

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 13 AUGUST 2004

**04/0361/FL : PROPOSED ERECTION OF DWELLINGHOUSE AT GLEN VIEW,
SORN**

APPLICATION BY MR & MRS A MCILHERON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is being sought for the erection of a dwellinghouse with integral garage. The house is proposed to accommodate the applicant who farms the agricultural unit of Glendale. It is proposed to erect a sizeable two storey hipped roof dwelling with single storey integral garage onto the east gable end and a modestly proportioned single storey wing to the west gable end. The dwelling features four bedrooms, sitting room, lounge, family room, dining room and ancillary accommodation.

1.2 The dwelling would have external finishes of a natural slate roof and grey drydash render walls with white uPVC vertically proportioned fenestration. It is proposed to take access off the existing shared access road and foul drainage would be to a septic tank and soakaway system.

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 contrary to RES 16 in the Local 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 in terms of consultation responses which are relevant to this application and none of these indicate the application should be refused.

3.2 The applicant has submitted a report from the SAC which does indeed demonstrate the requirement for at least one person to reside on the agricultural unit known as Glendale Farm. The existing farmhouse was sold off in July 2003, however, this occurred under exceptional circumstances. The applicants had purchased the farm and resided in the farmhouse for the preceding twenty year period until the family suffered the sudden and tragic loss of one of their sons due to an accident in the farmhouse. Following this the applicants have, understandably, been unable to remain in the farmhouse for health reasons and have since resided in a static caravan at the farm unit. However, it would be unreasonable and impractical to identify this as a long term solution. Hence full planning permission is being sought for the erection of a dwellinghouse to enable the applicants to continue to reside at and farm the land they have managed for such a lengthy period of time.

3.3 It is recognised that this application has emerged from exceedingly unfortunate circumstances which have evidently brought much hardship to the applicants. However, notwithstanding this there is an existing farmhouse at the unit which was sold off last year and thus the proposal is technically contrary to the development plan. Consequently, whilst fully appreciating the extenuating circumstances, the recommendation must draw upon the relevant policy and thus is one of refusal. Given that the need for a house is established and if Members chose to take an opposite view in respect of the sale of the original house and the relationship to Policy RES 16, this would not represent a departure that requires a consideration by the Development Services Committee.

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 an unclassified access road which joins the C65 road between Sorn and Auchinleck. Comprising a level parcel of land measuring approximately 2500m² at the top of a north facing slope the site is contained within the agricultural unit known as Glendale Farm.

2.2 The actual farm unit and buildings are located at the bottom of the north facing slope approximately 70 metres from the River Ayr. The farmhouse and associated outbuildings are located here. The site lies 70 metres west of the access and the field in which it is located is bound to the south by an avenue of trees. An agricultural shed was approved under the Prior Notification (Ref: 03/0083/PN) across the access road to the north of the site.

2.3 **Proposed Development:** Full planning permission is being sought for the erection of a dwellinghouse with integral garage. The house is proposed to accommodate the applicant who farms the agricultural unit of Glendale. It is proposed to erect a sizeable two storey hipped roof dwelling with single storey integral garage onto the east gable end and a modestly proportioned single storey wing to the west gable end. The dwelling features four bedrooms, sitting room, lounge, family room, dining room and ancillary accommodation.

2.4 The dwelling would have external finishes of a natural slate roof and grey drydash render walls with white uPVC vertically proportioned fenestration. It is

proposed to take access off the existing shared access road and foul drainage would be to a septic tank and soakaway system.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division has no objection to the proposed development subject to the following conditions :

- (i) access to the site must be taken via standard driveway access crossing to East Ayrshire Roads standards;
- (ii) the roadside ditch must be piped and protected beneath the proposed access;
- (iii) visibility splays of 2.5m by 160m will require to be formed and maintained at the access;
- (iv) the applicant will require to widen the road across the frontage to 5.5m to incorporate a lay-by/parking for refuse/service delivery vehicles;
- (v) no surface water must be allowed to discharge onto the public road;
- (vi) a minimum of three number off road parking spaces will require to be provided;
- (vii) any garages must be set back a minimum distance of 6m from the rear of the footway;
- (viii) the private driveway will require to be paved for a minimum distance of 5.0 metres from the edge of the public road;
- (ix) any gates will require to open inwards away from the public road; and
- (x) access to and egress from the site will require to be taken in forward gear.

