

## **EAST AYRSHIRE COUNCIL**

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

**04/0484/FL: PROPOSED EARTH SHELTERED HOUSE  
AT SIDEHEAD FARM, BY DUNLOP  
BY MERCURY REAL ESTATE**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to construct a five bedroom dwelling within the confines of the water tank, a double garage in the underground tank and associated access roads/paths. The design of the house is modern and utilises a variety of materials and would have one elevation visible to general view, from the Neilston Road and the other (south) elevation would be within the confines of the water tank. The main roof of the house would be level with the retaining walls of the water tank to form a grassed roof garden. The house is predominantly single storey but would have a mezzanine room at first floor, the south elevation of which would be entirely glazed. The roof and convex north elevation, which rise more than 2 metres above the current highest part of the site would be visible from the Neilston Road. This section is proposed to be covered in grass.

#### **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 indicated in Section 5 of the report the application is contrary to the policies of the Adopted East Ayrshire Local Plan in that the proposal does not constitute the conversion of existing buildings and comprises the erection of a new house in the countryside without appropriate justification. No supporting information has been submitted as required by Policy RES 13 to demonstrate that the house is required for an agricultural or a tourism related activity.

3.2 It is also considered that the visual impact of the proposal particularly with regard to its north west elevation would be to the detriment of the area.

## **CONTRARY DECISION NOTE**

Should the Committee be minded to approve the application 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 be 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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### 04/0484/FL: PROPOSED EARTH SHELTERED HOUSE AT SIDEHEAD FARM, BY DUNLOP BY MERCURY REAL ESTATE

#### 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 contrary to the Adopted East Ayrshire Local Plan and is recommended for refusal.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site, extending to approximately 5000 square metres, comprises a disused water holding tank and smaller underground tank located in a field to the north-east of Sidehead Farm, by Dunlop. The site rises twenty metres from the Neilston Road (C7) eastward up to Sidehead Farm, with the water tank set into the brow of the hill. The site and immediate environs are under pasture and used for, grazing with the sides of the water tank being fenced off by metal railings which are visible from the road. The tank itself is 37 metres wide by 37 metres at its longest with a concrete floor and sides, 3.6 metres high. Other than its grassed retaining bank, (which is disturbed in places) the water tank is not visible from general view. The underground tank is approximately 9 metres by 7 metres and is located further down the slope towards the Neilston Road.

2.2 **Proposed Development:** It is proposed to construct a five bedroom dwelling within the confines of the water tank, a double garage in the underground tank and associated access roads/paths. The design of the house is modern and utilises a variety of materials and would have one elevation visible to general view, from the Neilston Road and the other (south) elevation would be within the confines of the water tank. The main roof of the house would be level with the retaining walls of the water tank to form a grassed roof garden. The house is predominantly single storey but would have a mezzanine room at first floor, the south elevation of which would be entirely glazed. The roof and convex north elevation, which rise more than 2 metres above the current highest part of

the site would be visible from the Neilston Road. This section is proposed to be covered in grass.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water advise that there is water apparatus located within the site that may be affected by the application. The applicant should contact Scottish Water to discuss what measures are to be taken to safeguard this apparatus. As there are no known sewers to which a connection may be made, drainage will require to be to a septic tank or other suitable treatment system to the satisfaction of SEPA. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

***Should the Committee be minded to approve the application, conditions regarding the septic tank location can be attached to the grant of any planning permission, and the applicant will be advised to liaise directly with Scottish Water on the equipment which may be affected.***

3.2 East Ayrshire Council Roads and Transportation Division have no objections to the application, subject to certain conditions. These are 1) the sightlines with the junction with the C7 (Neilston Road) require to be  $x = 2.5$  metres by  $y = 215$  metres, and no fencing or building over one metre in height will be allowed within these areas, 2) the access will be required to be widened to permit refuse collection vehicles to pull off the public road during the collection of wheelie bins. The dimensions require to be 12 metres with 6 metre tappers, and constructed to an adoptable standard.

***Noted. Should Committee be minded to approve the application, conditions regarding the construction of the sightlines and layby would be attached to the grant of planning permission.***

3.3 Scottish Environment Protection Agency have no objection to the proposal provided that the drainage arrangements are to SEPA's satisfaction. The preferred method for the disposal of septic tank effluent is the provision of a sub soil soakaway system and it is recommended that the possibility of providing such a system is investigated. Due to the limited dilution available in the nearby watercourse, it is likely that the sewerage effluent arising from the development will require to receive full biological treatment.

