

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 MAY 2004

**04/0289/OL: PROPOSED NEW BUNGALOW AND GARAGE AT LANDS AT
REDGATE FARM, SORN**

APPLICATION BY MR J S HODGE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is being sought in outline for the erection of a bungalow and detached garage. It has been submitted on the basis that it is required for a full time employee of the collective farms of Redgate, Catrineshaw, Shawwood and Kenstey Farms.

1.2 It is proposed to take access off a minor road from the B743 and drainage would be disposed of by a septic tank to a minor soakaway arrangement. No elevational details of the proposed house have been submitted but the site plan shows a rectangular floor plan measuring 123 square metres with a small conservatory to the southwest gable. A detached single garage is also shown.

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 also indicate the application should be refused.

3.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside. The applicant has submitted a report from the SAC which states a requirement for three full time

employees to efficiently operate the collective farm unit comprising Catrineshaw Farm, Kenstey Farm, Shawwood Farm and Redgate Farm. There are a total of three dwellinghouses on the unit. The applicant, Mr JS Hodge, lives in a dwelling at Kenstey Farm while Mr Hamish Hodge, the applicant's son, resides in a property at Catrineshaw Farm. The third dwelling is at Kenstey Farm and this is rented out on a long term let to a family member. The agent has advised that this family member's full time employment is as an agricultural contractor but that he helps out on the farm in the evenings and at weekends. With three dwellings already on a farm unit with a labour requirement of 3.75 and a house which is occupied by someone not required full time at the farm it is not considered that a fourth dwellinghouse is required. The agent has advised that the paperwork associated with farming has grown in recent years but this is not something which has a site specific need.

3.3 Additionally the farmhouse pertaining to the unit known as Redgate, and indeed the closest of the farms to the proposed site was sold in the summer of 2003. This was subsequent to the farmlands being sold to the applicant. Irrespective of the fact that the lands were sold prior to the farmhouse which was sold on the death of the owner who farmed the lands at Redgate Farm, the fact that this house was sold in the preceding five years before the application was made negates the requirement to build a fourth dwelling when one was available last year.

3.4 For the reasons outlined above it is not considered that a site specific locational need case has been sufficiently demonstrated to justify a dwelling at this site. In the absence of such a justification the recommendation must be one of refusal.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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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APPLICATION BY MR J S HODGE

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 and being subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is an area of agricultural land extending to 0.19 hectares and located approximately 46 metres north of the B743 public road. It comprises the southwest corner of a flat area of land bound by a copper beech hedge and there are no significant features on the site.

2.2 Immediately to the front of the site is a modern bungalow known as High Cumdoon which is bound to the rear by a 2 metre high screen fence. The property known as Redgate Farmhouse is situated adjacent to High Cumdoon and is currently undergoing rehabilitation as approved last year (Planning Permission Ref : 03/0048/FL).

2.3 **Proposed Development:** Planning permission is being sought in outline for the erection of a bungalow and detached garage. It has been submitted on the basis that it is required for a full time employee of the collective farms of Redgate, Catrineshaw, Shawwood and Kenstey Farms.

2.4 It is proposed to take access off a minor road from the B743 and drainage would be disposed of by a septic tank to a soakaway arrangement. No elevational details of the proposed house have been submitted but the site plan shows a rectangular floor plan measuring 123 square metres with a small conservatory to the southwest gable. A detached single garage is also shown.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has deferred making a recommendation on the application. This is to enable the applicant to submit an amended plan showing the following :

- (i) the recommended visibility splays of 2.5m by 90m to the west and 2.5m by 120m to the east (which can be achieved by removal/cutting back of shrubs/trees to either side of the access);
- (ii) widening of the road to 5.5m or provision of a service layby should also be shown along with a 2 metre, kerbed pedestrian refuge verge.

Should the Committee agree to approve the application, the applicant should be required to demonstrate how such sightlines can be achieved on land under his control, or if necessary, by means of a legal agreement involving any other affected properties. In that the development, as discussed below, is contrary to the development plan, this issue has not been pursued further.

3.2 Scottish Environment Protection Agency has no objections in principle to the proposed development. It is recommended that a sub-soil soakaway system is used for effluent disposal and a suitable designed Sustainable Urban Drainage system for surface water.

Noted.

3.3 Scottish Water has advised there is water apparatus within the site which may be affected by this application. There are no known sewers to which a connection may be made.

Noted.

3.4 PowerSystems has no objection to the proposed development.

Noted.

3.5 The Coal Authority were sent a consultation letter but have advised that they no longer wish to be consulted on applications where there is no definite requirement for them to make comment.

Noted.

3.6 Sorn Community Council had not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 This application has attracted five letters of third party representation, all of which have objected to the proposed development. The objections can be summarised as follows.

