

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004

**04/0711/FL: PROPOSED AGRICULTURAL SHED AT SHIELDMAINS FARM,
COALHALL**

APPLICATION BY MR ALEX STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought to erect an agricultural shed for the farm unit known as Shield Mains. This application has been made following the submission of a Prior Notification for the shed. At this time the applicant was unable to satisfy the Planning Division that there was an operational agricultural unit which afforded Permitted Development rights to the applicant in accordance with the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

1.2 The shed which would have an overall ridge height of 5.7 metres is to be positioned in the south west corner of the field in which a two storey house has just been approved. The external finish to the shed is to be a green cladding with a large double door opening to the front, north facing, elevation.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been thoroughly addressed and do not merit refusal of the application.

3.2 The application has been submitted following consideration of a Prior Notification by the Planning Division. The applicant was advised that on the

basis of the information submitted the shed would require to be the subject of a planning application. This was due to insufficient information to demonstrate the shed was to pertain specifically to an agricultural unit and also the Division was of the view the proposed site was isolated and would be detrimental to the visual amenity of the area. However, subsequent to this a dwellinghouse has been approved immediately north of and just below the site and the position of the proposed shed would therefore consolidate the buildings pertaining to the farm unit.

3.3 The shed is a standard agricultural shed in terms of scale and design and is to be finished in a green coloured cladding which is considered appropriate. Standing at a height of 5.7 metres the shed is to be located to the rear of the dwellinghouse to be built and is not considered to have an unacceptable impact on the Sensitive Landscape Area in which it is located.

3.4 The applicant has stated that the proposed shed is for the storage of hay and also in the interests of animal welfare. The objections do raise concerns about the use of the proposed shed however it is only the use which has been applied for which must be considered. The use of the shed for agricultural purposes is acceptable in this location and it is therefore recommended that planning permission is granted.

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 not require to be referred to the Development Services Committee because it would not 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 08 OCTOBER 2004

**04/0711/FL: PROPOSED AGRICULTURAL SHED AT SHIELDMAINS FARM,
COALHALL**

APPLICATION BY MR ALEX STEVENSON

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 proposal is the subject of letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in a Sensitive Landscape Area in the Rural Protection Area just outside the hamlet of Coalhall. It lies on the south side of the A70 road to Ayr and is positioned on a south west facing slope overlooking the loch at Coyle Water Fishery. The site is situated in the south west corner of a field below which is an existing access track serving the fishery. Beyond this is a steep bank with dense tree cover which rises to meet the A70 public road.

2.2 Immediately to the south of the site is a site which was recently the subject of approval of reserved matters for the erection of a dwellinghouse (Ref: 04/0372/RM). To the west is the access track which wraps around the back of the site to the farm unit known as Shield Mains. The farm unit comprises a traditional two storey farmhouse along with a large agricultural shed accommodating an animal feed business. The access track also forms the eastern boundary of the field in which the shed is to be located.

2.3 **Proposed Development:** Full permission is sought to erect an agricultural shed for the farm unit known as Shield Mains. This application has been made following the submission of a Prior Notification for the shed. At this time the applicant was unable to satisfy the Planning Division that there was an operational agricultural unit which afforded Permitted Development rights to the applicant in accordance with the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

2.4 The shed which would have an overall ridge height of 5.7 metres is to be positioned in the south west corner of the field in which a two storey house has just been approved. The external finish to the shed is to be a green cladding with a large double door opening to the front, north facing, elevation.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan, Rankinston and Stair Community Council has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 Two letters of representation have been received from third parties, objecting to the proposed development on the following grounds:

4.2 My bungalow looks directly down onto the site and, if a large shed is built, it will detract from my amenity by spoiling my view and becoming a source of noise and disturbance.

The proposed shed is to be built approximately 480 metres north east of the objector's property. It is therefore not considered to have an unacceptable impact on the residential amenity of this property and hence is not of material weight in the determination of this application.

4.3 Planning permission for the operation of a utility business has already been refused at this location.

The current planning application must be considered on its individual merits hence this objection is not material to the determination of this application.

4.4 I am fearful that Mr. Stevenson intends to use the proposed shed as a storage base for his commercial Drilling operations and will resume the parking of his lorries and unsightly, non-agricultural, equipment below my window.

The application has been made for the erection of a shed for agricultural purposes and it is on this basis that it must be considered. In any case, if planning permission is to be granted it is recommended that this is subject to a condition restricting the use of the shed.

