

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 23 MARCH 2007**

**06/1114/FL: VARIATION OF CONDITION 1 OF CONSENT 04/1171/FL TO  
ALLOW FOR EXTENSION OF TIMESCALE FOR 12 MONTHS FOR A  
RESIDENTIAL CARAVAN 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 for the rehabilitation of a building to form a dwellinghouse and the current application is to extend the time period of Condition 1 of application Ref: 04/1171/FL relating to the temporary siting of a residential caravan for occupation during the course of rehabilitation of the proposed dwellinghouse.

**2. RECOMMENDATION**

**It is recommended that the application be refused for the reasons listed on the following 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 supportive of the grant of a further extension to the timescale for the siting of this residential caravan.

3.2 This residential caravan was originally due to be removed from the site two years from the date of the original planning consent (i.e. by 14 April 2005). Following this, a further extension of time was granted for 18 months from this date, which expired on 25 August 2006. It is clear that the development is still not nearly completed and hence the applicant wishes to extend the time period. Given the fact that the Planning Authority has already granted an extension to

the original timescale which in total has allowed the caravan to be on site for a period of over 4 years, it is recommended that a further 12 month extension for the sitting of the residential caravan has not been justified in this instance and therefore should be refused.

#### **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 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 as the application is the subject of a letter of objection and is recommended for refusal.

### **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 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 for the rehabilitation of a building to form a dwellinghouse and the current application is to extend the time period of Condition 1 of application Ref: 04/1171/FL relating to the temporary siting of a residential caravan for occupation during the course of rehabilitation of the proposed dwellinghouse.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Sorn Community Council has not responded at the time of writing the report.

***Noted.***

### 4. REPRESENTATIONS

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

4.2 The caravan has been on site since March 2003. The associated wooden structure was assembled shortly thereafter. It was supposed to be on site for a maximum of two years. A previous planning application granted during February 2005 enabled further time for the caravan and wooden structure. The applicants gave further assurances that the 18 months extension to the original 2 years would be sufficient time to complete the property. The 18 month extension expired on 25 August 2006. At that time the property was at around floor level.

***It is accepted that the extended timescale for the siting of the residential caravan has now expired and the proposed dwellinghouse remains substantially incomplete.***

4.3 The caravan and associated wooden structure will have been on site for 4 years by the time this application goes to committee. Surely by now the council has given the applicants sufficient time to make progress with their development.

***It is considered that a reasonable timescale has been allowed for the siting of the residential caravan to allow for works to be completed on the proposed dwellinghouse.***

4.4 The applicants have clearly shown that they are unable to estimate completion dates with the Lown Haddin development. Why should any further estimates be accepted given the evidence to date? It is obvious that they lack the capabilities and/or the financial backing to complete the development in anything like a reasonable period of time.

***The latter issue raised does not constitute a valid planning ground of objection. However it is accepted that the previous extension for a period of 18 months would allow for the project to be completed within this time frame.***

4.5 We urge the council to reject this further application on the grounds that more than enough time has already been granted and that there is mounting

evidence to suggest that the applicants are incapable of completing the property in anything like a further 12 months that has been requested.

***It is accepted that the caravan and associated structure were originally granted consent on a temporary basis involved in the construction/rehabilitation of Lown Haddin. A reasonable period of time was originally allowed for the siting of the residential caravan consistent with planning policy and an extension to this time scale has already been approved. A further extension to this time scale without a reasonable justification is not considered acceptable in this case.***

## **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 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, temporary consent may be granted in special circumstances where on-site temporary accommodation is required pending the construction of a permanent dwelling.

***Temporary consent for the siting of a residential caravan was granted as part of the original planning consent for the refurbishment of Lown Haddin, allowing the caravan to remain in place for 2 years. A subsequent application extending this timescale for the siting of the residential caravan for a further 18 months was granted 25 February 2005, allowing it to remain on site until 25 August 2006. It is considered that combined, this was more than sufficient time to allow for completion of works to the proposed house. It is therefore considered that the proposal to further extend the timescale for the siting of the residential caravan is contrary to the spirit of Policy RES12.***

## **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 have been on site for a period of approximately 4 years. It is considered that this objection, a material consideration in the determination of the application, is of sufficient weight to indicate the application should be refused given that the caravan was originally approved to be sited there for a temporary period of time only to allow for construction works to take place to allow occupation of the proposed dwelling.

### Planning History

6.4 The former rural outbuilding has been the subject of previous applications for planning permission. Full planning permission (Planning Ref: 02/0359/FL) was granted on 11 June 2002 for the refurbishment of the building to form a dwellinghouse. The original approved design was subsequently amended (Planning Ref: 03/0107/FL) and approved on 14 April 2003. Latterly a full planning application (Planning Ref: 04/1171/FL) was lodged seeking the removal of condition 3 in relation to planning application 03/0107/FL and the extension of condition 1. The extension to condition 1 refers to the length of time the residential caravan was allowed to remain on site and the removal of condition 3 refers to the professionally prepared Construction Method Statement indicating that those walls identified for retention on the approved plans shall be retained to at least eaves level. This application was approved by the Southern Local Planning Committee on 25 February 2005. It is considered that the history of the site is of significant material weight in the determination of the application with especial regard to the previous application 04/1171/FL for an 18 month extension of the timescale for the residential caravan.

6.5 It should be noted that a further full planning application (Planning Ref: 07/0157/FL) has been submitted, awaiting determination, for further amendments to the original rehabilitation application and the erection of a detached garage, some works which have already commenced on site.

## **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 in respect of formal enforcement action to secure removal of the residential caravan 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 but it is considered that they are not supportive of the grant of a further extension to the timescale for the siting of this residential caravan.

8.2 This residential caravan was originally due to be removed from the site two years from the date of the original planning consent (i.e. by 14 April 2005). Following this, a further extension of time was granted for 18 months from this date, which expired on 25 August 2006. It is clear that the development is still not nearly completed and hence the applicant wishes to extend the time period. Given the fact that the Planning Authority has already granted an extension to the original timescale which in total has allowed the caravan to be on site for a period of over 4 years, it is recommended that a further 12 month extension for the sitting of the residential caravan has not been justified in this instance and therefore should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed on the following 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 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**

06 March 2007

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### **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 04/1171/FL, 03/0107/FL and 02/0359/FL.
8. Current application 07/0157/FL.

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/1114/FL

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Location	LOWN HADDIN SORN KA5 6JG
Nature of Proposal:	VARIATION OF CONDITION 1 OF CONSENT 04/1171/FL TO ALLOW FOR EXTENSION OF TIMESCALE FOR 12 MONTHS FOR RESIDENTIAL CARAVAN
Name and Address of Applicant:	EVELYN MEIKLE & SCOTT HENDERSON LOWN HADDIN SORN KA5 6JG
Name and Address of Agent	N/A

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

1. The approval of a further 12 month time period for the continued siting of the residential caravan and associated wooden structure at Lown Haddin (i.e. a total period of 5 years) is considered to be contrary to the spirit of Policy RES12 of the adopted East Ayrshire Local Plan 2003. A further extension in timescale for the siting of the residential caravan associated with the rehabilitation of Lown Haddin is not considered acceptable and is not justified in this instance.
2. The residential caravan and associated wooden structure have benefited from an extended time scale for siting in association with the rehabilitation and refurbishment of the property at Lown Haddin. The continued siting for an extended period of 12 months is considered to be detrimental to rural and residential amenity at this location.

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