

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 MAY 2004

**04/0190/OL : PROPOSED ERECTION OF 2 NO. DWELLINGHOUSES AT
SHIELDS FARM, COALHALL**

APPLICATION BY MR JOHN PATON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect two new dwellinghouses within the site which is at the top of a south facing slope. The applicant has submitted a letter stating a need case in relation to establishing a poultry breeding business at a shed located at the former agricultural unit of Shields Farm. This is considered further in Section 8 of the report. The applicant currently resides in one of the existing detached houses and is the proprietor of a building company.

1.2 The existing access road is proposed for use by the new units and foul drainage would be disposed of to a septic tank system.

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 these also indicate that the application should be refused.

3.2 Outline planning permission is being sought for the erection of two dwellinghouses at a site in the Rural Protection Area. The applicant has submitted a letter which makes a statement of need for the dwellinghouses proposed.

3.3 The applicant advises that fourteen years ago the main farm was sold off but that part of the second farm, Shield Farm, was retained with the intention of returning to some type of farming in the future. He states that he has been “approached by a Poultry Breeding company who would stock and convert the existing shed, which at present is unsightly, into a lower building more suited to poultry breeding and which would also be more pleasing to the view of the skyline”. The company would employ the applicant to maintain the shed and the poultry. Three other employees would be required to look after a minimum of 600 breeding hens, with 50 stock cockerels.

3.4 It is evident that there has been a farm unit at this location in the past. There is one large agricultural shed still in existence but which is presently disused and a steading building has been converted to a dwellinghouse in addition to the three sizeable houses which have been built in the preceding ten years. It is apparent that there is no longer an existing operational agriculture unit at these premises which would justify the proposed houses. If there is an intention to establish a rural based enterprise at the property in the future, it is by no means certain that this would justify two dwellings. It is normal to grant planning permission on a temporary basis for residential accommodation at a site where a rural enterprise has been or is being established. Once the business is established it may then be appropriate to consider a permanent residency for the efficient operation of the business.

3.5 There is no unit in existence at Shields Farm at present which would justify the two dwellinghouses proposed. In any case the applicant currently resides in a property approximately 23 metres to the south of the aforementioned shed. The applicant would therefore require to demonstrate a need for an additional two dwellings which would accommodate full time employees essential to the efficient operation of the enterprise. It is not considered that a poultry breeding unit of the scale intimated would require three full time workers to be located in close proximity to the business.

3.6 Additionally the Council’s Roads Division has advised that planning permission should be refused on road safety grounds. This is due to the vertical alignment of the A70 which makes the visibility splays required impossible to achieve on a 60m.p.h road.

3.7 In the absence of a justification and the inability to meet road safety requirements the recommendation must 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 be a significant departure from the development plan.

Alan Neish
Head of Planning, Development & 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 JOHN PATON

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 application site is on agricultural land situated 161.5m north of the A70 Ayr to Cumnock road. Extending to 0.14 hectares the site is rectangular in shape and is located at the end of and on the west side of, the access road to the former Shields Farm.

2.2 The access road serves five existing dwellinghouses, one of which is a steading conversion and the remaining houses are modern detached units of sizeable proportions. One of the dwellings, known as Pinehurst, lies on the west side of the access while the remaining four units are on the east side. To the east of the access road are redundant agricultural sheds of no merit. A belt of mature deciduous trees form the northern boundary of the field in which the site is located.

2.3 **Proposed Development:** It is proposed to erect two new dwellinghouses within the site which is at the top of a south facing slope. The applicant has submitted a letter stating a need case in relation to establishing a poultry breeding business at a shed located at the former agricultural unit of Shields Farm. This is considered further in Section 8 of the report. The applicant currently resides in one of the existing detached houses and is the proprietor of a building company.

2.4 The existing access road is proposed for use by the new units and foul drainage would be disposed of to a septic tank system.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has recommended that the application be refused for the reason that the junction visibilities are substandard and it would not be possible to achieve 2.5m by 215m (for 60mph) due to the existing vertical alignment on the A70.

Noted.

3.2 Scottish Water has advised that there are no known sewers to which a connection may be made.

Noted.

