

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2004**

**04/0148/FL: PROPOSED SITING OF RESIDENTIAL CARAVAN, ERECTION  
OF TIMBER SHED AND DECKING (RETROSPECTIVE) AT BURNSIDE  
COTTAGE, DALRYMPLE**

**APPLICATION BY MR & MRS JOHN HENDERSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought on a retrospective basis for the siting of a residential caravan, associated decking and a timber shed within the curtilage of the existing dwelling known as Burnside Cottage. The caravan has been sited parallel to and 7 metres back from the public road. The decking has been erected surrounding the caravan and a modestly sized timber shed has been erected between the caravan and the road. A footbridge has also been constructed across the Purclewan Burn to access the farmland beyond.

1.2 The justification cited for the residential caravan is that the applicants are becoming more infirm and need the security of their family nearby. The applicants' son has therefore moved into the existing cottage and installed the caravan in the garden for their own accommodation. A new access onto the public road has been formed and the site is drained to a septic tank.

**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 and it is considered that these indicate the recommendation should be one of refusal.

3.2 This planning application has been submitted on a retrospective basis for the siting of a residential caravan along with decking and a timber shed. No justification pertaining to a site-specific locational need has been submitted in respect of the developments. The agent has submitted a letter in support of the application advising that the applicant was unaware that he required planning consent for the erection of the residential caravan, timber shed and decking. The letter states that it is the intention of the applicants' son, who occupies Burnside Cottage, to make application in due course for the demolition of the dwellinghouse and existing buildings on the site and replace same with a new house that will be large enough for both families to live in. There is no such planning application at present and it is the current application which must be determined on its own merits.

3.3 In addition to this three other letters have been submitted along with the application by friends of the family. The letters refer to the applicants' health and the fact that they have now retired and wish to live in close proximity to their son who resides in Burnside Cottage. The caravan is easier for the elderly applicants in terms of housekeeping as well as paying bills.

3.4 The Council's Roads Division has recommended that the application is refused on road safety grounds. This is due to the sub standard access which has been formed and the poor quality of the visibility splays at the junction. In addition it is considered that the whole development has a significant impact on the character of the area. Located in a Sensitive Landscape Character Area the structures are not in keeping with the surrounding environment and are considered to have a detrimental impact on the physical landscape quality.

3.5 To conclude, the applicants have not demonstrated a sufficient justification for the residential caravan, which along with the decking and timber shed, are not acceptable in terms of visual impact and are found to be unacceptable on road safety grounds. The recommendation must therefore 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 and Building Control, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan and Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

**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: 26 MARCH 2004

### 04/0148/FL: PROPOSED SITING OF RESIDENTIAL CARAVAN, ERECTION OF TIMBER SHED AND DECKING (RETROSPECTIVE) AT BURNSIDE COTTAGE, DALRYMPLE

APPLICATION BY MR & MRS JOHN HENDERSON

Report by Head of Planning and Building Control

#### 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 contrary to policy and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approximately 165 metres north east of the settlement of Dalrymple and forms a triangular parcel of land on the north side of the B742 public road. The site extends to an area of 0.37 hectare and encompasses the Purclewan Burn that runs along the northern edge of the site.

2.2 Burnside Cottage itself is a modern bungalow which fronts onto the public road and there are various more traditionally styled outbuildings lying to the east side of the site. The existing access to the cottage also lies east of the property. Further east is agricultural land, which also lies north of the application site and rises in a north easterly direction. To the west is also agricultural land and beyond the B742 on the south side is also agricultural land.

2.3 **Proposed Development:** Full planning permission is sought on a retrospective basis for the siting of a residential caravan, associated decking and a timber shed within the curtilage of the existing dwelling known as Burnside Cottage. The caravan has been sited parallel to and 7 metres back from the public road. The decking has been erected surrounding the caravan and a modestly sized timber shed has been erected between the caravan and the road. A footbridge has also been constructed across the Purclewan Burn to access the farmland beyond.

2.4 The justification cited for the residential caravan is that the applicants are becoming more infirm and need the security of their family nearby. The applicants' son has therefore moved into the existing cottage and installed the caravan in the garden for their own accommodation. A new access onto the public road has been formed and the site is drained to a septic tank.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division has recommended that the application be refused in the interests of road safety due to sub-standard access visibilities and approach stopping sight distance.

***Noted.***

3.2 The Scottish Environment Protection Agency has no objection in principle to the development but has however advised that its consent is required for the discharge of sewage effluent to a watercourse.

