

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006

**05/1126/OL: ERECTION OF DWELLINGHOUSE AT PLOT 1,
AUCHENCLOIGH, GALSTON**

**05/1135/OL: ERECTION OF DWELLINGHOUSE AT PLOT 2,
AUCHENCLOIGH, GALSTON**

APPLICATION BY ORCHARD HOMES (SCOTLAND) LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Individual outline planning permissions are sought for the erection of two detached dwellings taking access from the U72 public road.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the applications are 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 applications should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications.

3.2 It is considered that as four new housing units have consent and have been constructed at Auchencloigh since January 1999 the proposed development does not comply with the provisions of policy RES14 and would further constitute an inappropriate extension of development into the countryside from the existing settlement grouping of Auchencloigh.

3.3 To conclude, the proposed development of the south eastern section of agricultural land adjacent to the U72 public road, would not only set a precedent for further future residential development along this section of road but also seriously impact on the character of the traditional and somewhat unique grouping of dwellings forming Auchencloigh. Furthermore, the proposed

development is contrary to the development plan and there is no justification that would warrant a departure, from its provisions.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the applications will require to be referred to the Development Services Committee because they would be a significant departure from the East Ayrshire Local Plan.

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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APPLICATION BY ORCHARD HOMES (SCOTLAND) LTD

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 two outline planning applications which are to be considered by the Local Planning Committee under the scheme of delegation, as the proposals are both contrary to policy, subject to objections and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site falls within the informal grouping of dwellings forming Auchencloigh approximately 5 miles south east of Galston. Auchencloigh is located within the Rural Diversification Area which is bounded by the nearby B737 public road. The proposed two plots are positioned directly opposite, and to the west, of four semi detached cottages with a further two detached dwellings to the south of these, forming a row of houses named Muirburn Cottages. The site is located to the east of the U72 public road and bounded to the north east by a dwellinghouse named Mareburn. To the south and east both plots are bounded by agricultural ground.

2.2 Plot 1 extends to an approximate area of 1480 metres², whilst plot 2 has an area of some 1490 metres² both comprising of level undeveloped agricultural ground.

2.3 **Proposed Development:** Individual outline planning permissions are sought for the erection of two detached dwellings taking access from the U72 public road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Mauchline Community Council has not responded to the consultation letter at the time of writing this report

Noted

3.2 East Ayrshire Council Roads and Transportation Division have no objections to the proposed developments subject to the following road safety requirements being met:

- (i) Visibility splay areas of 2.0 metres by 60 metres shall be required to be formed and maintained at the access to the U72 public road with no object greater than 1 metre in height allowed within these areas.
- (ii) A 2 metre wide kerbed footway to East Ayrshire Roads specification shall require to be constructed by the developer along the frontage of each plot.
- (iii) The developer is required to widen the existing U72 to 5.5 metres across the frontage of both plots
- (iv) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (v) The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the adjacent footway to avoid the over carry of loose material onto the public road.
- (vi) A minimum of three off road parking spaces are required to be provided within each plot.
- (vii) Any gates will require to open inwards, away from the public road.
- (viii) No surface water must be allowed to discharge onto the existing public road.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads Division

3.3 The Scottish Environment Protection Agency has not responded to the consultation letter at the time of writing this report

Noted.

3.4 Power Systems has no adverse comments to make on these applications.

Noted

3.5 Scottish Water has no objections in principle to the proposed development provided that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater

system and/or water network. In addition, a separate drainage system may be required with respect to the surface water discharge from the site.

Noted. Conditions can be attached to any consent granted for the development to meet the requirements of Scottish Water.

4. REPRESENTATIONS

4.1 Six representations have been received with regard to the proposed development. The main points of which are summarised below:

4.2 There has been a 33% rise in house numbers in recent years; Auchencloigh is growing far too fast.

As Auchencloigh is not delineated by a formal settlement boundary, under policy RES 14 of the East Ayrshire Local Plan this would allow the further extension to the existing grouping of houses by a maximum of four new units. As this has now been achieved since January 1999, any additional housing units would be contrary to the Local Plan which has provisions for extending such groupings of houses but recognises the need to restrict the level to maintain the community's traditional character.

4.3 The access to Auchencloigh is from the B7037 Galston to Sorn road. For approximately 200 yards from the B7037 this road is single track with grass verges. Compared with the size of the community, there is already a large amount of traffic using this road. The road is simply not wide enough to support a doubling of the population. There is also a safety implication as the access to the hamlet is on a long straight of road, but close to a brow of a hill. Should a car be waiting to turn into Auchencloigh, due to another vehicle leaving the hamlet, there is a definite risk of an accident for other cars requiring to overtake a stationary vehicle on the brow of a hill. This risk can only increase as the number of vehicles requiring access to Auchencloigh increases.

