

**EAST AYRSHIRE COUNCIL**

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

**04/0926/OL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE AT  
WEST HILLHEAD COTTAGE, MAUCHLINE**

**APPLICATION BY ANDREW GALLOWAY & YVONNE HASTIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a single dwellinghouse on the site. The house is shown on the indicative site plan as being located in the centre of the plot. An indicative house type has also been submitted and is shown as a one and a half storey (dormer) property with vertically proportioned fenestration.

1.2 It is not clear from the plans submitted where it is intended to locate the access and a septic tank to soakaway is proposed for drainage.

**2. RECOMMENDATION**

**2.1 It is recommended that the application refused for the reasons 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, however it is considered that these are not sufficient to justify the application being approved contrary to the development plan.

3.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside just outside the settlement of Mauchline. The site is situated immediately adjacent to an existing

dwellinghouse and in front of the former waterworks building which has the benefit of consent to convert the property to a dwellinghouse.

3.3 The applicant has undertaken pre-application advice and was fully informed of the policy requirements. However, in the course of the current planning application no information has been submitted in an attempt to justify the proposed dwellinghouse. A letter has been submitted stating that to the best of the applicant's knowledge the land in question has never been agricultural and the water reservoir has always been there and still is. The applicant states that the land has no connection to agriculture and is privately owned by the applicant's parents. The site in question does indeed pertain to the dwellinghouse known as Hillhead Cottage however the policy which relates to sub division of curtilages only applies within settlements and is therefore of no significance in the consideration of this application.

3.4 The site is capable of physically accommodating a reasonably sized detached dwellinghouse and the house type as shown is considered to be largely acceptable. However, in the absence of a justifiable need case for the proposed dwelling 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 require to be referred to the Development Services Committee because it would 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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### 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a rectangular area of ground situated just outside the settlement of Mauchline. It is located on the north side of an unclassified road running east of the A76 and pertains to the residential property known as Hillhead Cottage. The site is presently bound by a simple post and wire fence and a native hedgerow along the roadside.

2.2 Agricultural land lies to the east of the site and Hillhead Cottage shares the west boundary of the site. Beyond this cottage is a vehicular access to the former waterworks building. This building and yard lies immediately to the north side of the site and has recently been granted planning permission (Ref: 04/0442/FL) for change of use and conversion to form a dwellinghouse.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a single dwellinghouse on the site. The house is shown on the indicative site plan as being located in the centre of the plot. An indicative house type has also been submitted and is shown as a one and a half storey (dormer) property with vertically proportioned fenestration.

2.4 It is not clear from the plans submitted where it is intended to locate the access and a septic tank to soakaway is proposed for drainage.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

- (i) access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads standards;
- (ii) any roadside ditch must be piped and protected beneath the proposed access;
- (iii) visibility sightline splay area of 2.5m by 60m to the west and 2.5m by 120m to the east will require to be formed and maintained at the access;
- (iv) the applicant will require to form a 2.5m wide servicing/parking area within the existing verge along the frontage of the site;
- (v) no surface water must be allowed to discharge onto the public road;
- (vi) 2 no. off road parking spaces will require to be provided;
- (vii) any garages must be set back a minimum distance of 6m from the edge of the public road;
- (viii) the private driveway will require to be paved for a minimum distance of 5m from the edge of the public road carriageway;
- (ix) the proposed driveway should be not less than 4.8m in length by 2.5m wide;
- (x) any gates will require to open inwards away from the public road;
- (xi) access to and egress from the site will require to be taken in forward gear.

***The applicant has not submitted a site plan to demonstrate that the visibility splays can be achieved on land within his control/ownership. It is therefore recommended that if the Committee is minded to approve the application this is subject to completion of a Section 75 legal agreement to ensure that the sightlines can be achieved in the interests of road safety. Other requirements of the Roads and Transportation Division can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.***

3.2 Scottish Water has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its satisfaction and the applicant will have to apply for consent to discharge sewage effluent into a watercourse.

***Noted.***

3.4 Scottish Power has no objection to the proposed development.

***Noted.***

3.5 Transco has provided a location plan identifying its apparatus/equipment and this is to be forwarded onto the developer on site.

***This information will be passed to the applicant should the Committee be minded to approve the application.***

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

***Noted.***

#### **4. REPRESENTATIONS**

4.1 This planning application has not attracted any third party letters of representation.

***Noted.***

#### **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;
- D provides for the operational needs of agriculture and forestry.

***The applicant has not submitted any justification for the proposed development. It meets none of the above criteria and is therefore contrary to this policy.***

## East Ayrshire Local Plan

5.3 Policy RES13 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, these being:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on site staff accommodation;
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

***The applicant has not demonstrated that any of the above criteria can be met and consequently there is no justification for the proposed dwellinghouse. The proposal is therefore contrary to the terms of Policy RES13.***

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

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

### Consultations Responses

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

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 It is recommended that, if the Committee is minded to approve the application, this is subject to a Section 75 legal agreement to address the sightline splay requirements at the junction of the access with the unclassified public road.

## **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 considered that these are not sufficient to justify the application being approved contrary to the development plan.

8.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside just outside the settlement of Mauchline. The site is situated immediately adjacent to an existing dwellinghouse and in front of the former waterworks building which has the benefit of consent to convert the property to a dwellinghouse.

8.3 The applicant has undertaken pre-application advice and was fully informed of the policy requirements. However, in the course of the current planning application no information has been submitted in an attempt to justify the proposed dwellinghouse. A letter has been submitted stating that to the best of the applicant's knowledge the land in question has never been agricultural and the water reservoir has always been there and still is. The applicant states that the land has no connection to agriculture and is privately owned by the applicant's parents. The site in question does indeed pertain to the dwellinghouse known as Hillhead Cottage however the policy which relates to sub division of curtilages only applies within settlements and is therefore of no significance in the consideration of this application.

8.4 The site is capable of physically accommodating a reasonably sized detached dwellinghouse and the house type as shown is considered to be largely acceptable. However, in the absence of a justifiable need case for the proposed dwelling the recommendation must be one of refusal.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application 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 because it would represent a departure from the development plan.

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

NM/NM/SMB  
FV/DVM  
11 February 2005

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. 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: 04/0926/OL

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Location	West Hillhead Cottage MAUCHLINE KA5 6HA
Nature of Proposal:	Proposed erection of single dwellinghouse
Name and Address of Applicant:	Andrew Galloway & Yvonne Hastie 11 Loanhill Avenue MAUCHLINE KA5 6BQ
Name and Address of Agent	

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

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

1. The applicant has not demonstrated that the proposed dwellinghouse is required for a site specific locational need. The dwellinghouse would therefore breach the provisions of Policy G5 of the Ayrshire Joint Structure Plan which states that development proposals for houses outwith the settlement envelopes shall only conform to the Structure Plan where they meet the terms as stated within the policy.
2. The applicant has not demonstrated that any of the four exceptional circumstances, which might justify erection of a house in the Rural Protection Area and as stated in Policy RES13 of East Ayrshire Local Plan, do apply and the proposed development is therefore contrary to this policy.

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