

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 24 MARCH 2005**

**05/0001/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR SINGLE DWELLINGHOUSE ADJACENT TO IVYDENE, COALHALL**

**APPLICATION BY MR & MRS R H BRYDEN**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Outline planning permission is sought for the erection of a dwellinghouse on the site. No justification pertaining to a site specific locational need case has been submitted. The applicant has however submitted a letter in support of their application and this is considered under Paragraph 4.7 of the report.

1.2 The site plan does not show an indicative access point and it is proposed to install a septic tank for foul drainage from the property.

#### **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 have been thoroughly addressed and that the objection relating to the principle of the proposed use of the land is the only other material consideration which would indicate the application should be refused.

3.2 Outline planning permission is being sought for the erection of a dwellinghouse on a site located within the Rural Protection Area of the countryside. The applicant has not demonstrated that there is a justification for the proposed dwellinghouse which would pertain to an economic need case. A letter in support of the application has been submitted and is considered in

Paragraph 4.7 of the report. This is not however considered to present the case sufficient to merit a departure from policy.

3.3 The proposed development is not considered to raise any unacceptable issues regarding visual or residential amenity and it is acceptable in terms of services and facilities. However, in the absence of a demonstrable need case which would be site specific, the proposed dwellinghouse is contrary to the development plan and 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, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent 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.**

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DWELLINGHOUSE ADJACENT TO IVYDENE, COALHALL**

**APPLICATION BY MR & MRS R H BRYDEN**

**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, due to it being recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is situated immediately on the north side of the A70 Ayr to Cumnock road and lies 60m west of the railway bridge just outside the settlement of Coalhall. Located in the Rural Protection Area of the countryside and comprising a squared off area of overgrown ground with scrubby trees, the site is on slightly higher ground than the public road.

2.2 The property to which the site pertains is known as Ivydene and lies immediately west of the site with another property known as Pottery House immediately east and two semi-detached cottages known as Pottery Cottages beyond. Agricultural land, also pertaining to Ivydene, lies to the rear with the A70 road running along the front of the site.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on the site. No justification pertaining to a site specific locational need case has been submitted. The applicant has however submitted a letter in support of their application and this is considered under Para 4.7 below.

2.4 The site plan does not show an indicative access point and it is proposed to install a septic tank for foul drainage from the property.

### 3. CONSULTATIONS AND ISSUES RAISED

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

- (i) visibility sightline splay areas of 2m by 120m will require to be formed and maintained at the new access with no obstruction greater in height than one metre allowed within these areas;
- (ii) access to the site must be taken via a tarred standard driveway access crossing to East Ayrshire Roads Standards. Further details can be obtained from the Roads Section and a road opening permit will be required;
- (iii) off road parking spaces will require to be provided for the dwelling in line with the requirements of the Roads Development Guide (2 or 3 – dependent on number of bedrooms plus 1 visitor space);
- (iv) any garages must be set back a minimum distance of 6m from the rear of the footway;
- (v) the private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road;
- (vi) an internal car turning area must be formed within the site to allow vehicles to enter and leave the site in forward gear;
- (vii) no surface water must be allowed to discharge onto the public road;
- (viii) any gates will require to open inwards away from the public road.

***The applicant has advised that all of the above can be met on land under his ownership/control. Conditions could therefore be attached to any consent granted for the proposal to meet the requirements of the Roads and Transportation Division. A Section 75 Agreement may be required to secure visibility splay areas.***

3.2 Scottish Water has advised there is an existing public water main located in the street adjacent which may be suitable to provide a supply to the proposed development but there are no known sewers to which a connection may be made.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Water.***

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development but has advised that their consent will be required for the discharge of sewage effluent to the watercourse.

***A note could be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA.***

3.4 Scottish Power has no objection to the proposed development.

***Noted.***

3.5 Ochiltree Community Council has no objection to the proposed development provided it complies with current planning legislation.

***Noted.***

#### **4. REPRESENTATIONS**

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

4.2 The inappropriate use of rural land, which we (the writers) believe may be contrary to the Council's own policy on rural development.

***The proposed residential development has not been justified and is considered to be contrary to the development plan for the reason that the use of the site for residential purposes is inappropriate in the rural location. This objection is therefore a material consideration of significant weight in the determination of the application.***

4.3 The destruction of some fine examples of native deciduous and coniferous trees (notably Scots pine) and the associated wildlife habitat.

