

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 25 NOVEMBER 2005**

**05/0644/FL: PROPOSED ERECTION OF SINGLE DWELLING  
AT LAND ADJACENT TO BARRMILL FARM, GALSTON  
BY MR & MRS JOHNSTON**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal consists of the erection of a two storey detached dwellinghouse. The dwellinghouse with integral garage would cover a footprint area of some 97 sq metres. It is proposed to finish the dwellinghouse externally in render and slate roofing tiles. Vehicular and pedestrian access is proposed via the single lane access track leading from Maxwood Road.

#### **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 the report the application is considered to be contrary to the terms of the Development Plan. Therefore in accordance with the Town and Country Planning (Scotland) Act 1997, it should be refused 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 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, on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee as that would 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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**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 the proposal is contrary to the terms of the development plan and an objection has been submitted in respect of the application.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on land adjacent to residential dwellinghouse at Barrmill Farm which is located outwith the settlement boundary of Galston. The site is approximately 0.16 acres in area and is currently vacant ground with the remains of a former building on the site which has been served with a Dangerous Buildings Notice by the Council on 21 July 2005. Within the application site the land rises steeply to the south. The site is bounded by the residential property at Barr Mill to the west, the River Irvine to the north and rural/agricultural land to the east and south.

2.2 **Proposed Development:** The proposal consists of the erection of a two storey detached dwellinghouse. The dwellinghouse with integral garage would cover a footprint area of some 97 sq metres. It is proposed to finish the dwellinghouse externally in render and slate roofing tiles. Vehicular and pedestrian access is proposed via the single lane access track leading from Maxwood Road.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent requiring road improvements to an adoptable standard. In respect of flood risk the Division advises that the site is shown to be inundated during a

1 in 100 year event according to the Babbie Flood Model of the River Irvine. Therefore the applicant is required to demonstrate that the site can be developed in compliance with SPP7 where the following matters are required to be taken into consideration; position of the building in relation to the 1 in 200 year flood level; loss of potential flood plain; requirement for compensatory storage; access/ egress from the property during a flood event and use of water resistant material in the construction of the building.

***The applicants have been advised of the above requirements which involve land outwith their ownership and control and have failed to submit evidence that the owners of this land are agreeable to enter into the necessary legal agreement with the Council to permit the upgrade of the access. The applicants were advised of the requirement for submission of information pertaining to flood risk but no information has been received to date in respect of this matter.***

3.2 Scotland Gas Networks have raised no objections to the proposed development

***Noted.***

3.3 Scottish Water have raised no objections subject to the imposition of conditions on any planning consent pertaining to; connections to the wastewater system, obstruction of access to an existing public sewer and/ or water main and the possible requirement for an extension to the existing water mains as there are no public water mains in the immediate vicinity of the proposal.

***Notes can be attached to any grant of planning consent addressing all of the matters outlined above.***

3.4 Scottish Environment Protection Agency (SEPA) have made no objection to the proposal provided that the drainage arrangements are to SEPA's satisfaction where SEPA's preferred method for the disposal of septic tank effluent is the provision of a sub soil soakaway system. Surface water shall be excluded from the septic tank.

***Conditions can be attached to any grant of planning consent addressing the drainage matter.***

3.5 Galston Community Council have no objection to the proposed development.

***Noted.***

3.6 West of Scotland Archaeology Service have advised that the previous damage to the remains of the mill and its site mean that it would no longer be

feasible to address the archaeological standing building recording issues raised and therefore they consider that the application does not raise any substantive archaeological issues.

***Noted.***

3.7 East Ayrshire Council Access Officer has not responded to the proposal at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of representation has been received in relation to the proposal. The grounds of objection are summarised as follows;

4.1 The land relating to the application site is subject to a title restriction of development on the land which has been registered under the title conditions act.

***Any title restriction is a separate legal matter and is not a material planning consideration.***

4.2 There is no suitable access for construction traffic and the property is accessed by a private track which is not under the ownership of the applicant and therefore the applicant has no right to upgrade it. The access road adjoining Maxwood Road has poor driver visibility and is in a poor state of repair. The track is narrow with a gradient and is unsuitable for the volume of traffic generated by a further property which is reflected in that the East Ayrshire Council refuse collection vehicle no longer uses the access to collect refuse from the property at Barr Mill.