***Noted. Should Committee be minded to approve the application, conditions regarding the drainage and septic tank arrangements can be attached to the grant of planning permission.***

3.4 Dunlop and Lugton Community Council have no comments to make on the application.

***Noted.***

3.5 Transco have no adverse comments regarding the proposed development.

***Noted.***

3.6 Stewarton and District Community Council felt unable to comment on the application, given the level of detail.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There are no letters of representation. However the applicant has submitted a supporting statement in respect of the concept of the Earth House and its design. It confirms:

- The current derelict state of the site its structural condition and the eco friendly, environmentally low impact character of the proposal.

The statement asserts the following that:

- The question of what to do with such redundant structures in the countryside, and with this one in particular, is a serious issue. It is our considered view that a carefully designed single residence, with a forward-looking environmental strategy could be a suitable use for the site.

The statement makes no reference to the consideration of the proposal against the terms of the Development Plan.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 state that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan constitutes the approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan ( 2003).

## **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;*
- B *can be justified in terms of social and economic benefit to the community;*
- C *contributes to rural land diversification: or*
- D *provides for the operational needs of agriculture and forestry.*

***The proposed development has been assessed against the above criteria, and found not to accord with the policy.***

## **East Ayrshire Local Plan**

5.3 Policy RES 7 does encourage rehabilitation of buildings in accordance with the criteria below:

- (i) *the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;*
- (ii) *the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;*
- (iii) *the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;*
- (iv) *the proposal is fully in keeping with the character and appearance of the area within which it is located;*
- (v) *the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and*

(vi) *the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.*

***This policy is extremely focussed and states that the Council will encourage the conversion of existing traditional buildings to residential use. However, this structure is not a traditional building in the sense addressed by this policy; it is a roofless water storage tank. It is therefore considered more appropriate that the proposal be viewed essentially as a new house in the countryside which means that the application falls to be assessed against policy RES 13.***

5.4 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.

- (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.*

***The applicant has not supplied any supporting information that would demonstrate that the new house is required for any of the above purposes. It is therefore contrary to policy RES 13. Whilst accepting that this is a novel situation, it can only be concluded that the proposal is contrary to the Development Plan and accordingly it should be refused unless material considerations indicate otherwise.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses as detailed above and the environmental and visual impact on the area.

6.2 In this instance the material consideration that is most important is the impact on the amenity of the area. Currently, as has been referred to previously the site appears as a relatively unaltered field in agricultural use. Closer scrutiny would pick out the outline of the lower tank in the land form but to all intents and purposes from most aspects the site is natural grassed field. From the top of the site the open basin of the tank is unavoidable but this aspect is not visible in the general appreciation of the area. The principle of any development of the nature proposed would involve a dramatic alteration to the north side of the site. This is added to by the modern incongruous design of the house, which in its principle elements involves physical alterations that intrude significantly above the existing land form to the detriment of the area.

6.3 In addition the access and parking arrangements as proposed will create a substantial visual disruption of the otherwise rural aspect to this hillside.

6.4 It is considered that the proposal and its supporting statement does not offer sufficient justification for the level of intrusion into the landscape that would result from the development as proposed.

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

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the application is contrary to the policies of the Adopted East Ayrshire Local Plan in that the proposal does not constitute the conversion of existing buildings and comprises the erection of a new house in the countryside without appropriate justification. No supporting information has been submitted as required by Policy RES 13 to demonstrate that the house is required for an agricultural or a tourism related activity.

8.2 It is also considered that the visual impact of the proposal particularly with regard to its north west elevation would be to the detriment of the area.

## **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 to approve the application 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 be a significant departure from policy.

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

17 November 2004  
(AG/SA)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates
3. Letters of Objection.
4. Consultation Replies.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0484/FL

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Site of Proposal:	Sidehead Farm By DUNLOP
Nature of Proposal:	Proposed Earth Sheltered House
Name & Address of Applicant:	Mercury Real Estate 22 Newmill Road Dunlop KILMARNOCK KA3 4BA
Name & Address of Agent:	Garry Adam Architects Ltd 32 High Barholm KILBARCHAN PA10 2EQ

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DPOs Reference: AG/SA

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

1. The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore not be in accordance with Policy RES13 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore not be in accordance with Policy G5 of the Ayrshire Joint Structure Plan.
3. The proposed development would constitute an unwarranted visual intrusion in the open countryside by reason of the introduction of access road and parking facilities and residential accommodation designed in such a manner as to be incongruous in the rural area.

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VIEWING PLEASE CONTACT (01563) 576790.**