***It is not considered that the site proposed for development is of any significant amenity value in terms of wildlife habitat or the trees which are on the site. This objection is therefore not considered to be of sufficient weight to indicate the application should be refused.***

4.4 The overloading of an already heavily used natural watercourse for effluent disposal.

***If the Committee was minded to approve the application the applicant will have to apply to SEPA for a discharge consent into the watercourse and hence this objection is not considered to be of sufficient weight to indicate the application should be refused.***

4.5 The introduction of a further private access onto, what has been described by the police as, a famously fast and dangerous stretch of the A70.

***The Roads and Transportation Division has advised that subject to certain road safety improvements which the developer would be required to undertake they have no objection to the proposed access. This objection is therefore not considered to be of sufficient weight to indicate the application should be refused.***

4.6 The precedent being set for yet further development.

***Each application is required to be determined on its individual merits and hence this objection is not considered to be material in the consideration of the application.***

4.7 A letter in support of the proposal has been received from the applicant. This suggests that the “minor settlement envelope of Coalhall” is very close to the proposed development and with the site being an “infill site” in my opinion would be a continuation of the “minor settlement”; the site is at the moment overgrown scrub land which is extremely untidy and is affecting the mature trees along the A70; the proposed development would be for my parents who are not within any of the categories however I am led to believe that developments along the Stair road have been approved and these were not for workers; Coalhall has land available for development which would be supported and approved by the Council and I would suggest that the mere matter of a few metres should prohibit the proposal and there will be no felling of trees within the proposed development site as the access to the site and building footprint will easily avoid all mature trees that are in the area.

***The site is outwith the settlement of Coalhall by approximately 80 metres and is separated by the railway line which lies over the A70. There is no scope for infill sites in the countryside and there is no allowance under the relevant policies which would make an exception for a dwelling to be erected for the applicant’s parents. There are a number of trees, although few of any significance, which would require to be felled to allow for visibility sightline splays to be formed. For these reasons it is not considered that any of the points raised by the applicant and as summarised above would constitute exceptional circumstances or provide a justification for the proposed dwellinghouse.***

## **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 of the Structure Plan states that development proposals outwith settlements in the Rural Protection Area shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

***There is no demonstrated site specific locational need for the proposed house;***

B can be justified in terms of social and economic benefit to the community;

***The proposal is a single dwellinghouse not in association with a tourist or agricultural use and therefore will not be of a social and economic benefit to the community;***

C contributes to rural land diversification; or

***The proposal would not contribute to rural land diversification;***

D provides for the operational needs of agriculture and forestry.

***No supporting evidence has been submitted to state that the house is for agricultural or forestry workers.***

#### 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; or

- (iii) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8.

***No information has been submitted which would demonstrate compliance with the above criteria and therefore the proposed development does not comply with Policy RES13.***

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

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

### Consultations Responses

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

### Representations

6.3 The letter of representation does object largely on material planning considerations however the only objection which is considered to be of significant weight in the determination of the application is that the proposed residential development would be an inappropriate use of the land in the rural area.

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

7.1 There are no financial or legal implications for the Council in the determination of this application. It is however considered that if the Committee was minded to approve the application, this is subject to conclusion of a Section 75 legal agreement to address the requirement for visibility sightline splay areas.

## **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 have been thoroughly addressed and that the objection relating to the principle of the proposed use of the land is the only other material consideration which would indicate the application should be refused.

8.2 Outline planning permission is being sought for the erection of a dwellinghouse on a site located within the Rural Protection Area of the countryside. The applicant has not demonstrated that there is a justification for the proposed dwellinghouse which would pertain to an economic need case. A letter in support of the application has been submitted and is considered in Paragraph 4.7 above. This is not however considered to present the case sufficient to merit a departure from policy.

8.3 The proposed development is not considered to raise any unacceptable issues regarding visual or residential amenity and it is acceptable in terms of services and facilities. However, in the absence of a demonstrable need case which would be site specific, the proposed dwellinghouse is contrary to the development plan and 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, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

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

11 March 2005  
NM/NM/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 Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0008/OL

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Location	Ivydene COALHALL KA6 6ND
Nature of Proposal:	Proposed outline planning permission for single dwellinghouse adjacent to Ivydene
Name and Address of Applicant:	Mr & Mrs R H Bryden Ivydene COALHALL KA6 6ND
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 reason:-

1. The proposed development would result in the erection of a dwellinghouse in the Rural Protection Area of the countryside for which no site specific locational need case has been demonstrated. In the absence of an appropriate justification the proposal is contrary to the provisions of Policy G5 of the Joint Ayrshire Structure Plan and Policy RES13 of the East Ayrshire Local Plan, the provisions of which require that any dwellinghouses outwith the settlement envelopes in the countryside must conform to the criteria as stated in the terms of the policies.

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