4.5 We hereby wish to register an objection to the construction of a shed, since we overlook the site and believe that it would constitute a Bad Neighbour Development and will detract from our amenity.

The proposed development is an agricultural shed which is to be sited in a field in a rural area. The proposed shed is approximately 480 metres from the writer's property and it is not considered that such a development in the rural area would constitute a Bad Neighbour development. Therefore this objection is of no materiality in the determination of the application.

4.6 We believe that the applicant has no proven need for the construction of a new building, of such large dimensions, at the Coyle Water Fishery location. It is well documented and publicly recorded, that Mr Stevenson's principle business is the operation of a utility drilling company/companies, which involves the use, and storage of, heavy plant machinery, multiple heavy goods vehicles and bulky equipment.

The Planning Division is indeed aware that the applicant has in the past operated a commercial drilling business from the unit at Shield Mains. However, it is an agricultural shed which has been applied for and the application must be considered on its individual merits. Therefore the applicant's other commercial drilling business is of no consequence in the determination of the current planning application.

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 There are no policies contained within the structure plan which are especially relevant to this application.

East Ayrshire Local Plan

5.3 Policy ENV13 of the plan requires that authorised development is in keeping with, has minimal visual impact and reflects the nature of the rural area in which it is located and also that it is sensitively sited, landscaped and screened

so as to blend into, respect and compliment the landscape characteristics of the particular area in which it is to be located.

The proposed development is an agricultural shed of a typical profile and being finished in a suitably coloured cladding. The siting of the proposed shed is considered to be acceptable in terms of it having only a slight impact on the visual amenity of the Sensitive Landscape Area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The consultee has not responded to their consultation response.

Representations

6.3 The objections which have been raised primarily relate to the visual impact and proposed use of the shed. It is considered that the shed is acceptable in visual amenity terms and concern regarding the use of the shed can be sufficiently addressed through the use of an appropriate condition. It is therefore not considered that the objections raised are of sufficient weight to indicate the application should be refused.

Planning History

6.4 The site has previously been the subject of a Prior Notification (Ref: 04/0259/AN) for the erection of an agricultural shed. In accordance with the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 the Planning Division deemed it appropriate to seek an application for the prior approval of the Planning Authority hence the current application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been thoroughly addressed and do not merit refusal of the application.

8.2 The application has been submitted following consideration of a Prior Notification by the Planning Division. The applicant was advised that on the basis of the information submitted the shed would require to be the subject of a planning application. This was due to insufficient information to demonstrate the shed was to pertain specifically to an agricultural unit and also the Division was of the view the proposed site was isolated and would be detrimental to the visual amenity of the area. However, subsequent to this a dwellinghouse has been approved immediately north of and just below the site and the position of the proposed shed would therefore consolidate the buildings pertaining to the farm unit.

8.3 The shed is a standard agricultural shed in terms of scale and design and is to be finished in a green coloured cladding which is considered appropriate. Standing at a height of 5.7 metres the shed is to be located to the rear of the dwellinghouse to be built and is not considered to have an unacceptable impact on the Sensitive Landscape Area in which it is located.

8.4 The applicant has stated that the proposed shed is for the storage of hay and also in the interests of animal welfare. The objections do raise concerns about the use of the proposed shed however it is only the use which has been applied for which must be considered. The use of the shed for agricultural purposes is acceptable in this location and it is therefore recommended that planning permission is granted.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 not require to be referred to the Development Services

Committee because it would not represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

24 September 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: 04/0711/FL

Location	Shieldmains Farm Coalhall AYR
Nature of Proposal:	Proposed agricultural shed
Name and Address of Applicant:	Mr Alex Stevenson Shield Mains Farm Coalhall AYR KA6 6LZ
Name and Address of Agent	MGP Architects Cathcart House 20 Cathcart Street AYR KA7 1BJ

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

The above **FULL** application should be granted subject to the following conditions:-

1. The agricultural shed hereby approved shall only be used for storing agricultural machinery and implements which are solely necessary to the operation of the agricultural unit known as Shield Mains and also for the storage of hay and sheep and other livestock pertaining to the agricultural unit to the satisfaction of the Planning Authority.

REASON – The shed hereby approved is for agricultural purposes only and would not otherwise be approved.

2. Prior to the commencement of development the developer shall submit a colour specification of the external cladding of the shed hereby approved for the further written approval of the Planning Authority, and thereafter construct the shed in accordance with the approved specification.

REASON – In the interests of visual amenity and to avoid detriment to the Sensitive Landscape Area.

DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT

**THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**