

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 13 AUGUST 2004

**04/0423/FL : TEMPORARY STORAGE OF PORTACABIN AND CONTAINERS
FOR STORAGE OF FISHERY AND AGRICULTURAL GOODS AT COYLE
WATER FISHERY, SHIELDMAINS FARM, COALHALL**

APPLICATION BY MR ALEX STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application has been made on a retrospective basis for a portacabin and containers at the property known as Shield Mains. The portacabin is immediately adjacent to the log cabin on the east side so that it is seen on approach to the fishery. There is also a significant amount of debris around the log cabin at present. There are three containers sited in a clearing beyond the wooded area to the southwest of the fishery.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is 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 application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these also indicate the application should be refused.

3.2 The agent has advised in writing that the portacabin and containers which have been sited at the property known as Shield Mains, incorporating Coyle Water Fishery, are to house some fishery goods and also for the storage of agricultural goods in relation to the proposed free range pig and hen rearing business. However, a site visit by the case officer and information from the applicant indicate that one of the containers was being used for household

furniture and do somewhat dilute the need case for these structures to store agricultural and fishery items. Therefore, on balance, it is not considered that the applicant has sufficiently demonstrated a site specific locational need case for the structures which are temporary in nature.

3.3 The portacabin sited adjacent to the log cabin at the fishery is a temporary structure. The fishery has now been operating for several years and is an established business. A second building may therefore be considered acceptable but this would require to be of a permanent nature and of a siting and design appropriate to its environment and it is in this regard that the portacabin is considered to be unacceptable.

3.4 The site is located in a Sensitive Landscape Area and any development requires to be sympathetic to the landscape. The containers and portacabin are temporary structures which are of no architectural merit and additionally are not maintained in a neat and tidy condition. These structures are considered to be detrimental to the visual amenity of the landscape in which they are sited.

3.5 In the absence of a justification for the buildings which have a negative visual impact the recommendation must be one of refusal.

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 not require to be referred to the Development Services Committee because it would not represent a significant departure from the development 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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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 it being recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the south side of the A70 road and comprises the Coyle Water Fishery and agricultural lands at Shield Mains. It is an area of low lying ground which is bounded on the north side by a heavily wooded bank of deciduous trees which also extend around to the southwest side of the fishery waters. Beyond the fishery to the south the ground rises to the Shield Mains Farmhouse and associated buildings.

2.2 An access road from the A70 forms a loop around the field to the south of the fishery so that it accesses the car park to the fishery and beyond to rejoin the access serving the farmhouse. A log cabin has been sited adjacent to the fishery waters and is a flat roof structure. The premises are sited in a Sensitive Landscape Area within the Rural Protection Area.

2.3 **Proposed Development:** The application has been made on a retrospective basis for a portacabin and containers at the property known as Shield Mains. The portacabin is immediately adjacent to the log cabin on the east side so that it is seen on approach to the fishery. There is also a significant amount of debris around the log cabin at present. There are three containers sited in a clearing beyond the wooded area to the southwest of the fishery.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan, Rankinston and Stair Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 Letters of representation have been received from two objectors regarding the application. The objections raised are summarised below.

4.2 The positioning of portacabins at the woodland location is visually intrusive within this Sensitive Landscape Character Area. The ill-assorted containers are an eyesore and detract from our amenity as neighbours overlooking the site. The other objector also states that they live in a bungalow overlooking the unsightly structures, which spoil their view of the rural woods and fields.

The objectors reside approximately 350 metres from the containers and it is therefore not considered that they would have any impact on the residential amenity of their property. The loss of a view is not a material planning consideration. Hence this does not have any significant weight in the determination of the application.

4.3 The applicant has failed to prove a specific locational need for storing these structures in the position indicated on the architect's plan. In our opinion it would be more appropriate for fishery goods to be stored close to the fishing cabin and the necessity for storage of agricultural goods does not arise since Coyle Fishery is not a registered agricultural holding.

The agent has advised that the portacabins and containers are to house some fishery goods and will be required for the interim storage of agricultural goods. It is accepted that there may be a need for additional storage for fishery goods and this may be acceptable on a temporary basis. However, in the absence of any agricultural unit it is not considered that this is a sufficient justification for the containers sited to the southwest and at a distance from the fishery.

4.4 The word temporary in this context has not been defined – we are concerned that it may be an elastic term and will overlap with the word permanent in the applicant's scheme of things.

It is considered that the structures which have been applied for are temporary in nature and that if the Committee were minded to

approve the application that this be for a temporary period of one year only.

4.5 We are fearful that, if planning permission for these containers were to be granted, Mr Stevenson would resume the operation of his Utilities Business from the woodland site. I am afraid that Mr. Stevenson intends to use the containers as a storage basis for his commercial drilling operations and will again park lorries and heavy goods equipment below my window.

