas identified on the Local Plan maps, the Council will ensure, through the development process, that:

- (i) Any authorised development is in keeping with, has minimal visual impact and reflects the nature of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour. The design and material finish of any ancillary features will also require to be sympathetic to the character and appearance of the area;

***The access roads are proposed on the land immediately to the north of the existing farm, next to all the existing buildings and activities. The access roads do not spread significantly into the adjoining fields and given that they will be finished in grey scalplings, the proposal is not considered to be so visually intrusive as would warrant refusal, given the benefit to the operation of the farm resulting from their formation.***

- (ii) Any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is to be located; and

***Again, the access roads are close to existing buildings and activities and will not be so visually intrusive as to significantly detract from the surrounding landscape setting. It should be noted that the site does not lie within a Sensitive Landscape Area as defined in the East Ayrshire Local Plan.***

- (iii) The landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of appropriate planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

***It is proposed to condition details of the construction of the access roads, to request samples of the surfacing material and to require a relatively short timescale for completion. These are intended to ensure the access roads are constructed to the required depths and finished timeously to minimise any visual intrusion caused by their formation.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representation 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 has been summarised in Section 4 of the report and are not of sufficient weight to warrant refusal of the application.

### Impact on the Amenity of the Area

6.4 In terms of the impact on the amenity of the area, it is considered that the finished access roads will have a minimal impact on the area. The benefit to the operation of the farm significantly outweighs the short-term minimal visual intrusion.

## Planning History

6.5 Full planning permission (05/0287/FL) for a proposed new access road for existing business, storage area for retailing stone, wood, soil, bark and general building landscape material, waste reclamation area for re-cycling wood, builders and landscape waste, operation of landscape and contract business, skip hire was submitted to the Council on 17 February 2005 and is still to be determined.

6.6 Full planning permission (05/0207/FL) for the erection of a modular office block was submitted to the Council on 31 January 2005 and is still to be determined.

6.7 A Certificate of Lawfulness (05/0132/LD) for the use of the existing premises as a shop, office and feed store mill warehouse was approved by the Council on 13 December 2005.

6.8 Advertisement consent (02/0431/AD) for a signboard was approved with conditions on 04 July 2002.

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

7.1 It is considered that there are no financial or legal implications for the Council arising from the determination of this application.

## **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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

## **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,

the application 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**

07 June 2006  
(WS/RH)

FV/DVM

060301FLThreepwoodFarmGalstonRH

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Planning History.

Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer, on 01563 578165.

***Implementation Officer: Dave Morris***

060301FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0301/FL

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Site of Proposal: Threepwood Farm  
Sorn Road  
GALSTON  
KA4 8ND

Nature of Proposal: Construction of Farm Field Access Roads

Name & Address of Applicant: James Gibb  
Threepwood Farm  
Sorn Road  
GALSTON  
KA4 8ND

Name & Address of Agent:

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DPOs Reference: WS/RH

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

1. Details of the construction of the access roads, showing materials and depth of construction shall be submitted to and agreed in writing with the Planning Authority within 21 days of the date of this consent.

REASON To allow the Planning Authority to consider this matter in detail.

2. The details required under condition 1 above shall be verified at four points on that part of the roadway already completed, to check compliance with the requirements of condition 1. These four points shall be agreed in writing with the Planning Authority and shall be checked for compliance within 2 months of the date of this consent.

REASON To allow the Planning Authority to consider this matter in detail.

3. Samples of the finished road surface material shall be submitted to and agreed in writing with the Planning Authority within 21 days of the date of this consent.

REASON In the interests of the visual amenity of the surrounding area.

4. The farm access roads hereby approved shall be completed in accordance with the submitted plans, and the details submitted under Conditions 1 and 2 above, within 6 months of the date of this consent.

REASON To ensure the development is completed timeously, in the interests of the amenity of the surrounding area.

#### NOTES TO APPLICANT

The applicant is advised to contact the Scottish Environment Protection Agency with regard to the Waste Management Licensing Regulations 1994 (as amended) at their East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP

**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.**