

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 07 OCTOBER 2005**

**05/0169/FL: THE ERECTION OF A FARMHOUSE AT NEWFIELD, CUMNOCK**

**APPLICATION BY MR WILLIAMSON**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the erection of one dwellinghouse within the application site. The proposed location is on an area of high ground in line with the adjacent small unit of Greenfields Farm.

1.2 The proposed dwelling consists of a large 4 bedroom property with a double integral garage facing in a northerly direction finished in white roughcast, grey concrete roof tiles and brown uPVC windows. The access to the proposed development would be taken from a partly established road following the eastern boundary line of the site. A new link road would be required to be constructed to allow for access from this road to the proposed dwellinghouse.

#### **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; however it is considered that these are not supportive of the application.

3.2 Full planning permission is sought for the erection of a 4 bed-roomed detached dwellinghouse in the countryside. The applicant was contacted and subsequently provided two SAC Labour Assessment's as supporting justification for such a dwelling based on the proposed future intentions of the applicant. As both of the Labour Assessment reports submitted are indicative, as there is no

established or working farm unit on site at present, it is therefore not possible for such a report to justify a new house at this site.

3.3 As indicated in Section 5.3 above, a farm unit would require to be established for a period of at least two years before a farm workers house would be considered acceptable. Therefore at this stage, with no established farm unit operating on the land within the red line site and the proposed siting of the dwelling and associated access road in a visually prominent uphill location, it is considered that this application 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 require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local 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 WILLIAMSON**

**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 contrary to policy, is the subject of objection and is recommended for refusal

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located on the south side of the U743 public road approximately 3 miles east of the small settlement of Skares and approximately 5 miles to the west of New Cumnock and in close proximity to the adjacent small holding of Greenfields Farm.

2.2 The red line site is bounded to the north by the adjacent public road and then slowly rises to the south covering a significant L-shaped area extending to some 31.97 hectares with the majority of this land consisting of grass and rough grazing agricultural ground. An access road has been partially formed with a mix of materials; mostly large sections of waste rubble which provides a separate access to an associated shed lying to the north east of the red line area between the two existing properties of Greenfields Farm and Glen Islay Cottage.

2.3 **Proposed Development:** Full planning permission is sought for the erection of one dwellinghouse within the application site. The proposed location is on an area of high ground in line with the adjacent small unit of Greenfields Farm.

2.4 The proposed dwelling consists of a large 4 bedroom property with a double integral garage facing in a northerly direction finished in white roughcast, grey concrete roof tiles and brown uPVC windows. The access to the proposed development would be taken from a partly established road following the eastern boundary line of the site. A new link road would be required to be constructed to allow for access from this road to the proposed dwellinghouse.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter at the time of writing this report

***Noted***

3.2 Scottish Water has no objection to the proposal providing the applicant makes a separate application to Scottish Water (Planning and Development Services) team for permission to connect to the public waste water system and/or water network at the appropriate time.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal providing surface water run-off from the roof and hard standing areas are drained via Sustainable Urban Drainage System.

***A note can be attached to any consent granted for the development to advise the applicant to make early contact with SEPA regarding the drainage of the site.***

3.4 Power Systems has no adverse comments to make on this application however advise that underground apparatus is present within the identified site.

***A note can be attached to any consent granted for the development to advise the applicant to make early contact with Power Systems.***

3.5 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development however, a Senior Roads Engineer noted that the access road to the plot has not been completed and work is required at the access point onto the U743 public road in addition to the following road safety requirements being met:

- (i) Prior to the commencement of any building work in connection with this application, the requirements/conditions applied under PA00/511/AN relating to the provision of a new private access road must be implemented to ensure that safe access is available to the site from the U743 public road.
- (ii) A minimum of 3 off road car parking spaces must be provided within the plot.

***Conditions can be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division.***

#### 4. REPRESENTATIONS

4.1 One letter of representation has been received raising a number of concerns with regard to the proposed development. These are summarised as follows:

4.2 I would wish to object to the house on the grounds of visual prominence due to the specified location.

***The proposed position of the dwellinghouse and new access road is on an uphill location on north facing agricultural land both of which would be clearly visible from the adjacent public road and surrounding countryside. It is considered that a more suitable location would be nearer to the existing sheds or at a lower level towards the public road.***

4.3 I would object to the style of house and I feel it is not in keeping with the area and houses in the local proximity.

***The proposed dwellinghouse has 4 bedrooms incorporating 2 pitched roof dormers to the front elevation with a protruding lounge area extending the front elevation. It is considered that the specific house style is not necessarily out of place with its surrounding however the proposed finishing materials are not seen as acceptable and in keeping with the rural environment.***

4.4 I would wish to object in the strongest terms about the unsuitable and unsightly road, which is to provide access to Newfield. Not only is this road infringing upon Newfield/Glen Islay boundary (damaging the march fence) but it is also impairing our visual amenity.

***It was noted from the site visit that the access road approved under application 00/0511/AN is not yet fully completed and as it stands is constructed of various sizes of rubble material dumped to provide a base layer. The road is in a very prominent position and forms a large L – shape in a south and then easterly direction. If this proposal was approved a further access road would require to be established as detailed in the submitted block plan and would extend a further 90 metres approximately in a southerly direction and would be clearly visible from the public road.***

4.5 I would wish to object on the grounds that I question the justification of a house being built on Newfield as it has not been a working farm for many years.

For a long period of time there have been no animals on the ground and nobody has ever lived there.

