

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 24 FEBRUARY 2006**

### **05/0874/FL: PROPOSED SITING OF CARAVAN AT BARDARROCH, NEAR OCHILTREE**

**APPLICATION BY MR. J. DUNLOP**

#### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the siting of a static caravan within the red line site adjacent to the agricultural shed. The caravan is shown as 3.6 metres in width by 8.5 metres in length positioned at approximately 1 metre from the existing shed. This forms a retrospective application as the caravan is already located and lived in on the site.

#### **2. RECOMMENDATION**

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

#### **8. SUMMARY OF ANALYSIS**

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, however it is not considered that these are supportive of the application.

3.2 Full planning permission (retrospective) is sought for the siting of a static caravan on land adjacent to Bardarroch Farm Cottage within the grounds of a newly approved business operating from an agricultural shed. The applicant has submitted no details outlining the need for a permanent residence on site nor has there been any detail of the proposed duration for the siting caravan.

3.3 To conclude the siting of a caravan at this location is contrary to policy RES12 of the Local Plan on the grounds that there is no evidence that would suggest a full time worker, would be required to live on site for reasons other than those of security. Furthermore, it is noted that the applicant has sold off

Bardarroch Farm unit within a five year period in which the proposal would remain contrary to the provisions of policy RES16 of the Local Plan. For these reasons the recommendation should 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 require to be referred to the Development Services Committee as it 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 MR. J. DUNLOP**

**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 the proposed development is subject to one formal objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located approximately 4km west of the village of Ochiltree on land to the south of the A70 Ayr to Cumnock road. The red line application site is positioned approximately 2km on the Unclassified U74 minor road, directly adjacent to Bardarroch Farm Cottage. The site used to form part of a small wooded copse of trees, many of which have now been felled to allow for an area of hard standing and the erection of a large agricultural shed.

2.2 The application site is largely level rising slightly to the north and covering an approximate area of 5.72 hectares. However the land directly associated with the proposed development covers an area of approximately 5,000m<sup>2</sup> within the small wooded area. The site is bounded to the south and west by agricultural land and to the north by the unclassified road, while to the east the site's boundary line is shared with an existing residential property at Bardarroch Farm Cottage. Access to the site is currently taken to the north through a large gateway, directly adjacent to Bardarroch Farm Cottage.

2.3 **Proposed Development:** Full planning permission is sought for the siting of a static caravan within the red line site adjacent to the agricultural shed. The caravan is shown as 3.6 metres in width by 8.5 metres in length positioned at approximately 1 metre from the existing shed. This forms a retrospective application as the caravan is already located and lived in on the site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree 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 has no objections to the proposed development subject to the following road safety requirements being met:

(i) All parking associated with this proposal shall be contained within the site.

***Noted. This condition 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 (SEPA) has no objections in principle to the proposed development subject to all foul drainage from the development connecting to the septic tank and as the nearby watercourse does not offer sufficient dilution for the acceptance of septic tank effluent additional treatment is required. It is recommended that a sub soil soakaway is used for effluent disposal. The septic tank and blind soakaway must be designed and constructed in accordance with the current code of practice BS6297:1983. SEPA have requested that any planning permission be withheld until such times that the drainage arrangements are agreed with the applicant.

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

### 4. REPRESENTATIONS

4.1 One letter of objection has been received raising concerns with regard to the proposed development. The points of objection are summarised as follows:

4.2 The static caravan has already been put in place and has been used as a dwelling place for over a month already (approx 6 months to date) and gives me reservations about sanitation.

***The Planning Authority is aware of the caravan being located and lived in on site and as the applicant has submitted an application for the siting of such, no action will be undertaken until the application has been determined. The Scottish Environmental Protection Agency (SEPA) has provided detailed comments on the proposal***

***highlighting the requirements in relation to sanitation. These requirements will be attached to any consent granted to ensure that the proposal complies with the requirements of SEPA.***

4.3 Mr Dunlop has given no thought to the constant intrusion of our privacy and has made no attempt to screen these caravans as well as everything else that is sited there. Therefore once again I find myself saying that because of the close positioning of these caravans and their close proximity to our property it is having an adverse impact on the amenity and privacy of our home at Bardarroch Farm Cottage which in effect was a rural property when we purchased it.

