

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 OCTOBER 2005

**04/1221/OL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE
AT LOW CARLINCRAIG FARM, DARVEL
BY MR DUNCAN MOIR**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant seeks outline planning permission for the erection of a bungalow at Low Carlinraig Farm, to the north of Darvel. Access to the site would be taken from the unclassified road immediately to the west of Low Carlinraig Farm. Since the application is in outline only, no details have been submitted regarding proposed design, materials or landscaping. The application form states that details regarding siting are covered by the application; however this is not detailed in the plans; and that the house would be a bungalow. This issue would therefore require to be resolved at the reserved matters stage, should consent be granted. A proposed new access to the unclassified road is specified on the plans and is subject to consideration in this application.

1.2 The applicant's son has stated that he wishes to build a new house as he intends to purchase new land and upgrade existing facilities on the farm, and subsequently work on the farm full time. He states that his father, who lives on the existing farm, is no longer physically fit enough to carry out this work, and provides no labour input into the farm.

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. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus the application should be refused.

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 be a significant breach of 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, since it has been the subject of a letter of objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the north-west of the existing farm buildings, and is immediately to the east of the unclassified road. The site area is approximately 0.3 hectares. The lands to the north, south and east of the site are all areas of agricultural land owned by the applicant, and the area to the west on the opposite side of the road, is also agricultural land. The site slopes up from north to south.

2.2 **Proposed Development:** The applicant seeks outline planning permission for the erection of a bungalow at Low CarlinCraig Farm, to the north of Darvel. Access to the site would be taken from the unclassified road immediately to the west of Low CarlinCraig Farm. Since the application is in outline only, no details have been submitted regarding proposed design, materials or landscaping. The application form states that details regarding siting are covered by the application; however this is not detailed in the plans; and that the house would be a bungalow. This issue would therefore require to be resolved at the reserved matters stage, should consent be granted. A proposed new access to the unclassified road is specified on the plans and is subject to consideration in this application.

2.3 The applicant's son has stated that he wishes to build a new house as he intends to purchase new land and upgrade existing facilities on the farm, and subsequently work on the farm full time. He states that his father, who lives on the existing farm, is no longer physically fit enough to carry out this work, and provides no labour input into the farm.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco have raised no concerns in relation to this proposal, and have advised that they have no gas mains in the vicinity of the proposed house.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division have advised that the proposed access would require a sightline standard of $x = 2.5$ metres and $y = 120$ metres, and this would require to be provided prior to the commencement of building work on site. Additionally, a layby should be provided; 3.5 metres wide by 10 metres long, with 10 metre long tapers. The layby must be constructed in accordance with adoptable road standards, and would require a road opening permit prior to construction.

Noted. These issues can be resolved by way of planning conditions, should consent be granted.

3.3 Scottish Power do not object to this proposal in principle, however they advise that, should any Scottish Power apparatus be affected, any work to protect or make good such apparatus will be fully chargeable to the applicant.

Noted. This issue can be highlighted by an advisory note, should consent be granted.

3.4 Darvel Community Council have not responded in relation to the proposal.

Noted.

3.5 Scottish Water advise that there are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by a septic tank or other suitable treatment system to the satisfaction of SEPA.

Noted. This issue will be dealt with as part of any reserved matter submission, should consent be granted.

3.6 Scottish Environment Protection Agency have not responded in relation to this proposal.

Noted.

4. REPRESENTATIONS

The proposal was advertised as Development Contrary to the Development Plan and one letter of objection, with two signatures, has been received in relation to the proposal. The points of objection are as listed below:

4.1 Can this development be justified on agricultural grounds since the land is not currently farmed by the applicant? If it cannot be justified on this basis, the house would appear to be speculative building in the countryside.

Local Plan Policy seeks to prevent speculative building in the countryside, and new housing will only be permitted in certain defined circumstances, including to provide accommodation for a full time agricultural worker. The applicant submitted a Labour Assessment in this regard, however the "man hours" related to the possible future expansion of the farm, and did not justify a new house at present. Consequently, it is considered that this proposal is contrary to Policy.

4.2 If development goes ahead, traffic would increase and passing places may be required. Also, the proposed opening onto the existing tarmac road is on a particularly fast stretch of the road.

East Ayrshire Council's Roads and Transportation Division have been consulted about this application. They have advised that a passing place would require to be provided, and have specified the required sightline standards for this location. They have raised no concerns regarding the proposed access location.

