

## **EAST AYRSHIRE COUNCIL**

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

**05/0781/FL: PROPOSED TEMPORARY CONSENT (5 YEARS) FOR  
LOCATION OF TWO CARAVANS AND INSTALLATION OF SEPTIC TANK  
AND SOAKAWAY – ACCOMMODATION TO ENABLE ESTABLISHMENT OF  
ON-SITE LIVERY BUSINESS AND ORGANIC CHICKEN EGG PRODUCTION  
UNIT  
AT HIGHBOWHILL FARM, NEWMILNS  
BY MR V AND MRS E COX**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning consent is sought for the temporary (five year) siting of two caravans and the installation of a septic tank and soakaway. The accommodation is sought to enable the applicants to establish a livery business and organic chicken egg production unit on site. The two caravans are already on site, and the applicant has been advised that a further application will be required for the siting of a hen shed, required for the proposed business. There is an existing outdoor horse arena, which will be used in connection with the livery business. The existing buildings on site will be used as stables and storage for the livery business.

In support of the application, the applicants have submitted a SAC labour justification, to demonstrate that a labour unit will be required once the business has been established and there are a total of 6000 hens on site (from a starting number of 2000). The stables are intended to accommodate 7 horses. The justification confirms that the proposal will not involve the loss of any prime agricultural land, and that it is essential to have a permanent presence on site to tend to livestock.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement with the applicants under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.

### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore the application should be approved 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 refusal of the application.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not 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.**

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UNIT  
AT Highbowhill Farm, Newmilns  
BY MR V AND MRS E COX**

**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 the subject of an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is to the north of Newmilns, within the Rural Protection Area, as defined in the Local Plan. The site area constitutes two fields, some existing farm buildings, and the access road to the junction of the public road. There is screening to the south of the application site from existing trees lying outwith the applicant's control.

2.2 **Proposed Development:** Full planning consent is sought for the temporary (five year) siting of two caravans and the installation of a septic tank and soakaway. The accommodation is sought to enable the applicants to establish a livery business and organic chicken egg production unit on site. The two caravans are already on site, and the applicant has been advised that a further application will be required for the siting of a hen shed, required for the proposed business. There is an existing outdoor horse arena, which will be used in connection with the livery business. The existing buildings on site will be used as stables and storage for the livery business.

In support of the application, the applicants have submitted a SAC labour justification, to demonstrate that a labour unit will be required once the business has been established and there are a total of 6000 hens on site (from a starting number of 2000). The stables are intended to accommodate 7 horses. The justification confirms that the proposal will not involve the loss of any prime

agricultural land, and that it is essential to have a permanent presence on site to tend to livestock.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Department of Neighbourhood Services – Environmental Health Division do not object to the proposal provided a satisfactory drinking water supply can be provided and drainage provision is to the satisfaction of SEPA. Further, they state that the caravan units will require to be licensed by the Environmental Health Division, an application for which should be made if and when planning consent is obtained.

***A condition may be attached, should consent be granted, regarding the drinking water supply. A condition may also be attached regarding the drainage, requiring details to be approved by the Planning Authority. An advisory note may be used to confirm the need for a licence for the caravans.***

3.2 East Ayrshire Council's Roads and Transportation Division do not object to the proposal provided that the access junction is improved to meet the required sightlines and the junction reconstructed to adoptable standard, and a residential standard turning head and 3.5 metre wide carriageway with passing places can be provided.

***The applicant has submitted amended plans to address these issues. Not all of the land is within the applicant's ownership therefore the land owners have been notified of the proposals, and a Legal Agreement will be required to ensure these upgrades are provided.***

3.3 Scottish Environment Protection Agency does not object to the proposal provided the drainage arrangements met their criteria, with their preferred method being a sub soil soakaway system for the disposal of septic effluent. They note that surface water should be excluded from the septic tank.

***Conditions can be attached to any grant of planning permission, requiring the submission of details and provision of the proposed drainage.***

3.4 Newmilns Community Council have not responded in relation to this proposal.

***Noted.***

#### 4. REPRESENTATIONS

One letter of objection has been received in relation to this proposal; the points of concern are listed and addressed below:

4.1 It is understood from the present owner and from schedules of sale and advertisements of sale that this remaining portion of farm was to be described as High Bowhill Steading and not as High Bowhill, which describes the property in my ownership.

***The name of the property is not a material planning consideration.***

4.2 The proposed siting of effectively residential caravans would contravene the Council's policy for development within the countryside and the strict criteria which any development must meet.

***Local Plan Policies RES 12 and RES 16 state that residential caravans may be acceptable to accommodate an agricultural worker for a limited period, where this is to enable a new business to be established and where this can be fully justified to meet the operational requirements of the unit. This application is considered to be consistent with Local Plan Policy.***

4.3 I am concerned that the establishment of a livery business on site will lead to increased traffic on the unsurfaced single track access road, which serves both High Bowhill Farm and the surrounding fields/agricultural land and for whose maintenance I am partially responsible.

***The Roads Division have been consulted regarding this application. They have requested upgrades to the road, but have raised no concerns in relation to the quantity of traffic. The question of maintenance of a private access is a private legal matter between the parties concerned.***

4.4 I am concerned that the temporary consent to site caravans in close proximity to High Bowhill Farm will adversely affect the value of my property.

