

## **AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MAY 2006**

**05/1053/FL: PROPOSED SITING OF CARAVAN AND ERECTION OF BARN  
AT LAND ADJACENT TO THE B7037 SORN ROAD, GALSTON  
(CENTRED ON GRID POINT 635742, 250700)  
BY MR & MRS CARTEN**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning consent is sought for the erection of a barn and caravan in the field. It is proposed to locate the 10m wide by 25m long by 5m high barn parallel to, but 10m back from the B7037. Exact details of the caravan have not been provided however it is proposed to locate the caravan on the northern side of the barn away from the public road.

1.2 The proposal aims to create a cattle rearing facility which will be operated by the applicants. The operation of the facility involves the applicants purchasing fifty, one week old calves, and rearing them until they reach three months of age when they will be sold. It is intended to raise three batches of calves per annum this allows time to disinfect the shed thoroughly between batches to prevent disease spread. The remainder of the land will produce grass for hay and all extra feed will be brought into the unit.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, this application is considered to be contrary to the Development Plan. Therefore 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 however none are considered to be of such significant weight as would merit approval of the application.

## **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 the application will require to be referred to the Development Services Committee as this would 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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MAY 2006

**05/1053/FL: PROPOSED SITING OF CARAVAN AND ERECTION OF BARN  
AT LAND ADJACENT TO THE B7037 SORN ROAD, GALSTON  
(CENTRED ON GRID POINT 635742, 250700)  
BY MR & MRS CARTEN**

### 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 it is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 3 hectares of agricultural land approximately 300m to the south of Galston on the B7037 Sorn Road. The application site is located to the north of the Sorn Road between the two 90 degree bends in the B7037 outside Cessnock Castle. There are no buildings on the site at present. The site has a significant downward gradient from west to east.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a barn and caravan in the field. It is proposed to locate the 10m wide by 25m long by 5m high barn parallel to, but 10m back from the B7037. Exact details of the caravan have not been provided however it is proposed to locate the caravan on the northern side of the barn away from the public road.

2.3 The proposal aims to create a cattle rearing facility which will be operated by the applicants. The operation of the facility involves the applicants purchasing fifty, one week old calves, and rearing them until they reach three months of age when they will be sold. It is intended to raise three batches of calves per annum this allows time to disinfect the shed thoroughly between batches to prevent disease spread. The remainder of the land will produce grass for hay and all extra feed will be brought into the unit.

### 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, X=2.5m and Y=120m, and the junction reconstructed to adoptable commercial standard and that these works be carried out prior to the commencement of the building works on site.

***Conditions can be attached to any grant of planning permission addressing the matters raised by the Roads Division.***

3.2 Scottish Environment Protection Agency does not object to the proposal, however they recommend that the applicant follows any relevant guidance provided in the Prevention of Environmental Pollution from Agricultural Activity code of Practice.

***A note can be added to any grant of consent bringing this matter to their attention.***

3.3 Galston Community Council have not responded in relation to this proposal at the time of writing.

***Noted.***

### 4. REPRESENTATIONS

Seven letters of objection have been received in relation to this proposal. They raise the following issues:

4.1 Amenity - the area's amenity will be negatively impacted by the siting of a caravan.

***The siting of the temporary caravan would have a negative but short-term impact on the amenity of the area. The applicant would intend after one year, providing the business was operational, to apply for planning consent for a permanent house.***

4.2 Road safety - this area is close to a bad bend where there have been many accidents.

***As indicated above the Roads Division have no objection to the proposal provided appropriate access arrangements are made and the access is re-located to provide appropriate sightlines. The Roads Division also indicate that there have been no reported accidents on this section of road, between the bends, within the last three years.***

4.3 Similar developments which have been initially nominally agricultural have over time developed into residential dominated developments.

***If an agricultural related residential unit was approved for this development a condition could be attached to any grant of consent which required that only a person currently or formerly employed full time in agriculture at that location could occupy the unit.***

4.4 Cessnock Castle is a grade A listed building and as such the development will negatively impact on this important building.