3.3 Scottish Environment Protection Agency has no objection in principle provided the drainage arrangements are to their complete satisfaction.

Noted.

3.4 The Coal Authority has no objection and no adverse comments to make.

Noted.

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

Noted.

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

Noted.

4. REPRESENTATIONS

4.1 This planning application has not attracted any third party letters of representation.

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 Areas 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 houses.

- (b) can be justified in terms of social and economic benefit to the community;

It is unlikely that the erection of 2 houses would be of social or 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 sufficient supporting evidence has been submitted to state that the houses are for agricultural or forestry workers.

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

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
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES13 above.

The proposal is not considered to meet the above criteria and the policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. It is therefore contrary to Policy RES13.

This proposal is contrary to Policy G5 of the Ayrshire Joint Structure Plan and Policy RES13 of the East Ayrshire Local Plan which means that the principle of housing at this location is not acceptable in planning policy terms. The application should be refused on these grounds.

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 Division has recommended that planning permission is refused on road safety grounds. This is due to the substandard visibility splays, the existing alignment of the A70 also makes it impossible to achieve the required splays for the road. This is a material planning consideration which carries significant weight and which would merit a recommendation of refusal.

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 these also indicate that the application should be refused.

8.2 Outline planning permission is being sought for the erection of two dwellinghouses at a site in the Rural Protection Area. The applicant has submitted a letter which makes a statement of need for the dwellinghouses proposed.

8.3 The applicant advises that fourteen years ago the main farm was sold off but that part of the second farm, Shield Farm, was retained with the intention of returning to some type of farming in the future. He states that he has been "approached by a Poultry Breeding company who would stock and convert the existing shed, which at present is unsightly, into a lower building more suited to poultry breeding and which would also be more pleasing to the view of the skyline". The company would employ the applicant to maintain the shed and the poultry. Three other employees would be required to look after a minimum of 600 breeding hens, with 50 stock cockerels.

8.4 It is evident that there has been a farm unit at this location in the past. There is one large agricultural shed still in existence but which is presently disused and a steading building has been converted to a dwellinghouse in addition to the three sizeable houses which have been built in the preceding ten years. It is apparent that there is no longer an existing operational agriculture unit at these premises which would justify the proposed houses. If there is an intention to establish a rural based enterprise at the property in the future, it is by no means certain that this would justify two dwellings. It is normal to grant planning permission on a temporary basis for residential accommodation at a site where a rural enterprise has been or is being established. Once the business is established it may then be appropriate to consider a permanent residency for the efficient operation of the business.

8.5 There is no unit in existence at Shields Farm at present which would justify the two dwellinghouses proposed. In any case the applicant currently resides in a property approximately 23 metres to the south of the aforementioned shed. The applicant would therefore require to demonstrate a need for an additional two dwellings which would accommodate full time employees essential to the efficient operation of the enterprise. It is not considered that a poultry breeding unit of the scale intimated would require three full time workers to be located in close proximity to the business.

8.6 Additionally the Council's Roads Division has advised that planning permission should be refused on road safety grounds. This is due to the vertical alignment of the A70 which makes the visibility splays required impossible to achieve on a 60m.p.h road.

8.7 In the absence of a justification and the inability to meet road safety requirements 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 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

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: 04/0190/OL

Location	Shields Farm COALHALL KA7 6NF
Nature of Proposal:	Proposed erection of two no. dwellinghouses
Name and Address of Applicant:	Mr John Paton Shields Farm Cottage COALHALL KA7 6NF
Name and Address of Agent	As Above

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

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

1. It is proposed to erect two dwellinghouses in the Rural Protection Area of the countryside for which there is no demonstrated site specific locational justification. The development would therefore breach the provisions of Policy G5 and Policy RES13 of the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan respectively both of which state that unless the proposed development meets with the criteria as specified in the terms of the policies then it does not conform to the policies.
2. The access to the development is not acceptable in road safety terms. The Council's Roads Division has advised that it would not be possible to achieve the visibility splays for this particular road junction due to the alignment of the existing A70 and therefore the proposed development fails to meet the required road safety standards.

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