***Property value is not a material planning consideration.***

4.5 Will this temporary consent in turn lead to consent for more permanent structures being applied for/granted?

***Every planning application must be judged on its individual merits. Should any application be submitted in future, it will be fully assessed, with neighbour notification and consultations undertaken. However, the caravans are proposed in association with a rural***

***enterprise which it is hoped will merit an agricultural worker's house at some future date. If an agricultural unit is established it is possible that ancillary structures/buildings will be necessary.***

## **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 proposed caravans have a site specific locational need to be located at High Bowhill Farm as the applicants want to live on site whilst they establish a livery business and an organic egg production unit. The relative remoteness of the site and the quality and condition of the land are key to the organic nature of the proposal.***

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

***Not applicable.***

C contributes to rural land diversification: or

***Not applicable.***

D provides for the operational needs of agriculture and forestry.

***The proposed caravans comply with policy G5 as they form part of a wider proposal for the establishment of an agricultural business.***

### 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 proposed caravans have a site specific locational need to be located at High Bowhill Farm as the applicants want to live on site while they seek to establish a livery business and organic egg production unit, and an agricultural justification has been submitted to this effect.***

***It is therefore considered that the caravans are acceptable on a temporary basis while the applicant seeks to establish the livery and organic egg production businesses, and are consistent with Development Plan policy.***

## **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 letter of objection 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, one letter of objection was received. The points of objection have been considered, however they are not considered of such significance to merit refusal of this application.

### Planning History

6.4 There are no records of any previous planning applications at this site.

6.5 A planning application to the immediate north west of the application site (Planning Ref: 05/0775/FL – proposed change of use and alterations of farm buildings to form an extension to an existing farm house and change of use and alterations to existing farm buildings to form 2 No. new dwellinghouses) is being considered at present. Although utilising the same access track, it is not considered that this application will affect the recommendation of the application which is the subject of this report.

## Impact Upon Amenity

6.6 The impact on the amenity of the area is considered to be acceptable. In terms of visual impact the site is relatively isolated and the consent sought is temporary. It is well screened from the south by existing trees, outwith the application site. The consultees have raised no issues in terms of drainage and roads which are considered to create an unacceptable impact upon the amenity of the area.

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

7.1 There are no financial implications for the Council in the determination of this application. The applicant will require to enter into a Section 75 Legal Agreement in relation to the upgrading of the road, with this involving a new residential turning head, road widening, provision of passing places, extended sightlines and junction formation to adoptable standard, all as indicated on the submitted plans and all to be provided prior to the commencement of commercial operations in respect of the livery and egg production unit.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, this application is considered consistent with the Development Plan. Therefore the application should be approved 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 refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission be approved subject to the conditions listed on the attached sheet but that permission not be issued until the Solicitor to the Council has concluded a formal Agreement with the applicants under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards

the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from policy.

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

15 November 2005  
(CP/MMM)

FV/DVM

#### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 05/0775/FL

Anyone wishing to inspect the above papers please contact Claire Peters, Planning Officer on 01563 576779.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

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Site of Proposal: High Bowhill Farm  
NEWMILNS  
KA16 9LG

Nature of Proposal: Proposed Temporary Consent (5 years) for  
Location of Two Caravans and Installation of  
Septic Tank and Soakaway – Accommodation  
to Enable Establishment of Livery Business  
and Organic Chicken Egg Production Unit

Name & Address of Applicant: Mr V and Mrs E Cox  
36 High Street  
NEWMILNS  
KA16 9EA

Name & Address of Agent: William Wylie  
Chartered Architect  
Kirkgate  
10 Main Street  
SYMINGTON  
KA1 5QE

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DPOs Reference: (CP/MMM)

The above FULL application should be granted subject to the following conditions:-

1. Notwithstanding the plans hereby approved, the septic tank provided to serve the development shall be sited in such a manner as to allow easy access for emptying by the tanker.

REASON In the interests of public safety.

2. Surface water shall be excluded from the septic tank.

REASON In the interests of public safety.

3. The applicant shall ensure that the site is served by a wholesome and adequate water supply, within one month of the date of this consent and thereafter maintained.

REASON In the interests of residential amenity.

4. Details of foul drainage arrangements shall be submitted to and approved in writing by the Planning Authority within one month of the date of this consent.

REASON In the interests of public health and residential amenity.

5. The approved foul drainage arrangements shall be implemented and operational within one month of the date of this consent and thereafter maintained in accordance with the approved details.

REASON In the interests of public health and residential amenity.

6. No construction work relating to the proposed development shall be undertaken before 08:00 and after 18:00 on Mondays to Fridays and before 08:00 and after 13:00 on Saturdays nor at any time on Sundays.

REASON To minimise noise disturbance, in the interests of residential amenity.

NOTES:-

1. The applicant must obtain a Road Opening Permit from East Ayrshire Council's Roads and Transportation Division prior to the commencement of the road works at the junction with the public road.
2. The applicant is advised that any drainage disposal outfall extending beyond the site boundary should have wayleave consent of the landowner, if outwith the ownership of the applicant.
3. The applicant is advised that the caravan units will require to be licensed by East Ayrshire Council's Department of Neighbourhood Services, Environmental Health Division, under the terms of the Caravan Sites and Control of Development Act 1960, and Model Standards made thereunder.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**