***While the application site may have been on lands which related to Cessnock Castle originally the proposal is not within the curtilage of the Listed Building. The proposal is approximately 330 metres north west of Cessnock Castle and is separated from it by a small wood and therefore would have a minimal impact on the setting of the Listed Building.***

4.5 The development is on a Greenfield site which lies outside Galston town boundary. It is not an identified housing site. Therefore it is not in line with the Local Plan Housing Policy RES2 and RES12. It will not contribute to the housing shortfall or increase the availability of affordable housing in the Galston area.

***The proposal is located outwith the settlement boundary of Galston and is a greenfield site. The application aims to provide an agricultural related residential unit as well as a barn on the site and therefore Policy RES2 would not be applicable to this application.***

***With regards to Policy RES12 of the Local Plan, the applicant indicates that the proposed caravan is required to supervise the proposed calf rearing business however, as indicated above, the proposed business has not been proven and does not generate sufficient labour hours to justify a full time worker on the site therefore the proposal does not accord with the requirements of the Policy.***

4.6 Sewerage problems on this site would be by means of a septic tank, I am concerned that any run off from this tank would cause potential health problems.

***East Ayrshire Council Building Standards and the Scottish Environment Protection Agency have the responsibility over the regulation and installation of any septic tank required within the development site. An appropriately located and installed septic tank should not create any health hazards.***

4.7 Although the fields are good grazing they would not support the intensity of farming required to justify a residence on the site. The buildings would in fact only reduce the effective grazing area further reducing its viability.

***The proposal is for the rearing of calves within the shed and therefore it is not significant what area of land remains on the site.***

4.8 It would seem that anybody can build a stable and equestrian business and then build a house which is not inkeeping with the surrounding area in the green belt ie High Burn House.

***The planning history of adjacent properties is not relevant to the determination of this application. Each planning application is determined on its own merits.***

4.9 The proposal will upset the wildlife and biodiversity of the area. Is this not what the Scottish Executive were trying to preserve?

***The application site is currently used for agricultural purposes therefore the proposal will not have a significant impact on wildlife and biodiversity in the locality.***

4.10 There are plenty of areas within East Ayrshire for new houses, this green belt is not one of them.

***The application site is within the Rural Protection Area, as defined by the East Ayrshire Local Plan, rather than within a Greenbelt designation. It should be noted that East Ayrshire Local Plan does not contain any areas designated as Greenbelt. The East Ayrshire Local Plan does allow for appropriately justified new houses in the Rural Protection Area.***

4.11 The sitting of a caravan in this field will be unsightly and purports that somebody intends to build a house on this land in the future.

***This proposal does relate to the provision of a temporary caravan to allow the establishment of agricultural unit on site. If the proposal was successful and the business became established then the applicant may choose to make a subsequent planning application for a dwellinghouse.***

4.12 The proposed development will be visually prominent above the existing settlement breaking the skyline at various points and will diminish the landscape quality and character of the area.

***Due to the sloping nature of the site the proposal will be visually prominent and detrimental to the visual amenity of the area.***

4.13 Although the land at the development site is of good quality, the acreage owned by the applicants is incapable of supporting a full time agricultural or forestry worker. A rural worker employed in any other capacity will have no site specific locational need for residence on this site. This development will therefore make no contribution to the local economy and will reduce the amount of good quality land available for agricultural use.

***The SAC report submitted by the Applicant does not provide sufficient justification for the location of agriculture related residential unit on the site.***

4.14 The development would lead to sporadic development along the Sorn Road outwith the existing settlement boundaries. It will decrease the quality of life for Galston residents by encouraging urbanisation of rural landscape. Other landowners will be encouraged to develop their greenfield land for further inappropriate residential developments.

***The proposal would lead to sporadic development along the Sorn Road however, if the proposal provided the appropriate justification of one labour unit then an appropriately designed and located agricultural residential unit may be considered at this location. The proposed barn would not lead to an urbanisation of the countryside however its design and location are inappropriate development due to the sloping nature of the site.***

4.15 The siting of a caravan at the edge of the Sorn Road may encourage travelling people to set up camps in the area. This will increase fear of crime in local residents and have a detrimental environmental impact.