***The caravan which is currently on site is located at the far end of the red line site adjacent to the agricultural shed approximately 38 metres from the site boundary with Bardarroch Farm Cottage. However, due to the scale of the static caravan and its position it is clearly visible when entering the site. It should be noted that as part of the approval of planning consent 05/1083/FL the applicant was required to undertake sensitive landscaping of the eastern boundary with Bardarroch Farm Cottage. The applicant has recently submitted a landscaping plan which is still awaiting approval from the Planning Division detailing the extensive planting along this boundary which in time would reduce the visual impact of the shed and any associated caravan.***

## **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 (1999) 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 the development.

***Noted.***

### 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.

***Planning consent was granted (retrospectively) for a change of use of an agricultural shed to form the storage for the sales and distribution of animal feeds and to form storage for agricultural contracting machinery and farm machinery (planning ref: 05/1083/FL). However, it is not considered that this newly established business could justify the need for a static caravan on site. Although the applicant may be under the impression that it is important to live on site for security purposes, the Planning Authority take the view that the business can still operate without the need for a permanent residence on site. Therefore as it stands there is no demonstrated site specific locational need for the caravan and it is considered that the proposal fails to meet with the provisions of policy RES 12.***

**The principle of siting a caravan at this location is considered to be contrary to the provisions of the East Ayrshire Local Plan.**

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, representations and the planning history.

### Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate with the attachment of appropriate conditions.

### Representations

6.3 The letter of representation raises issues with respects to the siting of such a caravan and the resulting adverse impacts on privacy and residential amenity. It is considered that the issue raised in relation to privacy has been adequately addressed in section 4 of the report. The effect to the residential amenity is an important issue but this point has been addressed with the submission of a landscaping plan under the requirements of Condition 3 of Planning Consent 05/1083/FL.

## Planning History

6.4 The site in question has been the subject of three formal planning applications. This planning history is detailed below:

(i) 04/1004/AN - An Agricultural Notification for the erection of a shed in conjunction with Bardarroch Farm which was approved under delegated powers 23 November 2004.

(ii) 05/0309/FL: A detailed application for the change of use of existing agricultural shed to form storage for the sales and distribution of animal feeds to form storage for agricultural contracting machinery and farm machinery and the erection of a dwellinghouse. This application was refused by the Southern Local Planning Committee on 09 September 2005.

(iii) 05/1083/FL: A detailed application (retrospective) for the change of use of the existing agricultural shed to form storage for the sales and distribution of animal feeds to form storage for agricultural contracting machinery and farm machinery. This application was approved by the Southern Local Planning Committee on 04 November 2005.

## **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 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, however it is not considered that these are supportive of the application.

8.2 Full planning permission (retrospective) is sought for the siting of a static caravan on land adjacent to Bardarroch Farm Cottage within the grounds of a newly approved business operating from an agricultural shed. The applicant has submitted no details outlining the need for a permanent residence on site nor has there been any detail of the proposed duration for the siting caravan.

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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**

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 it would be a significant departure from the East Ayrshire Local Plan.

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

9 February 2006  
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### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. One Letter 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 Mr. R. Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0874/FL

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Location	BARDARROCH LODGE, OCHILTREE
Nature of Proposal:	SITING OF CARAVAN
Name and Address of Applicant:	MR J. DUNLOP BARDARROCH LODGE OCHILTREE KA18 2RR
Name and Address of Agent	MR M. BOSTON ARCHITECTURAL SERVICES LTD 34 MAIN STREET PRESTWICK KA9 1NX

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

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

- 1) The siting of a residential caravan on site can not be justified in terms of the requirements of RES12 and RES 16 of the Adopted East Ayrshire Local Plan 2003.

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