4.2 The proposed house is on a very narrow road more than a mile long and, as the verges are very soft, meeting traffic already involves lengthy reversing. The entry would involve a further opening onto this road between two corners where traffic sighting is already difficult and people using the road as a shortcut are often driving too fast. I think there are something like six or seven field accesses between Little Blackdyke road end and the corner at High Cumdoon at present.

The public road from which it is proposed to access the site is indeed a narrow unclassified road. However, pending the receipt of amended plans to illustrate the sightline requirement the Council's Roads Division will impose appropriate conditions to ensure that the proposed development does not exacerbate any existing hazards to an unacceptable level. In any case it is the responsibility of individual drivers to pay due care and attention when driving on side roads to enable them to pull in safely as and when required.

4.3 A further point is that the water supply would have to come from my water at the rear of Redgate house, and the supply is so poor that if I run one tap at Little Blackdyke, the house on the corner, High Cumdoon, gets no water at all. In addition my water supply runs directly under the proposed development.

Scottish Water has advised that there is water apparatus within the site which may be affected by the development and the developer will therefore require to contact their Developer Services to discuss safeguarding measures. The applicant has not stated what the intended water supply is to be for the proposed dwellinghouse. If it is to be private it should not affect any existing water supply in the vicinity but this would be a matter for the developer to resolve with the neighbouring properties. It is therefore not considered that this is a material planning consideration which has any weight in the determination of the planning application.

4.4 As the farmhouse has been recently sold and changed to a private house, I see no reason why we need a farm bungalow to be built on this site.

The objector has highlighted the fact that Redgate Farmhouse has been sold off in the preceding five year period and it has been confirmed by the agent that this sale took place in the summer of 2003. This is a material consideration which carries significant weight in the determination of the application.

4.5 Violation of the Council's policy for Housing in the Countryside : RES13.

A full policy assessment is provided in Section 5 of the report but it is considered that this is a material planning consideration which is of significant weight in the determination of the application.

4.6 Loss of prime agricultural land.

The report prepared by the Scottish Agricultural College states that the land at Redgate is not prime agricultural land. It is therefore not considered that this objection is of sufficient materiality to indicate the application should be refused for this reason.

4.7 The proposals would create "ribbon" development on a single track road contrary to the Local Plan.

The site on which it is proposed to erect a dwellinghouse is immediately adjacent to an existing dwelling. However this dwelling is situated on a bend and it is therefore not considered that if this site was to be developed it would constitute ribboning. Hence it is not considered that this is a valid objection of any weight in the determination of this application.

4.8 Redgate is not a working farm and I now own the former farmhouse. I recently obtained both planning consent and building warrant to renovate and alter, to form a private dwellinghouse. I would suggest that if Mr Hodge requires a house for a farmworker it should be sited nearer to one of his other farms as it is estimated 50% of land owned by Mr Hodge at Redgate is in fact tenanted by Mr Linton, Lochlea Farm, Mauchline. Prior to my purchase Redgate Farmhouse was formerly owned by a family relation of Mr Hodge who now rents Kentstey Farmhouse from Mr Hodge. Why did Mr Hodge not purchase Redgate Farm Steading to serve his alleged needs? Mr Hodge is semi-retired and presumably intends full retirement, so would not be using it as a working base and already has a house, separate from the farmhouse at Catrineshaw Farm.

The fact that the farmhouse at Redgate has been recently sold off and that there is a house on the lands making up the farm unit which

is lived in by someone who is not full time employed by the unit is indeed a material planning consideration. These objections are of significant weight in the determination of this application.

4.9 Has Mr Hodge looked at the option to either purchase or rent Little Blackdyke Farmhouse, which is unoccupied and approximately 300 yards from his proposed site?

Irrespective of whether or not Little Blackdyke Farmhouse is occupied or not this is not of materiality in the consideration of the planning application. It is only properties which pertain to the farm unit or which have recently been disposed of that are considered to have any weight when determining the need for the proposed dwelling. It would not be reasonable nor competent to expect the applicant to buy a property not contained within his own farm unit.

4.10 Since I came here some thirteen and a half years ago two bungalows have been built with their access being taken from the Redgate Farm access. This present application does not have an access to either of the Redgate Farm accesses and, accordingly, cannot meet the criteria laid down for the two existing bungalows. Since being built it may be of interest to note that one bungalow has changed ownership once and the second bungalow has changed ownership twice.

The matters of access and ownership in relation to the two existing bungalows are not material planning considerations which carry any weight in the determination of the current planning application.

4.11 Redgate Farm like the one I bought, Blackdyke Farm, has been systematically split up over the years and there is therefore the possibility of each individual landowner making a similar application.

The fact that Redgate Farm has been split up is only relevant to the proposed development in so far as the farmhouse has also been sold off. However, each planning application must be considered on its individual merits and it is not considered that the possibility of each landowner making an application is of weight in the determination of this application.