Albeit the applicant has failed to demonstrate a site specific locational need case for the containers there is no evidence to indicate that they will be used for the applicant's utilities business. If the Committee are minded to approve the application this should be subject to a condition restricting the precise use of the containers.

4.6 I am continually disturbed by the noise of barking of the guard dog tethered day and night to these containers.

A single dog barking is not a material planning consideration and therefore has no weight in the determination of this planning application.

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 There are no policies contained in the structure plan which are especially relevant to this application.

East Ayrshire Local Plan

5.3 Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances. Only one of these stated circumstances may be pertinent to the application, this being where the development:-

- (ii) can be fully justified in terms of site specific locational need.

The agent has advised that the portacabins and containers are required to house some fishery goods and the interim storage of agricultural items. However, in the absence of an agricultural unit at the site it is not considered that the containers can be justified therefore contravening Policy SD3.

5.4 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to one of five stated types of development. Only one of these stated types of development may be pertinent to the application, this being:-

- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;

The proposal may be considered to be related to an appropriate rural activity, to the Coyle Water Fishery. However, it is unlikely that the erection of portacabins in an isolated location could be considered to be sympathetic to the surrounding area in this Sensitive Landscape Area.

5.5 Policy ENV11 states that, within Sensitive Landscape Character Areas, the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The policy also states that the Council will not be supportive of any development that would create unacceptable visual intrusion or irreparable damage within these areas. In addition, the policy states that the Council will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

The containers are isolated from any other development and neither these nor the portacabin positively enhance the natural landscape. The development therefore does not comply with Policy ENV11.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the third party representations and the planning history of the site.

Representations

6.2 The objections which have been raised are primarily based on the impact of the containers and portacabins on the residential and visual amenity of the area and the lack of a site specific locational need case.

Planning History

6.3 The containers and portacabins which are in situ appear to have been previously sited at a yard approximately 130 metres south of the fishery waters. At this time they were being used in association with the applicant's commercial drilling business. An application for full planning permission (Ref: 02/0678/FL) was made for the operation of a utility business and retention of portacabins for office use but this was refused in April 2003. Subsequent to the appeal against this decision being dismissed the applicant was required to remove the containers and portacabin from this site and hence they were relocated to their current position.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise in the event of the application being refused and any consequent failure by the applicant to remove the unauthorised portacabin and containers.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these also indicate the application should be refused.

8.2 The agent has advised in writing that the portacabin and containers which have been sited at the property known as Shield Mains, incorporating Coyle Water Fishery, are to house some fishery goods and also for the storage of agricultural goods in relation to the proposed free range pig and hen rearing business. However, a site visit by the case officer and information from the applicant indicate that one of the containers was being used for household furniture and do somewhat dilute the need case for these structures to store agricultural and fishery items. Therefore, on balance, it is not considered that the

applicant has sufficiently demonstrated a site specific locational need case for the structures which are temporary in nature.

8.3 The portacabin sited adjacent to the log cabin at the fishery is a temporary structure. The fishery has now been operating for several years and is an established business. A second building may therefore be considered acceptable but this would require to be of a permanent nature and of a siting and design appropriate to its environment and it is in this regard that the portacabin is considered to be unacceptable.

8.4 The site is located in a Sensitive Landscape Area and any development requires to be sympathetic to the landscape. The containers and portacabin are temporary structures which are of no architectural merit and additionally are not maintained in a neat and tidy condition. These structures are considered to be detrimental to the visual amenity of the landscape in which they are sited.

8.5 In the absence of a justification for the buildings which have a negative visual impact the recommendation must be one of refusal.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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 not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

6 August 2004
NM/NM
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).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0423/FL

Location	Coyle Water Fishery Shieldmains Farm COALHALL KA6 6LZ
Nature of Proposal:	Temporary storage of portacabin and containers for storage of fishery and agricultural goods
Name and Address of Applicant:	Mr Alex Stevenson Coyle Water Fishery A70 COALHALL KA6 6LZ
Name and Address of Agent	MGP Architects Cathcart House 20 Cathcart Street AYR KA7 1BJ

DPO's Ref: Nicola Monroe

PPO's Ref: Hugh Melvin

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

1. It is proposed to site containers in the Rural Protection Area for which no site specific locational need case has been sufficiently demonstrated. The development would therefore breach the provisions of Policy SD3 of the East Ayrshire Local Plan which requires that any development in the Rural Protection Area outwith settlement boundaries will only be acceptable where the proposal meets one of the criteria stated in the terms of the policy.
2. The portacabin is a temporary structure of no merit and is unsympathetic to the surrounding environment. This breaches the provisions of Policy IND10 of the East Ayrshire Local Plan which does allow for sympathetic industrial and business developments related to appropriate rural activities.
3. The containers and portacabins are unattractive features which have a detrimental impact on the visual amenity of the Sensitive Landscape Area. This is contrary to the provisions of Policy ENV11 of the East Ayrshire Local Plan which states that the Council

will be supportive of development proposals only where these positively enhance or protect the natural landscape.

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