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 (AJSP) 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 Area shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

The applicant has provided a Labour Assessment with the application and seeks to justify the proposal by indicating that 1.3 labour units are required to service the proposed expanded farm unit. However, the applicant has failed to justify that an additional unit is required for the existing farm.

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

The 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 sought to demonstrate that the new house is required for the operational needs of agriculture. However, the labour assessment is based on proposals for a proposed expansion to the farm and if the expansion to the farm occurs then the additional dwellinghouse may be acceptable. For the current operational requirements of the farm, however, the additional house has not been justified.

Therefore, the application is contrary to structure plan policy as the need for the proposed house in the Rural Protection Area has not been fully justified.

East Ayrshire Local Plan

5.3 Policy RES 13 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:

- (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 RES 8 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 has not fully justified the need for a dwellinghouse at this location in the Rural Protection Area. Until the farming business has been expanded, and been operational for a 2-year period as detailed in Policy RES 16, this application is contrary to Policy RES 13. It is also noted that Mr Moir (Jnr) intends to continue with his computer consultancy; consequently the house will not be required for a full-time agricultural worker.

5.4 Policy RES 15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES 13 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

The applicant has also submitted information stating that there are no buildings on the farm that are suitable for conversion.

- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

The applicant has advised that there are no areas of degraded or derelict land on site, and that the proposed location was chosen because it is the poorest area of land in proximity to the road.

5.5 Policy RES16 states that the Council will not generally be supportive of proposals for new agricultural workers houses where the farm unit to which the proposal relates has been established for a period of less than two years. The siting of a residential caravan to accommodate an agricultural worker for a limited period may be considered acceptable with regard to newly established farm units where this can be fully justified to meet the operational requirements of the unit.

Whilst the farm unit relating to this application is existing, the principle of this Policy still applies, since the Policy seeks to prevent

houses being built in the countryside before the related business is established. As stated above, once the farm has been expanded an additional house may be justifiable however at present the application is premature.

5.6 Policy ENV 7 requires all developers to fully consider this Council's Design Guidance, and states that developments which do not meet these criteria may not be supported by the Council.

Design Guidance Note 3: New Residential Development in the Countryside requires all new builds to be located close to existing building groupings to minimise visual impact. The plot of land proposed for the dwellinghouse is approximately 170 metres from the nearest farm building, is immediately off the road, and is considered to be in a prominent location.

The application is considered contrary to Structure Plan and Local Plan Policy and has been advertised in the Kilmarnock Standard as Development Contrary to the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letter of objection and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed above, and raise no issues which are sufficient to override the development plan.

Letter of Objection

6.3 The submitted letter of objection has been assessed in Section 4 above. The letter questioned whether the application may be justifiable on an agricultural basis, and it is considered that this is not the case. In terms of traffic impact, the Roads Division have advised that suitable sightlines must be formed and a layby must be provided to adoptable standard.

Impact on Amenity

6.4 It is considered that the location of the house would be detrimental to the visual amenity of the surrounding area, is relatively isolated and does not relate to the existing grouping of buildings.

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 the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus the application should be refused.

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 the application will require to be referred to the Development Services Committee as this would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

18 October 2005
(CP/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan.

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

04/1221/OL

Site of Proposal:	Low CarlinCraig Farm Darvel KA17 0NG
Nature of Proposal:	Proposed Erection of Single Dwellinghouse
Name & Address of Applicant:	Mr Duncan Moir Low CarlinCraig Farm Darvel KA17 0NG
Name & Address of Agent:	Mr Matthew Moir 18 Hillview Road DARVEL Ayrshire KA17 0DQ

DPOs Reference: CP/MMM

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

1. The proposed development is contrary to the requirements of Policy G5 of the Approved Ayrshire Joint Structure Plan as the proposed house has not been fully justified as being required for a worker employed full time in agriculture.
2. The proposed development is contrary to the requirements of Policy RES 13 of the Adopted East Ayrshire Local Plan as the proposed house has not been justified for a full time agricultural worker.
3. The proposed development is contrary to the requirements of Policy RES 15 of the Adopted East Ayrshire Local Plan in that it proposes a residential unit on a site that does not consolidate or complement existing farm steadings or small groups of houses. It is isolated development in the countryside.

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