***As detailed in paragraph 3.1 the applicants have failed to demonstrate that they can satisfactorily meet the necessary upgrade requirements of the Council's Roads and Transportation Division.***

4.3 The area is susceptible to flooding.

***As detailed in paragraph 3.1 the applicants have failed to demonstrate that the site can be developed in compliance with SPP7 in respect of flooding.***

4.4 The proposed development would interfere with the Mill Lade which is noted for Special Historic Interest.

***As detailed in paragraph 3.6 no significant archaeological issues are raised.***

4.5 The proposed development would impose a light pollution impact and possible noise pollution which would affect the occupier's enjoyment of their property at Barr Mill.

***It is considered that the proposed residential use of the site would not impose any significant adverse impact in terms of light and noise pollution.***

4.6 The proposed development is ribbon development outwith the village envelope and is contrary to the current local plan.

***The application site is located outwith the settlement boundary of Galston and an assessment against the policies of the Local Plan is detailed in Section 5.***

## **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, Policies ADS3 and G5 are applicable.

5.3 Policy ADS3 states that new residential, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined in local plans.

5.4 Policy G5 states that development proposals outwith settlements in the Rural Protection Area 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 house does not meet any of the above criteria as no additional information has been received to justify its location within the Rural Protection Area. It is therefore contrary to policies ADS3 and G5.***

## East Ayrshire Local Plan

5.5 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, these being:

- (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.

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 has not submitted any satisfactory supporting information to justify the location of the proposed house in the Rural Protection Area. Until this is provided the application is contrary to policy RES 13.***

5.6 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. Two of these circumstances are pertinent to the application, these being:

- (iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;

***It is considered that Maxwood Road forms a defensible boundary on the eastern side of Galston and that construction of a house at this location would constitute an inappropriate extension of development into the countryside.***

- (ix) where the development would not meet the service requirements of the Council as Roads Authority or the standards of all appropriate statutory

undertakers and other service providers.

***As detailed in section 3 the applicants have failed to meet the necessary service requirements of the Council as Roads Authority, Scottish Water and SEPA.***

5.7 Policy ENV7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The policy also states that developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***The design of the proposed house is considered to be suburban in nature and not suitable to this rural location and is therefore considered to be contrary to the Council's Design Guidance relating to Residential Development in the Countryside.***

5.8 In conclusion the principle of a house at this location is considered to be contrary to the provisions of both the Structure and Local Plans.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

### Consultation Responses

6.2 As detailed in section 3 the applicants have failed to satisfy significant matters raised by the consultees in terms of access and flood risk.

### Representations

6.3 The representation received has been summarised in Section 4 of the Report and is consistent with the recommendation that the application be refused.

### Impact on the Amenity of the Area

6.4 It is considered that that the proposal represents an inappropriate and unjustified form of development within the rural area which shall impose a significant impact to the detriment of the visual amenity of the area and set an undesirable precedent for future development of the countryside.

## Planning History

6.5 Planning application (04/0123/FL) for erection of three detached holiday accommodation units on the site was withdrawn in July 2004.

6.6 Planning application (04/0898/FL) for erection of two detached holiday accommodation units on the site was withdrawn in March 2005.

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

7.1 There are no financial or legal implications for the Council resulting from the determination of this application.

## **8. CONCLUSIONS**

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore in accordance with the Town and Country Planning (Scotland) Act 1997, it should be refused 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 approval of the application.

## **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, on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

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

15 November 2005  
GC/RH

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Application 04/0123/FL
8. Planning Application 04/0898/FL

Anyone wishing to inspect the above papers please contact Gillian Craig,  
Senior Planning Officer on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0644/FL

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Site of Proposal: Land Adjacent to Barrmill Farm  
GALSTON

Nature of Proposal: Proposed Erection of Single Dwelling

Name & Address of Applicant: Mr and Mrs Johnston  
20 West Dhuhill Drive  
HELENSBURGH  
Argyll  
G54 9AW

Name & Address of Agent: Thomson Dawes  
21 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: GC/RH

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

1. The proposed development would constitute the erection of a new dwellinghouse in the Rural Protection Area without appropriate justification and therefore would not be in accordance with Policies ADS 3 and G 5 of the Approved Joint Ayrshire Structure Plan.
2. The proposed development would constitute the erection of a new dwelling in the countryside without a demonstrated, site specific justification. Furthermore the proposal would constitute an inappropriate extension of development into the countryside and would set an undesirable precedent for such development and thereby be contrary to Policies RESD 13 and RES17 of the East Ayrshire Local Plan.
3. The design and scale of the dwellinghouse is considered inappropriate to the rural location and thereby is contrary to the Council's Design Guidance relating to Residential Development in the Countryside and policy ENV7 of the East Ayrshire Local Plan.

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