***Noted.***

3.3 Power Systems and The Coal Authority have no objections to the proposed development.

***Noted.***

3.4 Scottish Water has advised there is an existing public water main located in the street adjacent to the site and there are no known sewers to which a connection may be made from the proposed development.

***Noted.***

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

***Noted.***

### **4. REPRESENTATIONS**

4.1 This 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 (1999) 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.

***This proposal does not meet any of the above criteria and is therefore contrary to structure plan policy.***

### 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.

***There is no authorisation for the use of caravans and non-permanent dwellings at this site and no supporting information to justify the need for the caravan at this location has been submitted. The proposal is therefore contrary to Policy RES12.***

5.4 Policy ENV11 states that within Sensitive Landscape Character Areas the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The policy also states that the Council will not be supportive of any

development that would create unacceptable visual intrusion or irreparable damage within these areas. In addition, the policy states that the Council will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

***The caravan, shed and timber decking are considered to be visually intrusive and of an inadequate quality of design for this prominent rural roadside location within a Sensitive Landscape Area. The proposal is therefore contrary to Policy ENV11.***

## **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 The Council's Roads and Transportation Division has recommended that the application should be refused in the interests of road safety.

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

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise through enforcement action taken to secure removal of the caravan and associated structures from the site.

## **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 indicate the recommendation should be one of refusal.

8.2 This planning application has been submitted on a retrospective basis for the siting of a residential caravan along with decking and a timber shed. No justification pertaining to a site-specific locational need has been submitted in respect of the developments. The agent has submitted a letter in support of the application advising that the applicant was unaware that he required planning consent for the erection of the residential caravan, timber shed and decking. The

letter states that it is the intention of the applicants' son, who occupies Burnside Cottage, to make application in due course for the demolition of the dwellinghouse and existing buildings on the site and replace same with a new house that will be large enough for both families to live in. There is no such planning application at present and it is the current application which must be determined on its own merits.

8.3 In addition to this three other letters have been submitted along with the application by friends of the family. The letters refer to the applicants' health and the fact that they have now retired and wish to live in close proximity to their son who resides in Burnside Cottage. The caravan is easier for the elderly applicants in terms of housekeeping as well as paying bills.

8.4 The Council's Roads Division has recommended that the application is refused on road safety grounds. This is due to the sub standard access which has been formed and the poor quality of the visibility splays at the junction. In addition it is considered that the whole development has a significant impact on the character of the area. Located in a Sensitive Landscape Character Area the structures are not in keeping with the surrounding environment and are considered to have a detrimental impact on the physical landscape quality.

8.5 To conclude, the applicants have not demonstrated a sufficient justification for the residential caravan, which along with the decking and timber shed, are not acceptable in terms of visual impact and are found to be unacceptable on road safety grounds. The recommendation must therefore be one of refusal.

## **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 and Building Control, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan and Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

15 March 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: 04/0148/FL

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Location	Burnside Cottage DALRYMPLE KA6 6AW
Nature of Proposal:	Proposed siting of residential caravan, erection of timber shed and decking (retrospective)
Name and Address of Applicant:	Mr & Mrs John Henderson Burnside Cottage DALRYMPLE KA6 6AW
Name and Address of Agent	Mr Michael Boston Dickies Formet 34 Somerset Road AYR KA8 9LZ

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

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

1. The siting of the residential caravan has not been justified by a demonstrated site specific locational need nor is it of any social or economic benefit or contributes to rural land diversification. It therefore breaches the provisions of Policy G5 of the Ayrshire Joint Structure Plan which states that development proposals outwith settlements in the Rural Protection Areas shall only conform to the Structure Plan where the provisions of the policy are met.
2. It has not been sufficiently demonstrated that the temporary residential caravan is required for any particular on-site circumstances or for a site specific locational need case. Hence it breaches the provisions of Policy RES12 of the East Ayrshire Local Plan which states that the use of caravans and non-permanent dwellings on sites other than those specifically authorised for such purposes will not be permitted. There are no special circumstances in this instance and hence the development does not comply with this policy.

3. The residential caravan, decking and timber shed are considered to be visually intrusive in this location. This therefore breaches the provisions of Policy ENV11 of the East Ayrshire Local Plan which requires that within Sensitive Landscape Character Areas, the Council will not be supportive of any development that would create unacceptable visual intrusion or irreparable damage within these areas.
4. The access to the proposed development is sub standard with poor visibility splays and as such is unacceptable in the interests of road safety.

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