

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 NOVEMBER 2004**

**04/0526/OL: PROPOSED ERECTION OF DWELLINGHOUSE  
AT BERRYHILL FARM, MOSCOW  
BY MR D WILSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a dwellinghouse and associated access road. The formation of the access would involve the felling of some trees in the shelter belt but would afford the best visibility standards as there are dips and visibility obstructions on the A719. The road would be approximately 185 metres long.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As 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 Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

3.2 The labour assessment report submitted by the applicant fails to demonstrate a need on the farm unit for an additional full time agricultural worker. Correspondence with the agent indicates that their justification for the dwelling comprises both an agricultural one and one based on the need to provide full time management and security at the site. It is also noted that the applicant

intends to get married at the start of 2005 and to move out of the current Berryhill farmhouse. There is not considered to be an acceptable agricultural justification for the proposed development and the machinery business effectively has security on site in the form of the existing house. It is also unclear how effective, in security terms, would be the proposed house, which is some 120 metres from the existing premises and accessed off a separate track. The proposed development would therefore constitute the erection of a new dwelling in the countryside without agricultural support or appropriate alternative justification and would therefore not be in accordance with Policies RES 13 and RES 15 of the adopted East Ayrshire Local 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, the application will require to be referred to the Development Services Committee because there will be a significant departure from 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.**

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NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 NOVEMBER 2004

### 04/0526/OL: PROPOSED ERECTION OF DWELLINGHOUSE AT BERRYHILL FARM, MOSCOW BY MR D WILSON

#### 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 as the application is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site lies between Berryhill Farm and the A719, just north of Moscow and comprises part of a field currently used for grazing. The surrounding land rises from the A719 towards Berryhill and does not offer significant amounts of screening, although a mature shelter belt to the north of the site would partly screen the access road when travelling south (towards Moscow) on the A719. Berryhill Farm has an established farm machinery supply and repair service employing nine members of staff in addition to the family members. The business operates as a partnership between Mr Wilson (senior) and Mrs Wilson, and Mr Wilson (junior) for whom the new house is intended.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse and associated access road. The formation of the access would involve the felling of some trees in the shelter belt but would afford the best visibility standards as there are dips and visibility obstructions on the A719. The road would be approximately 185 metres long.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Moscow and Waterside Community Council has not responded to the consultation letter.

#### *Noted.*

3.2 The Scottish Environment Protection Agency (SEPA) have no objection to this proposal provided that the drainage arrangements are to SEPA's satisfaction. Their preferred method for the disposal of septic tank effluent is the

provision of a sub soil soakaway system. It is therefore recommended that the possibility of providing such a system is investigated. The septic tank and soakaway will require to be designed and constructed in accordance with the current code of practice BS6297:1983 and Part M of the Building Standards (Scotland) Regulations 1990 (as amended). This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. Surface water should be excluded from the septic tank.

***Should the Committee be minded to approve the application suitable conditions covering the drainage can be added to any planning permission granted.***

3.3 Scottish Water have not replied to their consultation at the time of preparing this report.

***Noted.***

3.4 East Ayrshire Council's Roads and Transportation Division have advised that following amendments to the location of the proposed access road, they have no objections to the application subject to conditions relating to the timing of, and the standard of construction of the road.

***Noted. Should the Committee be minded to approve the application suitable conditions covering the access road can be added to any planning permission granted.***

3.5 Power Systems have no objection in principle to the works but advise that the applicant should be made aware that there is apparatus within/adjacent to the site which may require alteration or protection.

