

**EAST AYRSHIRE COUNCIL
NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH
2007**

**06/1042/FL: CHANGE OF USE OF LAND TO FORM EQUINE RETIREMENT
HOME, ERECTION OF STEEL FRAMED STABLES, DWELLINGHOUSE
AND GARAGE
AT: LAND TO THE EAST OF EAST HEADS FARM, NEWMILNS
BY MR AND MRS A. DODDS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current application proposes the erection of a steel framed stable building and a dwellinghouse with associated detached double garage. It is proposed to access to the site from the adjacent road which leads to East Heads Farm.

1.2 The proposed stable building measures 18.5 metres in length by 9.3 metres wide, providing a floor area of 172.05 square metres and reaches a maximum height of 5.4 metres. The stable building provides five stables and a tack room and proposes the external walls to be finished in green polyester coated steel sheets with a corrugated roof containing rooflights. The front elevation of the stables proposes the installation of a green polyester coated roller shutter. The stables building will provide the horse accommodation for the proposed equine retirement home.

1.3 The proposed dwellinghouse consists of a one and a half storey detached four bedroom property with an area of decking located to the south elevation. The dwellinghouse proposed measures 15.0 metres in length and 15.0 metres at the widest point with the roof reaching the maximum height of 7.7 metres. The roof is proposed to be finished with a roof tile to look like slate and the walls to be finished in white dry dash render with reconstituted block base course and quoin detailing.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is not 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 refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the refusal of the application. The applicant's supporting information has been assessed within this report but does not indicate that the application should be approved contrary to the Development Plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning Development and Building Standards it will require to be referred to the Development Services Committee, as there would be a significant breach of Council Policy.

Alan Neish

Head of Planning, Development and Building Standards Division

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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation as a letter of objection has been received and the proposal is contrary to the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The planning application site comprises approximately 1.01 hectares of open ground located in the Rural Protection Area outwith the settlement of Newmilns.

2.2 The application site is bounded to the north, south and east by open ground and the western boundary of the site is bounded by open ground and by an access road which leads into the adjacent field. The application site is currently occupied by a caravan and by mounds of soil deposited at the site. A timber fence bounds the southern side of the road and the western boundary of the site.

2.3 **Proposed Development:** The current application proposes the erection of a steel framed stable building and a dwellinghouse with associated detached double garage. It is proposed to access to the site from the adjacent road which leads to East Heads Farm.

2.4 The proposed stable building measures 18.5 metres in length by 9.3 metres wide, providing a floor area of 172.05 square metres and reaches a maximum height of 5.4 metres. The stable building provides five stables and a tack room and proposes the external walls to be finished in green polyester coated steel sheets with a corrugated roof containing rooflights. The front elevation of the stables proposes the installation of a green polyester coated roller shutter. The stables building will provide the horse accommodation for the proposed equine retirement home.

2.5 The proposed dwellinghouse consists of a one and a half storey detached four bedroom property with an area of decking located to the south elevation. The dwellinghouse proposed measures 15.0 metres in length and 15.0 metres at the widest point with the roof reaching the maximum height of 7.7 metres. The roof is proposed to be finished with a roof tile to look like slate and the walls to be finished in white dry dash render with reconstituted block base course and quoin detailing.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Newmilns Community Council has not responded to the consultation request at the date of writing this report.

Noted.

3.2 East Ayrshire Council Environmental Health Section have made no objection to the proposal but would point out that a private water supply from a borehole is the source of water to the existing houses. Any additional development should indicate that there will be an adequate supply of clean water available at all times sufficient to meet the demands of the house and other requirement and to comply with the requirements of the public private water supply regulations.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division has recommended refusal of the application as the applicant has failed to submit an amended design in accordance with the Roads Division's consultation request to provide sight lines, a service layby and a suitable passing place for the proposal.

Noted.

3.4 Scottish Environment protection Agency have offered no objection to the proposal provided that the following requirement are satisfied and that the drainage arrangements are to SEPA's satisfaction.

3.5 The submitted plans indicate that foulwater will be directed to a new septic tank with the outfall to a soakaway system, SEPA's preferred method for the disposal of septic tank effluent is the provision of a sub-soil soakaway. Disposal of such effluent to watercourses is not considered acceptable. It is therefore recommended that the possibility of providing such sub-soil soakaway system is investigated. The septic tank and soakaway construction and design should comply with the requirements set out in the "The Scottish Building Standards: Technical Handbook: Domestic" issued in May 2005.

3.6 No details were provided for a suitable surface water soakaway system. The soakaway construction and design should comply with "The Scottish Building Standards: Technical Handbook: Domestic" issued in May 2005

3.7 The submitted stable plans indicate that surface water drainage will be connected to a new soakaway system. It is being assumed that the proposed soakaway system will only be used in relation to roof water from the proposed stables. SEPA would request that any planning permission granted would include a condition requiring the applicant to treat surface water from the site of the stables in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA.

