

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 02 FEBRUARY 2001

**99/0017/FL: ERECTION OF A DWELLINGHOUSE,
HOLLYBUSH MAINS FARM, HOLLYBUSH.**

APPLICATION BY MRS E TURNER

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed dwellinghouse is of single storey construction and comprises three bedrooms, a lounge, a family room, a breakfast/kitchen area, a study, a dining room, two halls, a utility room a bathroom and WC and an integral double garage. The proposed dwellinghouse is to be finished in wet dash wall render with red facing brick details and slate-substitute roof tiles.

2. RECOMMENDATION

2.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 above, 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 in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 In this case, it is considered that a specific locational need has not been proven by the applicant. The Labour Requirement Report which has been submitted in support of the application is based on the proposed establishment of a pig rearing operation on the farm, but there is no guarantee that in approving a further dwelling unit on the farm, this operation will be established by the applicant. The applicant also seeks to justify the provision of a further dwelling on health grounds, however this is not one of the criteria outlined in Policy RES13 upon which specific locational need is assessed.

3.3 The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. Furthermore, the proposed development if approved, would set an unacceptable precedent for new housing within the Rural Protection Area where there is no specific locational need.

3.4 There are no consultee or other objections to the proposed development of a dwellinghouse at this location and the design of the proposed dwellinghouse and use of finishing materials is otherwise considered to be acceptable.

3.5 If the Committee is minded to approve this application, then it would require to be submitted for determination by the Development Services Committee under the scheme of delegation, as it constitutes a significant departure from the EALP.

Alan Neish
Head of Planning and Building Control

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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HOLLYBUSH MAINS FARM, HOLLYBUSH.****APPLICATION BY MRS E TURNER****Report by Head of Planning and Building Control****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 proposed development is contrary to policies contained within the East Ayrshire Local Plan, Finalised Version and is recommended for refusal.

2. APPLICATION DETAILS

2.1 Site Description: The application site lies off the south side of the A713 Ayr-Dalmellington road approximately 620 metres south-east of the settlement of Hollybush and some 160 metres south of the farm steading at Hollybush Mains. The site extends to approximately 0.98 hectare and lies within a small woodland shelter belt area. The site is bounded to the north and south by agricultural land, to the west by the woodland shelter belt and to the east by an existing farm track and woodland shelter belt

2.2 Proposed Development: Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed dwellinghouse is of single storey construction and comprises three bedrooms, a lounge, a family room, a breakfast/kitchen area, a study, a dining room, two halls, a utility room a bathroom and WC and an integral double garage. The proposed dwellinghouse is to be finished in wet dash wall render with red facing brick details and slate-substitute roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has not responded to the consultation letter.

Noted.

3.2 British Gas Transco, Scottish Power and the Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water Authority advises that there are no known sewers to which a connection may be made. If a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker.

A condition could be attached to any planning consent granted for the development with regard to meeting the requirements of West of Scotland Water.

3.4 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

- (i) The applicant obtains a construction consent and upgrades the existing private access road to adoptable standards.
- (ii) Improvement works are carried out on the opposite side of the road in order to provide a southbound approach visibility to the access point of 160 metres.

A construction consent application has since been submitted and approved by the Roads Division. Conditions can be attached to any consent granted for the development to ensure that the access is constructed to meet the requirements of the Roads Division.

3.5 The Scottish Environment Protection Agency advises that it has no objections in principle to the proposed development provided the drainage arrangements are to SEPA's satisfaction. The septic tank and soakaway will require to be designed and constructed in accordance with the current code of practice. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal and the area of soakaway required. Should the soil prove unsuitable for effluent disposal, then effluent may be allowed to discharge to the nearest watercourse. As the nearest watercourse offers little dilution in dry weather and already receives a number of septic tank discharges, it will be necessary for the applicant to provide full biological treatment of the sewage effluent prior to discharge to the water course. Surface water should be kept separate from the foul drainage.

The applicant has been advised of the comments of SEPA and a condition could be attached to any consent requiring the submission and approval of sewerage proposals prior to the commencement of development on site.

4. REPRESENTATIONS

4.1 No representations have been received with regard to the proposed development.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Dalmellington/Patna/Dalrymple Local Plan (1989). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 6 which states that in areas designated as Countryside Around Towns there shall be a presumption against isolated residential development in the countryside except where there is a proven specific locational need.