***The Planning Authority is not aware of any evidence that shows that the granting of a temporary consent for a caravan would result in the area being taken up by travelling people as a campsite.***

4.16 The development is likely to adversely impact the local environment by increasing water, air, noise and light pollution.

***The impact of the proposal on light, water and noise pollution in the area is considered to be minimal.***

4.17 The applicants are older retired people. Who would take up permanent residence in the caravan?

***The age of the applicant is not relevant to the determination of the planning application.***

4.18 The site currently contains a few horses, Mr & Mrs Carten intend to rear cattle on the site. They are not therefore seeking to diversify within a rural environment: against the trend, they are seeking to establish an agricultural business.

***The SAC report indicates that until six years ago the applicants grazed calves on the site. In recent years the field has been rented out on a seasonal basis.***

4.19 The clear policy and theme in NPPG15 and SPP15 is to encourage (where appropriate) diversification out of agriculture. This is in recognition of planning policy being “in tune with this fundamental economic reality”, SPP15 paragraph 15 the policy being diversification of the rural economy. This proposal fails to accord with the requirements of NPPG15 and SPP15.

***National Planning Policy Guideline 15 has been superseded by Scottish Planning Policy, (SPP15). SPP15 Planning for Rural Development is a material consideration in the determination of this application. Having said that, paragraph 37 of said document indicates that the SPP15 should be implemented through alterations to development plans. As a direct result of this and the ongoing review of the East Ayrshire Local Plan, an alteration to the Policies of the East Ayrshire Local Plan is currently being prepared and, as part of this, SPP15 will be taken into full consideration. Until then, the current East Ayrshire Local Plan remains the principal policy document against which all planning applications are assessed. The relevant policy in this instance is RES12.***

4.20 No business plan or expert evidence to support the assertion that a viable business rearing cattle can take place on these limited lands has been submitted: particularly when the capital expenditure start up costs for the business involve the building of a barn and the sitting of a caravan. In addition there will be recurring running expenses: feed, veterinary bills, stock acquisition costs and such like. At a time when far larger agricultural holdings are going out of business the applicants, if the application is to be taken at face value, are presumably going to demonstrate that a viable business can be run. This is against the national trend. There has been a downturn in agriculture, which is uneconomic unless extremely large or intensive where economies of scale and demand lead to a net profit. No banker, investor, farmer or other business person looking at the matter coldly and objectively would support such a business because it is not viable.

It is simply impossible to run a sustainable farm on this limited acreage- even ignoring the capital expenditure required to start up the business and carry out the development that the applicants seek.

***The applicant is not required to provide financial justification for the proposal.***

4.21 The purpose of the application is not to seek permission to build in support of the business, the business is being put forward as a justification for building. It is the thin end of the wedge.

***The planning application is for the erection of a barn and caravan on agricultural land, to facilitate the business.***

4.22 How does this proposal fit with the adjourned earlier applications to build a house on the same site? It is the applicants aim to ultimately build a house.

***The previous applications for this site have been withdrawn and are not open to consideration. The applicant has indicated that it would be their intention, if they can establish the business, to look for permanent residential accommodation on the site. Any new dwellinghouse on the site would be the subject of a fresh planning application.***

4.23 The notification did not mention the erection of the barn.

***Appropriate notification has been carried out detailing that the proposal was for the erection of a barn and a caravan.***

4.24 It may be the long term aims of the applicant that the business fails and that the newly erected shed may be an acceptable building for conversion under policy RES7 of the East Ayrshire Local Plan.

***Any proposal to convert a modern disused barn into a residential unit would be the subject of a planning application and the merits of the scheme would be assessed at that time. However, it would not be likely to be considered favourably under Policy RES7.***

4.25 There are no plans which show the caravan type or details of its inhabitants parking arrangements, drainage or power services.

***If planning permission were to be granted for the location of a caravan on the site, then conditions could be attached to any grant of planning permission addressing its design and connection to appropriate services.***

4.26 There are no plans relative to the barn.

***The Planning application does include details of the barn and its location.***

In response to the letters of objection the applicant has submitted the following comments:

4.27 The point about vehicles having difficulty negotiating with two bends in the road are a matter for your Council's Roads Department.