3.8 The applicant must make suitable provision to ensure that contaminate drainage is not allowed to gain access to the soakaway systems, groundwater and the watercourses located in the vicinity of the site. SEPA would recommend adherence to the advice contained in SEPA's Pollution Prevention Guidance Note No. 24, "Stables, Kennels and Catteries".

Should planning consent be granted, all of the above mentioned issues can be dealt with by a planning condition or a note attached to any consent.

4. REPRESENTATIONS

4.1 The application was advertised in the Kilmarnock Standard and one letter of objection has been received in relation to the proposal. The points of objection are summarised below

4.2 According to the plans, the applicants require part of my ground for sight lines. I am not in a position to grant this and I therefore object to the application.

To meet the access sight line requirements of the Council's Roads Division the proposal will require an additional area of land that is currently outwith the control of the applicant.

4.3 The applicants propose to accommodate 15 horses in 5 stables and graze 15 horses on 2 acres of land. This cannot be in the best interests of the animals.

The applicant has confirmed in additional submitted information that the proposal looks to accommodate 15 retired horses in five stables. The British Horse Society's Guidelines for Keeping of Horses: Stable Sizes, Pasture Acreages and fencing states that all horses kept at grass require the provision of an adequate field shelter. Given that the proposal provides five stable units for fifteen horses it would appear that in this instance adequate shelter is not being provided for the number of horses proposed to be accommodated at the site.

Furthermore the British Horse Society's Guidelines for Keeping of Horses: Stable Sizes, Pasture Acreages and fencing states that

average pasture will maintain approximately two horses per hectare as permanent grazing, provided that good pasture management is employed with a clearly defined grassland strategy and there is adequate provision for rotation of grazing.

Given that the area of the application site amounts to 1.04 hectares it would appear that the area provided for grazing fifteen horses would not meet the standards required by the British Horse Society.

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).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

A has a site specific locational need

It is accepted that stables have a demonstrated need to be located in the rural area in general. However, no locational need for the proposed development on the specific site has been demonstrated by the applicant other than there is a rapidly expanding horse community in the general area.

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

The applicant states that as a result of the significant increase in the horse population owners are seeking to provide animals with retirement accommodation. However, the applicant has not provided justification that the proposal would provide social and economic benefit to the community.

C contribute to rural land diversification: or

The proposal is not considered to contribute to rural land diversification.

D provides for the operational needs of agriculture and forestry

It is considered that enterprises which exist to provide refuge or retirement accommodation for horses are not agricultural enterprises and do not therefore provide for the operational needs of agriculture or forestry.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 13 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:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

It is considered that the proposed dwellinghouse is not for a full time agricultural or forestry worker.

- (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;

It is considered that it is not essential to the economic operation of the proposal for a dwellinghouse to be erected on the site.

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

The applicant has provided information stating that the horses would require 24 hour care and that the proposal meets the manpower requirements of the Scottish Executive Environment and Rural Affairs Department. However, it can be considered that most of the animals would be self sufficient and would not therefore require 24 hour supervision or on-site supervision.

- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES 8 above.

Not applicable in this instance.

5.4 Policy RES 13 also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

In addition, the policy enables the Council to request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information.

The applicant's submitted supporting information does not provide details of a site-specific locational need to justify the location of the proposed house and stable building in the Rural Protection Area. The submitted business plan does not give confidence that the enterprise is viable. Consequently, the proposed erection of a dwelling house associated with the business, and prior to it's being established on site over any period of time cannot be supported. Furthermore, the proposal to provide a retirement home for horses is not considered to be an agricultural or forestry enterprise. The application is therefore considered to be contrary to policy RES 13 of the East Ayrshire Local Plan.

5.5 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 where:

- (i) Comprises an acceptable form of residential use as detailed in Policy RES 13 of the Local Plan; or

As previously stated the application does not conform with Policy RES 13 of the Local Plan.

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

The applicant's submitted supporting information has not provided satisfactory details of a site specific locational need to justify the location of the proposed house and equine retirement home in the Rural Protection Area.

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

The applicant has not justified the proposal in terms of social or economic benefit to the community.

- (iv) contributes to rural land diversification

It is considered that the proposal does not contribute to rural land diversification.

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

The applicant has not provided evidence to support the proposal in terms of the operational needs of agriculture or forestry.

The proposal does not comply with any of the above mentioned criteria for residential development.

Consequently, the proposal is contrary to Policy SD3 of the Local Plan.