The Roads and Transportation Division have provided detailed comments on this application and have no objections to the proposal subject to appropriate conditions, which include the widening of the U72 public road immediately in front of the two plots. Therefore, although the above points raise valid concerns with respect to an increase in vehicular movements it is not considered that this proposed development would be responsible for such incidents occurring.

4.4 We have lived here for twenty seven years and are just approaching retirement age, when we will have more time to be at home and relax and enjoy

our wonderful view, of the Sorn road and over hills and countryside. We are totally against these houses being built right in front of us.

Muirburn Cottages are positioned directly opposite the proposed site and enjoy uninterrupted views over the countryside. Although this is not a valid planning ground of objection, in a general sense any development directly opposite will undoubtedly have an impact on the general amenity currently enjoyed by these properties.

4.5 I believe this proposed development forms ribbon development on greenbelt land. As I understand it, this is in contradiction to both the Scottish Executive's and East Ayrshire's guidelines on extending rural communities.

This issue is a valid planning ground in the sense that the proposal could in some respects be classed as a 'ribbon' development along a public road within a rural location (as noted in policy RES17). However, as a row of cottages are present directly across the road the proposed development could also be considered to be of a similar design. Ribbon development can be described as taking the form of a more sporadic development and if there were no dwellings on the opposite side of the public road this may have been the case. However, in this particular situation the proposal is not considered to form a ribbon development but if approved it could be considered to setting a precedent for the future residential development of this area of countryside.

4.6 Existing water and electricity supplies already have problems, these will be exasperated by additional developments.

During the consultation process outlined in Section 2 of this report, both Scottish Power and Scottish Water have raised no concerns with regard to their service being affected by the development of these two plots.

4.7 One of the last three houses built a little further up the road is still unsold after a month of trying. This plan will not make rural housing any easier as the price will far exceed the means of those working in the country. I object and see no benefit from this planned development.

This is not a planning consideration.

4.8 This will detract from the rural qualities of this existing hamlet.

The proposed development, if approved, would assist in establishing a possible precedent for further development along this south eastern side of Auchencloigh. As it stands Auchencloigh has its own

identity as a small grouping of quite traditional dwellings with the exception of some new dwellings, located to the north, which were approved under the policies outlined in the Local Plan. However, it is considered that even if the design of such proposed new dwellings were of a high standard the traditional character of this grouping of houses would be lost.

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 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

The proposed houses do not comprise an acceptable form of residential development as defined in the local plan

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

Houses do not fall into the above category.

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

The proposals are not considered to be of social or economic benefit to the community.

D contributes to rural land diversification: or

The construction of houses is not considered to contribute to rural land diversification.

E provides for the operational needs of agriculture and forestry.

No supporting information has been submitted to indicate that the houses are required for the operational needs of agriculture and forestry.

East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances. One of those circumstances is pertinent to the application, this being where:

(ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary, subject to a set of stated criteria being met, as follows;

- any proposed expansion of such a housing group being limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 17 below;
- any development requiring to be appropriate in terms of design to the particular location in which it is proposed;
- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and
- any development requiring to meet the standards required by all relevant public and statutory service providers.

The two dwellings proposed are within an existing group of houses at Auchencloigh. However, the permitted limited addition to the existing group of houses under the provisions of policy RES14 has already been met by consents 99/0213/FL and 03/0536/FL.

The proposed development does not comply with the provisions of policy RES14 and would therefore be contrary to the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the consultation responses, the representations, the impact on the amenity of the area and the statement of support.

Consultations Responses

6.2 The consultation responses received would indicate that the approval of the applications would be possible.

Representations

6.3 The six, third party representations received show concern with respect to the issues resulting from the proposed residential development of the two plots. However, it is considered that even though these issues have been sufficiently addressed in Section 4 of the report it is considered that they should carry sufficient weight to support refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposal represents an inappropriate and unjustified form of development within the rural environment which would impact on the visual amenity of the immediate area and set an undesirable precedent for future development of the immediate countryside.

Statement of Support

6.5 The applicant has submitted a detailed letter in support of the application, undertaken by a Planning Consultant in an attempt to try to justify the development of the proposed two plots. This has been summarised with the conclusions noted below:

- Auchencloigh occupies a slightly anomalous position in that it now has the characteristics of a small settlement rather than a group of houses in the countryside. While the primary Structure Plan Policy G6 is restrictive the “philosophy” of which is reflected to a degree in Local Plan Policy SD4, the proposals can be seen to be generally in line with the requirements of Local Plan policies RES15 and 17.

Under the provisions of Policy RES14 of the Adopted East Ayrshire Local Plan 2003 an additional four new dwellings have been created within Auchencloigh and as correctly mentioned Auchencloigh is still not classified as a formal settlement. The review process of the Local Plan is at an early stage, the plan itself only being three years old.