***Should the application be approved, the developers can be made aware by means of a note attached to any planning consent, of the need to make early contact with Power Systems.***

#### **4. REPRESENTATIONS**

4.1 No representations have been received in respect of the application.

***Noted.***

#### **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 supporting information provided fails to demonstrate that the proposal has a site specific need to be located outwith the settlement boundary.***

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

***A new house in the rural area cannot be justified in terms of social and economic benefit to the community.***

**C** contributes to rural land diversification: or

***This proposal would not contribute to rural land diversification.***

**D** provides for the operational needs of agriculture and forestry.

***The applicant has not demonstrated that the new house is required for the operational needs of agriculture or forestry.***

***As it stands, the application is contrary to structure plan policy as the location of the proposed house in the Rural Protection Area has not been justified.***

#### East Ayrshire Local Plan

5.3 Policy RES13 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 for one of four stated purposes. One of those purposes is pertinent to the application under consideration:

(i) for a full time agricultural or forestry worker employed directly on the land to which the proposed 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 the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

The policy 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.

***As stated under policy G5 of the AJSP, the applicant's supporting information fails to justify the location of the proposed house in the Rural Protection Area in terms of the operational needs of agriculture on the farm unit. The labour assessment report submitted by the applicant does not demonstrate the need for an additional full time agricultural worker on the farm unit. The applicant has submitted that the house is for his use in the operation of an agricultural machinery business established for many years at Berryhill Farm and in connection with a beef finishing business. The livestock element of the business is shown as generating a requirement for 0.46 labour units. The applicant's parents are partners in the business and stay in the existing Berryhill farmhouse which is attached to the farm buildings that are currently used for storage serving the machinery business. In this respect, criteria (i) of RES 13 is not met and there is already accommodation in close vicinity to the machinery enterprise able to offer security. The application is therefore contrary to policy RES 13.***

5.4 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows;

- (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 policy also 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 being isolated in the countryside.

***The applicant fails to demonstrate that the principle of a house at this rural location is acceptable in terms of policy RES 13 above, or that, existing buildings are incapable of conversion to residential use or no degraded land is capable of residential development. The proposed site is isolated from the main grouping of farm buildings at Berryhill Farm which is contrary to policy RES 15 above. The site would need to be relocated much closer to the existing farm in order to comply with this policy.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the impact of the house as proposed on the visual amenity of the area.

### Consultations Responses

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

### Visual Impact

6.3 The proposed house being conspicuous in the countryside and remote from the existing farm steading would represent an unwarranted visual intrusion in the countryside.

## **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, the application is not considered to be in accordance 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 refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. These considerations have been

assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

8.2 The labour assessment report submitted by the applicant fails to demonstrate a need on the farm unit for an additional full time agricultural worker. Correspondence with the agent indicates that their justification for the dwelling comprises both an agricultural one and one based on the need to provide full time management and security at the site. It is also noted that the applicant intends to get married at the start of 2005 and to move out of the current Berryhill farmhouse. There is not considered to be an acceptable agricultural justification for the proposed development and the machinery business effectively has security on site in the form of the existing house. It is also unclear how effective, in security terms, would be the proposed house, which is some 120 metres from the existing premises and accessed off a separate track. The proposed development would therefore constitute the erection of a new dwelling in the countryside without agricultural support or appropriate alternative justification and would therefore not be in accordance with Policies RES 13 and RES 15 of the adopted East Ayrshire Local Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed 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 because there will be a significant departure from Council policy.

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

16 November 2004  
(AG/MMM/IMB)  
FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Labour Assessment Report prepared by SAC.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Ailsa Graham on 01563 576787

***Implementation Officer: Dave Morris***

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TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

	Application No. 04/0526/OL
Location	Berryhill Farm Moscow
Nature of Proposal:	Erection of New Dwellinghouse
Name and Address of Applicant:	David Wilson Berryhill Moscow KA4 8PR
Name and Address of Agent	Grant Murray 30 Bell Street Glasgow G1 1 LG

DPOs Reference: AG/MMM

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

1. The proposed development would constitute the erection of a new dwelling in the countryside without sufficient agricultural or other justification and would therefore not be in accordance with Policies RES 13 and RES 15 of the Adopted East Ayrshire Local Plan.
2. The proposed development would be contrary to policy G5 of the Ayrshire Joint Structure Plan in that a locational need for a new dwellinghouse in the countryside has not been justified.
3. The proposed development would constitute an unwarranted visual intrusion in the open countryside.

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