5.6 Policy RES 17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of those circumstances is pertinent to the application, these being:

(ix) where the development would not meet the service requirements of the Council as a Roads Authority or the standards of all appropriate statutory undertakers and other service providers.

The Council's Roads and Transportation Division has recommended refusal of the application as the applicant has failed to submit an amended design in accordance with the Roads Division's consultation request to provide sight lines, a service layby and a suitable passing place for the proposal.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received, the planning history, the letter of support, impact on amenity and the Ayrshire Joint Structure Plan Finalised Version.

Consultations responses

6.2 The consultation responses are detailed in Section 3 of this report, the Council's Roads and Transportation Division recommends that the application be refused. The remaining consultees offered no objection to the proposed development.

Representations received

6.3 The submitted letter of objection has been assessed in Section 4 above. The letter raised valid issues relating to ownership of land required to establish access sight lines for the proposal and for the amount of land required to provide grazing for the horses.

Planning History

6.4 Planning application 00/0125/OL for the provision of a dwellinghouse and garage for occupancy of an agricultural worker was approved with conditions on 05/12/2000.

6.5 Planning application 02/0214/FL for the erection of a dwellinghouse was withdrawn by the applicant on 02/07/2003 as a result of discussion with this Division.

6.6 A reserved matters application 02/0696/RM for the erection of a dwellinghouse was withdrawn by the applicant on 29/11/2002 as a result of discussion with this Division.

6.7 A planning application 03/0367/FL for the erection of a dwellinghouse and double garage was refused on 15/08/2003.

6.8 Planning application 03/1044/RM for the erection of a dwellinghouse and garage was withdrawn by the applicant on 25/11/2005.

Letter of Support

6.9 The applicant has provided a business proposal and a statement in support of the planning application.

In this instance the applicant has not provided details to the satisfaction of the Planning Authority that successfully demonstrate a site specific locational need to justify the location of the proposed dwellinghouse in the Rural Protection Area.

The submitted business plan does not give confidence that the enterprise, and indeed the associated dwellinghouse, are viable and merit support. The proposal is for the erection of a four bedroom house in circumstances where there must be serious doubt about the viability of the related business which will not have been established and demonstrated over any preceding period. The business does not currently exist on site.

Impact on Amenity

6.10 Taking into account that the proposal includes the removal of part of the Rural Protection Area at this location it is considered that the proposal would result in a significant detrimental impact on the appearance of the wider area.

Ayrshire Joint Structure Plan Finalised Version

6.11 Policy COMM 5 states that throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

It is considered that enterprises which exist to provide refuge or retirement accommodation for horses are not agricultural enterprises and do not therefore provide for the operational needs of agriculture or forestry. In this instance, the applicant's supporting information by means of a business plan and

supporting planning statement does not justify the location of the proposal in the Rural Protection Area.

6.12 The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential developments in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

The proposed application site for residential accommodation and an equine retirement home is located in the Rural Protection Area, outwith the settlement of Newmilns and is therefore considered to be contrary to Policy Comm 5 of the Finalised Version of the Ayrshire Joint Structure Plan.

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 not 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 refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the refusal of the application. The applicant's supporting information has been assessed within this report but does not indicate that the application should be approved contrary to the Development Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning Development and Building Standards it will require to be referred to the Development Services Committee, as there would be a significant breach of Council Policy.

JL/RH
07 March 2007
FV/DVM

Alan Neish
Head of Planning, Development and Building Standards

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation responses
3. Letter of support
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan (1999)
6. Ayrshire Joint Structure Plan Finalised Version
7. Statutory Notices and Certificates
8. Relevant Planning applications:
 - 00/0125/OL
 - 02/0214/FL
 - 02/0696/RM
 - 03/0367/FL
 - 03/1044/RM

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 06/1042/FL

Site of Proposal:	Land to the east of East Heads Steading
Nature of Proposal:	Change of use of land to form equine retirement home, erection of steel framed stables, dwellinghouse and garage.
Name & Address of Applicant:	Mr & Mrs A Dodds High Newton Farm Priestland KA17 0LT
Name & Address of Agent	Fleming Muir Architects 20 St Quivox Road Prestwick KA9 1LJ

DPOs Reference: JL/RH

The above FULL planning application should be refused for the following reasons:-

1. The proposed development would be contrary to Policies SD3 and RES 13 of the Adopted East Ayrshire Local Plan in that the applicant has not successfully demonstrated a site specific locational need for the proposal.
2. The proposed development is contrary to the requirements of Policy RES 17 of the Adopted East Ayrshire Local Plan in that the proposal does not comply with the requirements of the Council as Roads Authority.
3. The proposed development would be contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan and Policy COMM5 of the Finalised Ayrshire Joint Structure Plan in that the applicant has not demonstrated a site specific locational need for the proposal.

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