The proposed site lies within an area designated as Countryside Around Towns as defined by the Adopted Local Plan. The proposal would therefore only be in accordance with the policy provisions of the Adopted Plan if there is a specific locational need for the dwellinghouse. As indicated within Section 6 of the report it is considered that there is no proven specific locational need for the dwellinghouse and consequently the development is contrary to the adopted development plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version (1999), the justifications for the house provided by the applicant and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, Finalised Version (EALP) should be considered as a prime material consideration. The site lies within the Rural Protection Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

6.3 Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan;

Policy RES13 is addressed below in paragraph 6.4.

- (ii) can be fully justified in terms of site specific locational need;

The applicant has been unable to demonstrate that there is a site specific locational need for the dwellinghouse (see paragraph 6.4).

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

The proposed dwellinghouse would not result in any social or economic benefit to the community.

- (iv) provides for the operational needs of agriculture or forestry.

The proposed development would not provide for the operational needs of agriculture or forestry. The applicant has been unable to demonstrate an agricultural justification for the proposed development (see paragraph 6.4).

6.4 Policy RES13 states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. The Council will be supportive of residential development in the countryside where it can be demonstrated that the house is required on a permanent basis:-

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

The applicant presently indicates that the proposed dwellinghouse is required for an agricultural worker. Hollybush Mains Farm is a grassland farm extending to approximately 22 hectares. The principal activity carried out on the farm was for the finishing of store cattle, but this has been affected by the collapse of the beef industry. The farm is owned by Mr and Mrs Turner, who reside in the farmhouse. Mr Turner operates another business which results in him being away from the farm and the day to day running of the farm was generally undertaken by Mrs Turner. Due to ill health, this activity has been assisted by Mrs Turner's sister who also now resides within the farmhouse. The applicant contends that the proposed dwellinghouse is necessary for Mrs Turner, given her health situation to allow her to continue to effectively manage and supervise the agricultural activities on the farm. A letter from Mrs Turner's G.P. has been submitted supporting the application on health grounds.

A Labour Requirement Report for Hollybush Mains Farm was submitted to justify the agricultural need. The Report was undertaken by the Scottish Agricultural College and concluded

that the current Labour Requirement for the farm is 1.76 Labour Units.

However, this Labour Requirement Report was submitted on the basis of a proposal to introduce a pig rearing operation into the farm. This operation has not been established on the farm.

It should be noted that it is not appropriate for a Labour Requirement Report to be assessed against “proposed” operations on the farm unit where no firm commitment to these operations has been provided. The Planning Authority has no guarantee that these proposals will take place and no evidence has been given of financial commitment. The proposed development is therefore contrary to the provisions of the above Policy.

- (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;

The proposed dwellinghouse is not required for a worker employed by a rural enterprise or tourism related activity.

- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation;

The proposed dwellinghouse is not required for on-site staff accommodation for an authorised proposal.

- (iv) as an enabling development for the conversion of a large rural residential or institutional property.

The proposal is not an enabling development for the conversion of a large residential or institutional property.

6.5 Policy RES15 of the EALP states that where a new residential development in the countryside is considered acceptable within the terms of Policies RES13, the Council will require applicants in the first instance, to utilise areas of derelict or degraded land in preference to the development of greenfield land and to consolidate and complement existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

It is proposed to site the house approximately 160 metres south of the existing farmhouse and associated buildings. The applicant’s agent has submitted supporting information with the application, advising that the areas around the existing farm steading are required for machine access, livestock access and for vehicular access to sheds and the two houses. Further, the proposed site for the house is an area of scrub land and use of this area would

not result in the use of arable land. However, it is considered that even with a small loss of arable land, the proposed dwellinghouse could still be located to consolidate and compliment the existing steading and other existing dwelling within the farm. The proposed development is therefore considered to be contrary to the provisions of the above policy.

6.6 Policy RES16 states that residential development in the countryside will not be permitted:

- (ii) on prime quality or good quality, locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macaulay Land Use Research Institute.

The site of the proposed development is not on prime agricultural land.