- The proposals would in effect help consolidate the “urban form” of Auchencloigh and the proposals would be sustainable here on a range of measurements with requirements re sustainability. Auchencloigh is not currently served by public transport but SPP15 states that “Development

Plans should be realistic about the availability or likely availability of alternatives to access by car as not all rural development locations are able to be served by public transport....”

In the final analysis, Auchncloigh is only 5 miles from Galston which is to become a major service centre and the proposals would not significantly impact on the B7037.

The applicant has not submitted a detailed sustainability appraisal or any evidence to substantiate the claim that the proposal would be “sustainable on a range of measurements.”

- The key phrase in the Spatial Options is “... within the Rural Diversification Area support is given to the sensitive limited expansion of settlements and groups of houses not delineated by a settlement boundary.” Whether Auchencloigh is or is not given a settlement boundary, I believe that on the basis of the conclusions of this audit, a case has been made for the proposals by Orchard Homes (Scotland) Ltd to construct two units.

The Council’s Spatial Developments Options Paper is a discussion paper only informing the local plan review. Therefore it is not considered relevant to refer to this document in the determination of any planning application.

it is not considered that significant weight can be given to the supporting statement as a material consideration which would not therefore justify a departure from the development plan.

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 applications are 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 applications should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications.

8.2 It is considered that as four new housing units have consent and have been constructed at Auchencloigh since January 1999 the proposed development does not comply with the provisions of policy RES14 and would

further constitute an inappropriate extension of development into the countryside from the existing settlement grouping of Auchencloigh.

8.3 To conclude, the proposed development of the south eastern section of agricultural land adjacent to the U72 public road, would not only set a precedent for further future residential development along this section of road but also seriously impact on the character of the traditional and somewhat unique grouping of dwellings forming Auchencloigh. Furthermore, the proposed development is contrary to the development plan and there is no justification that would warrant a departure, from its provisions.

9. RECOMMENDATION

9.1 It is recommended that the applications be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the applications will require to be referred to the Development Services Committee because they would be a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

10 January 2006
RG/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Six Letters of Representation.
4. Consultation responses.

5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Supporting Statement prepared on behalf of the applicant.

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1126/OL

Location	Plot 1, Auchencloigh GALSTON
Nature of Proposal:	Erection Of Dwellinghouse
Name and Address of Applicant:	Orchard Homes (Scotland) Ltd 5 Townhead, CATRINE KA5 6SF
Name and Address of Agent	N/A

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

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

1. The proposal is for a new residential development in the countryside which does not meet the provisions of Policy G6 of the Ayrshire Joint Structure Plan. It is therefore contrary to the terms of this policy which requires that all five criteria are met in order that the proposal is acceptable.
2. Outline planning permission is being sought for a residential development in the Rural Diversification Area for which no justification pertaining to an economic or agricultural need case has been submitted. Policy RES14 of the East Ayrshire Local Plan is supportive of small scale residential developments within the identified Rural Diversification Area only where the proposal falls under one of the categories as stated in the terms of the policy. It is considered that as four new housing units already have consent and have been constructed at Auchencloigh since January 1999 the proposed development does not comply with the provisions of policy RES14 and would further constitute an inappropriate extension of development into the countryside from the existing settlement grouping of Auchencloigh.
3. The proposed development would constitute the erection of two new dwellings in the countryside without a demonstrated, site specific justification.

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1135/OL

Location	Plot 2, Auchencloigh GALSTON
Nature of Proposal:	Erection Of Dwellinghouse
Name and Address of Applicant:	Orchard Homes (Scotland) Ltd 5 Townhead, CATRINE KA5 6SF
Name and Address of Agent	N/A

DPO's Ref: Robin Ghosh
PPO's Ref: Hugh Melvin

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

1. The proposal is for a new residential development in the countryside which does not meet the provisions of Policy G6 of the Ayrshire Joint Structure Plan. It is therefore contrary to the terms of this policy which requires that all five criteria are met in order that the proposal is acceptable.
2. Outline planning permission is being sought for a residential development in the Rural Diversification Area for which no justification pertaining to an economic or agricultural need case has been submitted. Policy RES14 of the East Ayrshire Local Plan is supportive of small scale residential developments within the identified Rural Diversification Area only where the proposal falls under one of the categories as stated in the terms of the policy. It is considered that as four new housing units already have consent and have been constructed at Auchencloigh since January 1999 the proposed development does not comply with the provisions of policy RES14 and would further constitute an inappropriate extension of development into the countryside from the existing settlement grouping of Auchencloigh.
3. The proposed development would constitute the erection of two new dwellings in the countryside without a demonstrated, site specific justification.