These conditions can be imposed on any planning consent if granted.

3.2 Scottish Environment Protection Agency has no objection to the proposed development.

Noted.

3.3 Scottish Water has advised there are no known sewers to which a connection may be made to the proposed development.

Noted.

3.4 PowerSystems has no objection to the proposed development.

Noted.

3.5 Sorn Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No third party letters of representation have been received in respect 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 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;
- 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 dwellinghouse is to accommodate the applicant and his wife who have farmed the agricultural unit at Glendale Farm for the preceding twenty years and this has been demonstrated through a report prepared by the Scottish Agricultural College (SAC). The proposed dwelling therefore complies with part (A) of Policy G5.

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 for one of four stated purposes. One of those purposes is pertinent to the application under consideration, this being;

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

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 the proposed dwellinghouse is for a full time employee of a farm unit and it is considered that a site specific locational need case has been demonstrated in accordance with criterion (i) and therefore complies with Policy RES13.

5.4 Policy RES16 of the development plan states that the Council will not be supportive of proposals for additional houses in the countryside for agricultural workers under two circumstances, one of which is relevant to this application :

- (i) an existing farmhouse or other agricultural workers accommodation previously serving the agricultural unit concerned has been sold off separately from the unit to persons not employed on the farm, within the preceding five year period;

The SAC report states that the proposed dwellinghouse is required for the efficient operation of the farm unit due to the applicant having sold the existing farmhouse in July 2003 for personal reasons. Notwithstanding these reasons, the sale of the farmhouse therefore renders the proposal contrary to part (i) of Policy RES16.

5.5 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 proposed dwelling is considered to adhere to the guidance set out in the Council's Design Guidance 3: New Residential Development in the Countryside and thus complies with Policy ENV7.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the personal

circumstances detailed by the applicant. The applicant and SAC have verified that the reason for the sale of the farmhouse was due to a tragic accident in the house which led to the death of one of their sons. They have since lived in a static caravan and have operated the farm on that basis. Whilst fully appreciating these circumstances, the application is factually contrary to Policy RES 16.

Consultations Responses

6.2 None of the consultation responses received have raised any issues which would indicate the application should be refused.

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 application is contrary to RES 16 in the Local 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 in terms of consultation responses which are relevant to this application and none of these indicate the application should be refused.

8.2 The applicant has submitted a report from the SAC which does indeed demonstrate the requirement for at least one person to reside on the agricultural unit known as Glendale Farm. The existing farmhouse was sold off in July 2003, however, this occurred under exceptional circumstances. The applicants had purchased the farm and resided in the farmhouse for the preceding twenty year period until the family suffered the sudden and tragic loss of one of their sons due to an accident in the farmhouse. Following this the applicants have, understandably, been unable to remain in the farmhouse for health reasons and have since resided in a static caravan at the farm unit. However, it would be unreasonable and impractical to identify this as a long term solution. Hence full planning permission is being sought for the erection of a dwellinghouse to enable the applicants to continue to reside at and farm the land they have managed for such a lengthy period of time.

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9. RECOMMENDATION

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

CONTRARY DECISION NOTE

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Alan Neish
Head of Planning, Development and Building Standards

4 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: 04/0361/FL

Location	Glen View SORN KA5 6NG
Nature of Proposal:	Proposed erection of new dwellinghouse
Name and Address of Applicant:	Mr & Mrs A McIlheron Glendale Farm SORN KA5 6NG
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. The proposed dwellinghouse has been demonstrated as being required for the operation of a farm unit where the existing farmhouse was sold off in July 2003. This breaches the provisions of Policy RES16 of the East Ayrshire Local Plan which states that the Council will not be supportive of an additional dwellinghouse where the existing farmhouse was sold off in the preceding five year period.

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