- (iii) where the development would result in the loss of land planted for forestry, areas of ancient or semi-natural woodland, mature shelter belts or in the loss of mature trees;

The proposed dwellinghouse would be sited adjacent to an existing shelter belt but the development would not result in the loss of trees at this location. Works necessary for the improvement of the access road onto the A713 will result in one tree being felled. This tree is not covered by any tree preservation order and it is not considered that its removal would have an adverse impact on the landscape.

- (viii) where, in the opinion of the Council, the development would be unduly visually prominent, break the skyline when viewed from a public road, adversely affect the amenity and appearance or remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality and character of the area;

It is considered that any house erected at this location would not be visually prominent from the nearby A713 and the setting of the proposed house against the backdrop of the existing wood shelter belt would not result in the dwelling being unduly visually prominent from more open aspects to the south of the development site. The proposed development is therefore not considered to be contrary to the provisions of the above policy.

6.7 The Development Services Committee of the Council, at its meeting on 19 December 2000, agreed a series of modifications to the Local Plan. These modifications are due to be ratified by full Council later this month. Amongst these are modifications to Policy RES13, RES15 and RES16 which are referred to above. Notwithstanding this, the proposed development has to be determined against the current version of the East Ayrshire Local Plan, and the policies contained therein.

It should be noted that the modifications to the above policies, which have been agreed by Development Services, would not result in any change to the recommendation of this application.

6.8 The application site also lies within a Sensitive Landscape Area and Policy ENV11 states that the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The Council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage within these areas and will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

It is considered that the proposed development will not result in unacceptable visual intrusion nor result in irreparable damage to the Sensitive Landscape Area.

6.9 Planning History : An outline planning application (Ref. No. CD/92/241) for the erection of a dwellinghouse at Hollybush Mains Farm was approved by the former Cumnock and Doon Valley District Council on 03 March 1993. This consent was granted on a personal basis to Mrs. Turner, the applicant for the current application, to allow her to look after her parents on health grounds. A subsequent detailed application for the dwelling (Ref. No. CD/93/0136) was approved by the former Council on 09 July 1993. This dwelling is still occupied by Mrs. Turner's parents.

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 is indicated at paragraph 5.2 above, 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 in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 In this case, it is considered that a specific locational need has not been proven by the applicant. The Labour Requirement Report which has been submitted in support of the application is based on the proposed establishment of a pig rearing operation on the farm, but there is no guarantee

that in approving a further dwelling unit on the farm, this operation will be established by the applicant. The applicant also seeks to justify the provision of a further dwelling on health grounds, however this is not one of the criteria outlined in Policy RES13 upon which specific locational need is assessed.

8.3 The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. Furthermore, the proposed development if approved, would set an unacceptable precedent for new housing within the Rural Protection Area where there is no specific locational need.

8.4 There are no consultee or other objections to the proposed development of a dwellinghouse at this location and the design of the proposed dwellinghouse and use of finishing materials is otherwise considered to be acceptable.

8.5 If the Committee is minded to approve this application, then it would require to be submitted for determination by the Development Services Committee under the scheme of delegation, as it constitutes a significant departure from the EALP.

9. RECOMMENDATION

9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
22 January 2001
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan, Finalised Version.
5. Adopted Dalmellington/Patna/Dalrymple Local Plan.
6. Adopted Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 99/0017/FL

Location	Hollybush Mains Farm, Hollybush
Nature of Proposal:	Proposed Erection of a Dwellinghouse
Name and Address of Applicant:	Mrs. E. Turner Hollybush Mains Farm HOLLYBUSH
Name and Address of Agent	Fleming Muir Architects 20 St Quivox Road PRESTWICK

DPO's Ref: [Hugh Melvin]
PPO's Ref; []

The above **FULL** application should be refused on the following grounds:

- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:
- for an agricultural or forestry worker (the applicant has been unable to provide an existing justification for an additional farm worker);
 - for a worker employed by a rural enterprise or a tourism related industry;
 - as an essential and integral part of an authorised proposal;
 - as an enabling development for the conversion of a large rural residential or institutional property.

The proposal would therefore not be in accordance with Policies SD3 and RES13 of the East Ayrshire Local Plan Finalised Version.

- (2) The proposed development would not consolidate the existing farm steading and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version.

- (3) The proposed development would set an undesirable precedent for new housing within the Rural Protection Area where there is no specific locational need.

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AGENDA