4.28 Any water which runs off the land creating problems in the road is not from his fields but from the adjacent field nearer Galston.

4.29 The caravan would be a temporary measure. Given the topography of the land the chosen location is no more a problem than any other location on this land.

4.30 From the north i.e approaching from Galston the development would be seen against the backdrop of the woods and would not interrupt the skyline. However the nature of buildings in the countryside is that there are usually several vantage points where it can be claimed that they interrupt the skyline.

4.31 The adjoining house occupied by Mr White is rather more prominent which obviously did not concern the planning department at the time that was granted consent.

4.32 A barn is a feature of the countryside.

4.33 The "business" would be conducted within the barn. *Calves* are small beasts rather than large *cattle*. Calves would be reared inside the barn; the fields are necessary for the by-products of calf raising i.e spreading of manure. There are well established limits for the amount of manure which can be spread over a piece of land and the applicant intends to work within these guidelines.

4.34 The applicant does not intend to diversify and therefore any dialogue on the point of diversification is irrelevant.

4.35 The Report from Scottish Agricultural College indicates Mr Carten has 40 years experience in farming including various courses in agriculture and agricultural related subjects.

4.36 We contend that the objector does not need to see the clients' business plan. The finances of the proposed development are the applicants business.

4.37 Historically these fields were part of the estate (up until about 1929).

4.38 Just because there is a policy relating to diversification does not mean that the applicant must diversify.

4.39 On 07 October 2005 we served Cessnock Castle with a neighbour notification notice, which specifically mentioned "siting of caravan and erection of barn".

4.40 The barn design would be wholly unsuitable for conversion according to East Ayrshire Local Plan policies.

4.41 We have advised the likely size of the caravan but until consent is granted the applicant is obviously not going to purchase a caravan.

4.42 High Burn House is not relevant to this application. The application is not for a stable business.

4.43 This is not an application for a housing development.

***It is not considered that any comment is needed from the Planning Authority on the response by the Applicant to the objector's letters.***

4.44 In addition the applicant has indicated that they would be willing, through the attachment of appropriate conditions to any grant of planning consent, to re-locate the barn and caravan within the application site.

***Planning Conditions could be attached to any grant of consent relocating the barn and caravan within the application 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 (EALP).

### Ayrshire Joint Structure Plan

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 demonstrated site specific locational need;

***The applicant has provided a Scottish Agricultural College report which indicates that the proposal will produce 0.93 of a labour requirement. This figure is below the minimum justification of 1labour unit. Therefore it is considered that the proposal does not provide sufficient justification for the location of an agriculturally related residential caravan on the site.***

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

**There is no social or economic benefit to the community from the proposal.**

C contributes to rural land diversification: or

**The proposal would not contribute to rural land diversification**

D provides for the operational needs of agriculture and forestry.

**The proposal aims to provide a barn and a residential caravan on the site for the operation of a cattle rearing business however the proposal fails to justify the need for a residential caravan on the site.**

#### East Ayrshire Local Plan

5.3 Policy RES12 states that the use of caravans and non-permanent dwellings on sites other than those specifically authorised for such purposes will not be permitted. However, the policy also states that temporary consent may be granted in special circumstances where on-site temporary accommodation is required pending the construction of a permanent dwelling or where a temporary, proven, site specific locational need can be demonstrated to the satisfaction of the Council.

***The applicant indicates that the proposed caravan is required to supervise the proposed calf rearing business however, as indicated above, the proposed business does not generate sufficient labour hours to justify a full time worker on the site.***

***Committee should note that as this is the establishment of a new business in the Rural Protection Area and it is vital to the maintenance of the integrity of the Rural Protection Area that any proposals have the appropriate justification. This proposal fails to achieve the required labour unit for a full time worker. The issue of the justification being under the required limit was raised with the applicant who has indicated that they have reassessed their proposal and believe that it is an honest reflection of their proposal.***

***It is therefore considered that while the provision of a barn on the field may be acceptable in a different less prominent location no appropriate justification exists for the location of a residential caravan, even on a temporary basis, on the site.***

5.4 Policy RES 16 indicates that the Council will not generally be supportive of new agricultural workers' houses in the countryside where the farm unit has been established for less than two years. A temporary residential caravan may accommodate an agricultural worker for a limited period where it is required to meet the operational requirements of the unit.