4.12 The application refers to a proposed development at Redgate Farm – Redgate Farm is not owned by the applicant but by a Mr Kerr. The address of the location given in the architect's letter refers to it as being at "lands at Redgate" which is proper as the land is no longer Redgate Farm. In such circumstances it is strange the architect should then refer on his drawing to the "erection of new farm bungalow at Redgate Farm".

The application has been made for lands at Redgate Farm but in any case it is not considered that this point is of materiality in the consideration of the proposed development.

4.13 The address of the applicant is given as Catrine Shaws Farm, Catrine – I believe, from a conversation with another person, the applicant in fact does not reside at the Farm itself.

The report prepared by the Scottish Agriculture College advises that it is Mr Hamish Hodge who resides in the farmhouse at Catrineshaw Farm. It is reasonable that the applicant, Mr J S Hodge, has given this as his contact address. This is not a material planning consideration and has no weight in the determination of this planning application.

4.14 We feel that this proposal is completely unnecessary for the reasons given as it will not provide employment or benefit to the community in any way which, in our opinion, would provide the only valid reason for building on this particular area.

The objector makes a valid point in stating that the proposed development will not provide employment or benefit to the community and whilst this factor in itself would not merit refusal of the application it does add weight to the fact that the proposal is contrary to development plan policy.

4.15 The only time the gates have been left open were by the farmers themselves when they removed the cattle from the field concerned, when they were slurring the fields and when they were cutting the considerable crop of silage.

This is not a material planning consideration in itself. It does however dilute the applicant's case of requiring a dwellinghouse at this site to provide security over the land.

4.16 Also, in our eight years here, we have never known of cows calving in the adjacent fields, nor have we seen a calf in the fields. The fields were simply used for grazing and the cattle were removed during the winter months presumably to one of their other farms where they must have the appropriate shelter, since there are no buildings here suitable for that purpose, or for calving.

The SAC report states that the applicant is now concentrating on rearing and selling youngstock and that cattle are sold either in calf or newly calved. The objector makes a valid point that this particular aspect of farming does require a shelter of some sort and there is no such shelter in the fields immediately adjacent to the site of the

proposed dwelling. This casts doubt over the requirement for a dwelling to enable a supervisor to live in close proximity to the herd and is therefore a material consideration in the determination of this application.

4.17 The four existing houses are in a row which means that no house obstructs another and since Mr JS Hodge owns all the surrounding fields, if his need for a house here was deemed absolutely necessary, a situation at either end of the row would be more acceptable and would cause considerably less obstruction and distress. There is existing access at both of these sites which provides a greater line of sight in both directions. This would obviate the need to close an existing access and open a new one at the designated plot.

It is only the site which has been applied for which is under consideration and in any case forming an addition to either end of the existing row of houses would constitute ribbon development which is not considered acceptable. Hence this is not a valid consideration which would merit refusal of the application.

4.18 We cannot understand the choice of this particular plot in all the land available as it would mean our entire garden and rear windows would be overlooked by them as would their house and garden be overlooked by us. Not a very desirable situation for either party, when, it seems, other options are available.

The application has been made in outline only and it is therefore not known if it is intended to build a single or two storey dwelling if outline consent is granted. It has however been described as a bungalow which is evidently single storey only. The objector resides in the property known as High Cumdoon which is some 24 metres from the indicative position of the dwelling. The lie of the land is level and would therefore not be predisposed to creating an overlooking issue, regardless of storey height. It would however be reasonable to impose a condition requiring that the dwellinghouse be no closer to the existing house or no greater than one storey in height if the Committee were minded to approve the application and were of the view this was a necessary restriction.

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 Area 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.

The applicant claims that a new bungalow is required for an agricultural worker and has submitted an agricultural labour statement to justify this. For reasons stated below under Policy RES13 of the East Ayrshire Local Plan it is not considered that an additional house can be justified and therefore does not meet Policy G5 (D) of the Structure Plan.

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. One of those purposes is pertinent to the application under consideration, this being :

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

The applicant has provided an agricultural labour statement for the proposed house which states that, in total, Redgate, Catrineshaw, Shawwood and Kenstey Farms can justify 3.75 labour units. However, in the justification it is stated that, together, these farms have three houses, one of which is rented out to a family member who does not work on the farm. The existing house at Kenstey should be used to accommodate an agricultural worker before any new house is permitted for this farm unit. The proposal does not therefore comply with Policy RES13.

5.4 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows:

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and

As stated under Policy RES13 above there is an existing house at Kenstey which could accommodate a farm worker.

- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land;

The house is proposed on greenfield land therefore the applicant requires to demonstrate that there are no areas of derelict or degraded land available to develop.

The policy also states that, in all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses, in preference to being isolated in the countryside.

