

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005**

**04/1171/FL: PROPOSED REMOVAL OF CONDITION 03 IN RELATION TO  
PLANNING APPLICATION 03/0107/FL AND THE EXTENSION  
OF CONDITION 01 AT LOWN HADDIN, SORN**

**APPLICATION BY EVELYN MEIKLE & SCOTT HENDERSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The site presently has the benefit of planning permission (Ref: 03/0107/FL) for the rehabilitation of a building to form a dwellinghouse and the current application is to have Condition 03 of this consent removed and to extend the time period of Condition 01 relating to the temporary siting of a residential caravan.

1.2 Condition No. 3 required the submission of a professionally prepared Construction Method Statement, to be approved by the Planning Authority, indicating that those walls identified for retention on the approved plans shall be retained to at least eaves level.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.**

**3. 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 and it is considered that these are of sufficient weight to indicate the recommendation should be one of approval.

3.2 Full planning permission is being sought for the variation to Condition 01 and removal of Condition 03 of an extant planning consent for the rehabilitation of a former rural outbuilding. Firstly, the applicant has sited a residential caravan

for the purposes of security whilst the development is underway. This is due to be removed from the site two years from the date of the planning consent (i.e. by 14 April 2005) but it is clear that the development will not be completed by then and hence the applicant wishes to extend the time period.

3.3 The siting of the caravan would not be acceptable on a permanent basis but it is considered reasonable to extend the time period. The applicant has advised that a further eighteen months would be sufficient and it is considered this is acceptable. Upon expiration of this period the caravan would have to be removed and the land reinstated. The objection which has been made is that the positioning of the caravan is detrimental to the visual amenity of the area. However, it is for an extended temporary period only and on this basis it would not be considered expedient to require the applicant to reposition the caravan as suggested.

3.4 Secondly, the applicant seeks to have Condition 03 of the consent removed. This condition relates to the submission of a construction method statement submitted in respect of ensuring the dwellinghouse is a rehabilitation. In doing so it became apparent that more of the external walls than originally anticipated had to comprise new build. Hence this was not in compliance with the existing planning permission and the Planning Division advised that an application should be made to have the condition removed. As stated the current proposals would result in only 43% of the external wall area of the dwellinghouse comprising of original walling and this is not compliant with Policy RES7. This falls short of the policy requirements for steading conversions to form dwellinghouses. However, it is considered that there are extraordinary circumstances which indicate that a technical breach of the policy is justifiable in this particular instance.

3.5 When the site originally gained consent for the conversion of the former steading building to a dwellinghouse it was as a rehabilitation but the policies at that time would have in fact allowed for a new build. This original consent granted in June 2002 remains "live" and could still be implemented. The more recent applications have been submitted as a result of amendments which the current applicant has wished to make to the approved design scheme, and indeed, are considered to be an improvement to the design.

3.6 To conclude, the rehabilitation of the outbuilding to form a dwellinghouse cannot be achieved in strict accordance with the current development plan policy. However, on balance it is considered that there are exceptional circumstances which outweigh this minor technical breach, which will achieve an improved design and therefore justify a recommendation of approval.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused 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 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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APPLICATION BY EVELYN MEIKLE & SCOTT HENDERSON

### 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 having attracted a letter of objection and representing a technical breach of the development plan.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is situated on the south side of a shared access approximately 1.4 kilometres north of the B743 road from Sorn to Muirkirk. It comprises a former outbuilding which pertained to the farm steading known as High Brocklar. The building has a rectangular floor plan and is of a simple traditional rural form.

2.2 The site itself is on a level area of ground in an undulating landscape within a Sensitive Landscape Area and the Rural Diversification Area. There are no significant features within the site which is surrounded by agricultural land. A former outbuilding across the access has already been converted to form a dwellinghouse, now known as High Brocklar. This dwelling does sit on lower ground due to the north south gradient of the slope.

2.3 **Proposed Development:** The site presently has the benefit of planning permission (Ref: 03/0107/FL) for the rehabilitation of a building to form a dwellinghouse and the current application is to have Condition 03 of this consent removed and to extend the time period of Condition 01 relating to the temporary siting of a residential caravan.

2.4 Condition No. 3 required the submission of a professionally prepared Construction Method Statement, to be approved by the Planning Authority,

indicating that those walls identified for retention on the approved plans shall be retained to at least eaves level.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Sorn Community Council has advised they have no comments to make regarding the application.

***Noted.***

### 4. REPRESENTATIONS

4.1 The planning application has attracted a letter of representation from a third party which objects to the proposed development for the following reasons.

4.2 I do have issue with an extension to the time allowed on site for the caravan and wooden structure. I accept that permission for temporary accommodation is not unreasonable in a building situation such as this. I have no objection to the applicant having such accommodation on site but I have to admit that patience is wearing very thin in terms of the 20 months the caravan/hut eyesore has already been situated directly outside my property. I would ask the planning department to bear in mind that my partner and I have spent a great deal of money in purchasing our house in the countryside and whilst wishing to be tolerant of the needs of others around us, would ask if you would be happy in our situation with such an unsightly view directly across the road for such a long period of time (never mind the proposed extension)?

***Albeit the positioning of the residential caravan and adjoining wooden structure are not of any merit in terms of visual amenity, especially given the location of the site in the Sensitive Landscape Area, it is not considered on a temporary basis that this objection would indicate refusal of the extension to the temporary period.***

4.3 Visitors have also commented on the smell of smoke that sometimes appears within my kitchen. The smoke, which can travel towards my property at a relatively low level depending on wind direction, comes from the wood burning stove located within the caravan. Is there a minimum height for such chimneys so close to other properties? I am concerned about the potential fire hazard of a wood burning stove within a caravan which, in turn, is fixed to a wooden hut so close to my property.