***The Planning Authority is aware of this situation and it is reinforced by the Labour Assessment based on proposed operations at the unit not the current existing situation in situ.***

4.6 I would wish to object to the pollution problem that I feel the road has caused to the existing burn. The road was placed over the burn and was constructed using rough building debris, but I have also seen metal pipes, old radiators, plastic traffic cones, etc. embedded in the road hence my cause for concern over pollution.

***A site visit indicated that some sections of the proposed road did have waste materials such as those described above. However although this is a valid statement, in this case the existing road materials used is not a valid planning ground and not material to the consideration of the current application.***

4.7 I would object on the grounds that another house would put an unbearable strain on the water supply (especially the pipes) currently in place.

***Scottish Water has provided initial comments at this stage and has not raised any adverse issues to the proposal therefore in this case the water supply would not be material to the consideration of this 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 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

***While a Labour Assessment Report has been submitted in support of the application, this is generally based on proposed operations on the site, not existing. It is therefore considered that there is no current justification for the proposal whose viability is unproven and therefore it does not fall under any of the above criteria and is contrary to policy G6.***

#### East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances. As the proposal is for the development of a farm house, (i) applies:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13.

***While a Labour Assessment Report has been submitted in support of the application, this is generally based on proposed operations on the site, not existing. It is therefore considered that there is no current justification for the proposal whose viability is unproven and therefore it does not fall under any of the above criteria and is contrary to policy.***

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

***There are no other buildings on the site suitable for conversion.***

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

***There are no areas of derelict or degraded land on site.***

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 proposed site is isolated and uphill from existing buildings meaning the house and its access road would be visually prominent.***

***The applicant was asked to provide supporting information and subsequently submitted two agricultural labour statements which details farming proposals for the land.***

5.5 Policy RES 16 states that the Council will not generally be supportive of proposals for new agricultural workers houses where the farm unit to which the proposal relates has been established for a period of less than two years. It also states that the siting of a residential caravan to accommodate an agricultural worker for a limited period may be considered acceptable with regard to newly established farm units where this can be fully justified to meet the operational requirements of the units.

***This farm unit is not yet established therefore a proposal for a house is contrary to policy RES 16. The first labour assessment states that the labour requirement is 0.46 units which would mean that a full time agricultural worker cannot be justified for the farm unit. Based on current proposals a house would remain contrary to policy RES 14 as the house would not be accommodating a full time worker.***

***A further agricultural labour statement has been received which states that the farm can now justify 1.02 labour units but this is founded on the basis of proposed operations, not current operations. . Whilst this means the farm could potentially justify one full time worker, the fact remains that the farm is not yet established and the proposal remains contrary to policy RES 16. The farm requires to be established for a period of two years before a workers house will be considered acceptable in planning policy terms. The applicant can, however, apply for temporary accommodation and live on site for this two year period.***

***The application cannot therefore at this time be justified under the terms of policy RES16 from the East Ayrshire Local Plan.***

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

6.1 The other 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 consultation responses received would indicate that approval of the application would be appropriate.

## Representations

6.3 The points raised in the letter of representation show clear and valid concerns in relation to the proposed erection of a dwellinghouse in terms of the specific location of the proposal, the access road and questioning the agricultural justification.

## Planning History

6.4 Newfield has been the subject of two formal planning applications which are summarised below:

(i) 99/0539/OL: Outline Planning Consent for the erection of a dwellinghouse and garage located adjacent to the existing shed at Newfield, Cumnock was approved on 22<sup>nd</sup> October 1999 under delegated powers.

(ii) 00/0511/AN Agricultural Notification application was made for the formation of a new access road to an existing shed at Newfield, Cumnock which was approved on 8<sup>th</sup> August 2000.

***The first application approved in 1999 in relation to the erection of a new dwellinghouse and associated garage was approved under the policies at that time of the Adopted Cumnock and Auchinleck Local Plan. However the outline planning consent has now lapsed. A new application has been made for a dwellinghouse, however, as the relevant policies have now changed with the establishment of the East Ayrshire Local Plan a dwellinghouse at this location would be contrary to policy.***

## **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; however it is considered that these are not supportive of the application.

8.2 Full planning permission is sought for the erection of a 4 bed-roomed detached dwellinghouse in the countryside. The applicant was contacted and subsequently provided two SAC Labour Assessment's as supporting justification for such a dwelling based on the proposed future intentions of the applicant. As both of the Labour Assessment reports submitted are indicative, as there is no established or working farm unit on site at present, it is therefore not possible for such a report to justify a new house at this site.

8.3 As indicated in Section 5.3 above, a farm unit would require to be established for a period of at least two years before a farm workers house would be considered acceptable. Therefore at this stage, with no established farm unit operating on the land within the red line site and the proposed siting of the dwelling and associated access road in a visually prominent uphill location, it is considered that this application should be refused.

## **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 as it would be a significant departure from the East Ayrshire Local Plan.

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

27 September 2005  
RG/RG  
FV/DVM

## **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. Labour Assessment Report (x2)
8. Planning Application – 99/0539/OL
9. Agricultural Notification – 00/0511/AN

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

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0169/FL

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Location	NEWFIELD CUMNOCK
Nature of Proposal:	ERECTION OF DWELLINGHOUSE
Name and Address of Applicant:	MR WILLIAMSON C/O 6/2 MANSE DRIVE, HALDEN BALLOCH G83 8HG
Name and Address of Agent	N/A

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

The above **FULL** application should be refused for the following reasons:-

1. The proposed dwellinghouse would constitute the erection of a new dwelling in the countryside which can not be justified in terms of the requirements of Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES14 and RES16 of the Adopted East Ayrshire Local Plan.
2. The Council considers that the proposed dwellinghouse and access road would in terms of their location, be visually prominent to the detriment of the rural character of the area.

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