

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 17 JUNE 2005**

**05/0415/OL: PROPOSED ERECTION OF DWELLINGHOUSE  
BY WELLHILL COTTAGE, NEW CUMNOCK**

**APPLICATION BY MR. A. ALSTON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the development of the site for residential purposes for one dwellinghouse. No details of the layout or house types have been submitted at this stage. Access to the plot would be taken of the U754 Wellhill Road opposite the existing joint access to Pine Grove and Highmount.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be 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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application under consideration is for a residential development of a dwelling on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area.

3.3 Furthermore, in the absence of any specific locational need for this residential development there is no justification for an approval that would represent a significant departure from the development plan.

## **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 be 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.**

## EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 17 JUNE 2005

05/0415/OL: PROPOSED ERECTION OF DWELLINGHOUSE  
BY WELLHILL COTTAGE, NEW CUMNOCK

APPLICATION BY MR. A. ALSTON

### 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 because the proposed development is contrary to policy, is the subject of objection and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 3.7 km south of Cumnock and 3.4 km west of New Cumnock and lies some 30 metres west of the junction of the C36 Benston Road with the U754 Wellhill Road.

2.2 The site extends to approximately 0.45 hectare and forms part of an area of rough grazing / wooded scrubland. The site is bounded to the east by the existing cottage at Wellhill, by scrubland to the west, by agricultural land to the north and by existing residential properties to the south (Pine Grove and Highmount). The site lies on an elevated position as the land rises from Wellhill Cottage in a westerly direction. There are a number of trees within the site particularly along the Wellhill Road frontage of the site and along the common boundary with Wellhill Cottage.

2.3 **Proposed Development:** Outline planning permission is sought for the development of the site for residential purposes for one dwellinghouse. No details of the layout or house types have been submitted at this stage. Access to the plot would be taken of the U754 Wellhill Road opposite the existing joint access to Pine Grove and Highmount.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken

via a standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 35 metres will require to be formed and maintained at the access with no obstruction greater than 1 metre in height allowed within these areas. Any roadside ditch must be piped and protected beneath the proposed access. The applicant will require to form a 2 metres wide kerbed pedestrian refuge/verge along the frontage of the site. No surface water must be allowed to discharge onto the public road from the site. A minimum of 3 off road parking spaces will require to be provided for each dwelling. The junction with the U754 must be bituminously surfaced for a minimum distance of 5 metres from the edge of the road to avoid overcarry of loose material onto the public road.

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.2 Scottish Water has no objections to the proposed development.

***Noted.***

3.3 The Scottish Environment Protection Agency has no objection to the proposed development provided the foul drainage from the site connects to a septic tank and total soakaway arrangement or mound system. Please note that SEPA understands that the proposal does not involve a discharge of treated foul drainage to a watercourse either directly or indirectly. The discharge of sewage effluent to a total soakaway arrangement or mound system does not necessarily require SEPA's consent in terms of the Control of Pollution Act 1974 (as amended). As SEPA considers at this time its consent will not be required, it is recommended that you refer this application to your Building Control Department, as its interests will be affected.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA with respect to the drainage of the site.***

3.4 Power Systems has no objection in principle to the proposed development.

***Noted.***

3.5 New Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.6 National Air Traffic Services has no objections to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of representation has been received objecting to the proposed development on the following grounds:

4.2 I have never received neighbour notification for this proposal.

***The applicant's agent has certified that the objector has been formally notified of the proposed development. Notwithstanding this, the objector is clearly aware of the proposed development and has made representations regarding the proposal.***

4.3 There are already four houses with septic tanks in this small area. Any more septic tank discharges would be an environmental issue, as all effluent runs into the same ditch.

***SEPA has indicated that provided the foul drainage from the site connects to a septic tank and total soakaway arrangement or mound system, it has no objections to the proposed development.***

4.4 When viewed from the C36 Road the property would create a visual intrusion as it will sit prominent to the skyline and will also dwarf the immediate property beside it.

***It is accepted that, due to the topography of the site, any proposed dwellinghouse would be on an elevated position in relation to the existing road. However, it is not considered that it would be unduly visually prominent given the rising nature of the land to the west of the application site. Furthermore it is not considered that a proposed dwellinghouse at this location would be any more visually intrusive than the existing dwellings in the immediate vicinity of the application site.***

4.5 I know when you consider planning issues you may favour planning applications from farmers or local businesses, I feel this application has no relevance to the applicants' business, as their business premises is 600 metres away, and two members of the applicants' family already dwell in two properties beside the business.

***The proposed development relates to the erection of a dwellinghouse in the countryside for which no justification or supporting information has been provided by the applicant. The policy implications of this are considered in Section 5 of this report.***

## **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). The application site relates to an area of land located in the Rural Diversification Area.

### Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

- A comprises an acceptable form of residential development as defined by the local plan;
- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

***No justification for the proposed development has been made by the applicant in terms of the above criteria. The proposed development is therefore considered contrary to structure plan policy.***

### East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small-scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or

***No supporting information has been submitted which would suggest that the houses are required for categories of development detailed in Policy RES 13.***

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary, subject to a set of stated criteria being met,

***There is not a clearly defined group of four or more houses at this location. It is accepted that the proposed development would constitute a fourth house at this location. However, the proposal remains contrary to this particular policy criterion.***

- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES18.

***The above criterion is not applicable to this application.***

***The proposal does not meet any of the above criteria and is therefore contrary to policy RES 14.***

- 5.4 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of those circumstances is pertinent to the application, this being:

- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

***It is considered that the development would constitute an addition to sporadic development in the countryside and create a ribboning of development along a public road in a rural location. The development is therefore considered to be contrary to this element of the policy.***

***The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policies RES 14 and RES 17 (vi). The proposal cannot therefore be supported in planning policy terms.***

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

- 6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representations received.

## Consultation Responses

6.2 None of the consultation responses have raised any issues that would indicate that the application should be refused although a number of issues would require to be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

## Representations

6.3 It is not considered that issues of drainage or visual impact are of sufficient weight to justify refusal of the application. The point regarding the lack of requirement or justification for the development is material insofar as it relates to the assessment of the proposal in terms of the development plan.

## **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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application under consideration is for a residential development of a dwelling on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area.

8.3 Furthermore, in the absence of any specific locational need for this residential development there is no justification for an approval that would represent a significant departure from the development plan.

## **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 because it would be a significant departure from the development plan.

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

31 May 2005  
HM/HM/SMB  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Representation
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. Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0415/OL

---

Location	By Wellhill Cottage NEW CUMNOCK
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	Mr. A. Alston Wellhill Cottage NEW CUMNOCK KA18 4QD
Name and Address of Agent	ACA 4 Edmiston Avenue PRESTWICK KA9 1RU

---

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

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

1. The proposed development would constitute the erection of a new dwellinghouse in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute an addition to sporadic development in the countryside and create a ribboning of development along the Wellhill public road in a rural location. The proposal would therefore not be in accordance with Policy RES 17 (vi) of the Adopted East Ayrshire Local Plan.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**