***The residential caravan is across the road from the property and any extraneous smoke associated with the caravan would not be a material planning consideration and it would therefore not be of any weight to indicate the application should be refused.***

4.4 Powerful halogen lights mounted on the outside of the hut shine directly towards my property. The left hand light is often left on overnight. Visitors have commented that they are blinded when attempting to leave my property at night. I am also concerned that such a bright light, shining onto and past the side of my property, may attract the attention of unwanted visitors.

***The halogen lights which have been fitted are standard household external lights installed for security purposes. The lights are positioned such that they have a downward light which is approximately 20 metres across the road from the objector's property. It is therefore not considered that they would cause an unacceptably high level of light pollution. However, it would be reasonable to impose a condition for the removal of the halogen lights should the Committee deem it appropriate.***

4.5 I would like to propose that the applicants be granted an extension to the time allowed for their temporary accommodation but on the condition that the caravan and hut be moved as far as possible behind their proposed building in order that significantly less of the caravan/hut is visible from High Brocklar.

***As stated under Para 4.2 it is not considered that the temporary siting of the residential caravan and hut has any significantly detrimental impact on the visual amenity of the countryside given that it is not a permanent structure. This objection is therefore not of sufficient weight to indicate the application should be refused.***

4.6 If the planning department does not accept my proposed relocation of the caravan/hut to be a reasonable compromise then I have no problem with the period of time granted in terms of an extension to the time allowed on site.

***The applicant has stated in a letter that a further eighteen months would enable them to complete the development. It is considered that this is a reasonable time period to enable supervision of rehabilitation and is therefore acceptable.***

## **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 within the Structure Plan which are especially relevant to this application.

#### East Ayrshire Local Plan

5.3 The application relates to the removal of a condition from an existing planning consent requiring the conversion of the property to comply with the provisions of Policy RES7 (ii) of the adopted local plan. A structural engineer's report has indicated that the existing condition of the building does not allow this condition to be met, in that it is not now possible for a minimum 50% of the external wall area of the completed conversion/ rehabilitation being formed from the external walls of the original building. The terms of the policy state:

- (ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;

***The conversion as proposed would only have 43% of its external wall area comprised of the original building. It would thus not comply with this element of the policy. However, there are particular circumstances in this case which are considered to be of significant materiality and these are reported in Para 8.2.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, third party representation and planning history of the site.

#### Consultations Responses

6.2 There are no consultation responses which would indicate the application should be refused.

## Representations

6.3 The letter which has been submitted objects to the planning application largely on the basis that the residential caravan and structure are of detriment to the visual amenity of the area. It is not considered that this objection, whilst a material consideration, is of sufficient weight to indicate the application should be refused given that it is to be sited there for a temporary period only.

## Planning History

6.4 The former rural outbuilding has been the subject of previous applications for full planning permission. Full planning permission (Planning Ref: 02/0359/FL) was granted on 11 June 2002. Subsequent to this the current applicant wished to amend the design but the revised proposals were too significant to be approved as a Non-Material Variation. Hence the latter application (Planning Ref: 03/0107/FL) was submitted and approved on 14 April 2003. It is considered that the history of the site is of significant material weight in the determination of the application and would indicate that the recommendation should be one of approval.

## **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 and it is considered that these are of sufficient weight to indicate the recommendation should be one of approval.

8.2 Full planning permission is being sought for the variation to Condition 01 and removal of Condition 03 of an extant planning consent for the rehabilitation of a former rural outbuilding. Firstly, the applicant has sited a residential caravan for the purposes of security whilst the development is underway. This is due to be removed from the site two years from the date of the planning consent (i.e. by 14 April 2005) but it is clear that the development will not be completed by then and hence the applicant wishes to extend the time period.

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## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused 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 departure from the development plan.

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

14 February 2005  
NM/NM/SMB  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous applications 03/0107/FL and 02/0359/FL.

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: 04/1171/FL

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Location	Lown Haddin SORN KA5 6JG
Nature of Proposal:	Proposed removal of Condition 03 in relation to application number 03/0107/FL and the extension of Condition 01
Name and Address of Applicant:	Evelyn Meikle & Scott Henderson Lown Haddin SORN KA5 6JG
Name and Address of Agent	

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

The above FULL application should be granted subject to the following conditions:-

1. The residential caravan and ancillary wooden structure which is in situ is hereby approved for a period of eighteen months from the date of this consent. After this time the caravan shall be completely removed from the site and the site reinstated to its former condition to the satisfaction of the Planning Authority.

REASON – The static caravan is only permitted to enable the developer to oversee the works on site.

2. The rehabilitation works shall be undertaken in accordance with the report as prepared by the Forbes Leslie Network and dated 25 October 2004. Any proposed deviation from this shall be put in writing for the further consideration of the Planning Authority.

REASON – To ensure that the development relates to the rehabilitation of rather than the new construction of a dwellinghouse.

3. The rehabilitation of the outbuilding to form a dwellinghouse as approved under Planning Permission Ref: 03/0107/FL shall otherwise be undertaken in accordance with the plans submitted to the Planning Authority on 26 March 2003 (Drawing No.2002/09-06).

REASON – To ensure the rehabilitation to form a dwellinghouse is in accordance with the approved design scheme.

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