The application site is located adjacent to existing, though redundant, farm buildings at Redgate Farm, so complying with this aspect of the policy.

5.5 Policy RES16 is not supportive of proposals for additional agricultural workers houses in the countryside in two stated circumstances. One of those circumstances is pertinent to the application, this being where :

- (i) an existing farmhouse or other agricultural workers accommodation previously serving the agricultural unit concerned has been sold off separately from the unit to persons not employed on the farm, within the preceding five year period; or

The agent has confirmed that the farmhouse pertaining to Redgate Farm was sold in the summer of 2003. This is the building which is currently undergoing rehabilitation and alterations and the owner and intended occupier is not employed on the farm. The proposed development is therefore not acceptable in this circumstance.

In this case the labour requirement is assessed by grouping together land under the control of the applicant and the available dwellings on that land must therefore be assessed in the same way. There are three houses in total on the farm unit and one of these (at Kenstey) is occupied by a family member not employed on the farm. The farm unit itself can only justify three full time workers meaning that an additional house is not required. The house at Kenstey must be used to accommodate a farm worker and the construction of a new house is contrary to Policy RES13. In addition the farmhouse

pertaining to Redgate Farm has been sold off in the past year which makes the proposed development contrary to Policy RES16. The proposal is therefore not acceptable in 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 third party letters of objection.

Consultation Responses

6.2 None of the consultees have objected to the proposed development or raised any matters which would indicate the application should be refused.

Representations

6.3 The application attracted five letters of objection which were primarily based on the water supply, access to the site, justification for the site and the proposed location of the proposed dwellinghouse. Some of the objections are material in the consideration of the application and would reasonably suggest the application should be refused planning permission.

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, and it is considered that these also indicate the application should be refused.

8.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside. The applicant has submitted a report from the SAC which states a requirement for three full time employees to efficiently operate the collective farm unit comprising Catrineshaw Farm, Kenstey Farm, Shawwood Farm and Redgate Farm. There are a total of three dwellinghouses on the unit. The applicant, Mr JS Hodge, lives in a dwelling

at Kenstey Farm while Mr Hamish Hodge, the applicant's son, resides in a property at Catrineshaw Farm. The third dwelling is at Kenstey Farm and this is rented out on a long term let to a family member. The agent has advised that this family member's full time employment is as an agricultural contractor but that he helps out on the farm in the evenings and at weekends. With three dwellings already on a farm unit with a labour requirement of 3.75 and a house which is occupied by someone not required full time at the farm it is not considered that a fourth dwellinghouse is required. The agent has advised that the paperwork associated with farming has grown in recent years but this is not something which has a site specific need.

8.3 Additionally the farmhouse pertaining to the unit known as Redgate, and indeed the closest of the farms to the proposed site was sold in the summer of 2003. This was subsequent to the farmlands being sold to the applicant. Irrespective of the fact that the lands were sold prior to the farmhouse which was sold on the death of the owner who farmed the lands at Redgate Farm, the fact that this house was sold in the preceding five years before the application was made negates the requirement to build a fourth dwelling when one was available last year.

8.4 For the reasons outlined above it is not considered that a site specific locational need case has been sufficiently demonstrated to justify a dwelling at this site. In the absence of such a justification the recommendation must 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 refused 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

17 May 2004
NM/NM/SMB
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: 04/0289/OL

Location	Lands at Redgate Farm SORN KA5 6HL
Nature of Proposal:	Proposed new bungalow and garage
Name and Address of Applicant:	Mr J S Hodge Catrineshaw Farm CATRINE KA5 6LU
Name and Address of Agent	Stairhill Architecture Services Stairhill MAUCHLINE KA5 5HN

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 there is a site specific locational need for a fourth dwellinghouse on the farm unit comprising Catrineshaw Farm, Kenstey Farm, Shawwood Farm and Redgate Farm. The erection of this house would therefore breach the provisions of Policies G5 and RES13 of the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan respectively which require that development proposals for dwellinghouses in the Rural Protection Area outwith the settlement envelopes shall only be acceptable where it is demonstrated that it is required for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates.
2. There is a dwelling on Kenstey Farm occupied by someone whose full time employment is not on the farm and hence the erection of a fourth dwellinghouse on this farm unit would be contrary to Policy RES15 of the East Ayrshire Local Plan. This policy states that existing buildings which are capable of residential use should be utilised in preference to the construction of new build housing and thus the dwellinghouse at Kenstey Farm should be used to accommodate the agricultural worker.
3. The farmhouse pertaining to Redgate Farm was sold off separately from the farmland in 2003. The erection of a new dwellinghouse would therefore breach the provisions of Policy RES16 of the East Ayrshire Local Plan which states that where an existing

farmhouse serving the agricultural unit has been sold off in the preceding five year period the proposed new accommodation would not be supported by the policy.

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