***The operation of this policy depends on there being, initially, a justification for the residential accommodation.***

5.5 Policy ENV 7 indicates that all proposals should meet with the requirements of the Council's Design guidance.

***It is considered that the application drawings do not adequately reflect the sloping nature of the site. Due to the sloping nature of the site the barn would require a significant amount of underbuilding at its eastern end to provide a level floor within the barn.***

***Therefore given the prominent location of the barn adjacent to the public highway and the amount of underbuilding required, the proposed barn would have a detrimental impact on the visual amenity of the area and therefore does not accord with the Policy.***

***No details have been provided of the proposed caravan however if the application was to be approved conditions could be attached to any grant of consent addressing its design, location and infrastructure requirements.***

## **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 of the report, the letters of representation received addressed in Section 4 of the report, the planning history of the 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.

## Letter of Objection

6.3 As indicated in 4.1 above, there are objectors to this proposal. These objections raise some relevant planning issues which would merit the refusal of the application as the scheme fails to achieve the minimum labour requirement to justify a new agricultural related residential unit and that the location of the barn would be visually intrusive.

## Planning History

6.4 Planning application 04/0249/OL for the erection of a dwellinghouse and agricultural business at the site was withdrawn on the 28 November 2005.

6.5 Planning application 03/0067/OL for the erection of a dwellinghouse with garage for a low intensity agricultural use at the site was withdrawn on the 01 March 2004.

6.6 Planning application 03/0066/FL for the erection of a dwellinghouse with garage for low intensity agricultural use at this site was withdrawn on 23 November 2005.

6.7 Outline planning permission was granted for the erection of livery stables and associated house with garage at Burnhouse Field Sorn Road Galston on the 26 May 1998.

6.8 A reserved matters planning application was granted for the erection of livery stables and associated house with garage at Burnhouse Field Sorn Road Galston on 17 February 1999.

## Impact Upon Amenity

6.9 The impact on the amenity of the area is considered to be unacceptable due to the prominent nature of the barn adjacent to the public highway. In addition as the residential caravan has insufficient agricultural justification it would therefore be unnecessary development in the Rural Protection Area.

## **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 indicated in Section 5 of the report, this application is considered to be contrary to the Development Plan. Therefore 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 however none are considered to be of such significant weight as would merit approval of the application.

## **9. RECOMMENDATION**

**9.1 It is considered 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 the application will require to be referred to the Development Services Committee as this would represent a significant departure from policy.

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

10 May 2006  
(CSI/RH)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Letter of Support/Response to Objectors.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted East Ayrshire Local Plan.
8. Planning History.
9. SPP 15 "Planning for Rural Development".

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: 05/1053/FL

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Site of Proposal: Land Adjacent to the B7037, Sorn Road,  
Galston

Nature of Proposal: Proposed Siting of Caravan and Erection of  
Barn

Name & Address of Applicant: Mr and Mrs Carten  
51 Rumford Place  
KILMARNOCK  
KA3 6FH

Name & Address of Agent: Munro Architects  
23 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: CSI/RH

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

1. The application is contrary to Policy G5 of the Ayrshire Joint Structure Plan as the proposed residential caravan would be an unjustified residential unit in the Rural Protection Area.
2. The application is contrary to Policy RES 12 of the Adopted East Ayrshire Local Plan as the proposed residential caravan would be an unjustified residential unit in the Rural Protection Area.
3. The application is contrary to Policy ENV7 of the Adopted East Ayrshire Local Plan by reason of the scale, design and position of the proposal being visually intrusive in the Rural Protection Area.
4. The application is contrary to Policy RES 13 of the Adopted East Ayrshire Local Plan in that there is no demonstrated justification for the provision of residential accommodation at the application site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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