

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE – 02 FEBRUARY 2001**

**00/0734/OL: OUTLINE PLANNING PERMISSION FOR CONSTRUCTION  
OF ONE BUNGALOW  
MEADOW COTTAGES, DUMFRIES ROAD, CUMNOCK**

**APPLICATION BY MR K BURNS**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a single dwellinghouse on the site. No details of the design of the proposal have been submitted at this outline stage. The applicant has submitted a layout plan, outlining the proposed position of the house (to the south east of the site).

**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 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 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, no specific locational need has been proven by the applicant. Furthermore, it is considered that the proposed siting of the dwellinghouse, directly to the rear of an existing building and with no proper frontage, would adversely affect the amenity of the area. 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 Diversification Area where there is no locational need.

3.3 There are no consultee or other objections to the proposed development of a dwellinghouse.

3.4 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 would constitute 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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OF ONE BUNGALOW****MEADOW COTTAGES, DUMFRIES ROAD, CUMNOCK****APPLICATION BY MR K BURNS****Report by Head of Planning and Building Control****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 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 site lies approximately 830 metres south of the Skerrington Farm housing development, Cumnock, 15 metres eastwards of the A76 Trunk Road. The site is accessed from a private road leading from Loganhill Road. The site, which extends to approximately 950 square metres, comprises a former garage building (a traditional white washed building with slate roof) and an area of brownfield land at its location. The site is bound by the Kilmarnock to Dumfries railway line to the east, by the A76 to the south, by brownfield land to the west and by an existing semi-detached dwellinghouse to the north.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a single dwellinghouse on the site. No details of the design of the proposal have been submitted at this outline stage. The applicant has submitted a layout plan, outlining the proposed position of the house (to the south east of the site).

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Railtrack and Cumnock Landward Community Council have not responded to the consultation letter.

***Noted.***

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

***Noted.***

3.3 British Gas Transco advise that measures to protect/divert their plant may be required.

***A note can be attached to any planning consent advising the applicant to contact British Gas Transco regarding the protection of their plant.***

3.4 West of Scotland Water Authority advises that there are no public water mains in the vicinity of the proposed dwellinghouse and that contact should be made with them to discuss how a public water supply may be obtained.

***A note can be attached to any planning consent recommending that the applicant makes early contact with West of Scotland Water Authority regarding the servicing of the site.***

West of Scotland Water also advise that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

***A condition can be attached to any planning consent granted for the proposed development regarding the siting of the septic tank.***

3.5 The Scottish Environment Protection Agency has no objections to the proposed development provided the drainage arrangements are to their satisfaction. In this regard, the existing septic tank serving the site is too small to meet with the requirements of the current code of practice. The tank will therefore require to be upgraded or replaced. Surface water should be kept separate from the foul drainage. Their Agency's consent is required for the discharge of sewage effluent to a watercourse.

***The applicant has been advised of the comments of SEPA.***

3.6 East Ayrshire Council's Roads and Transportation Division has no objections subject to conditions recommended by the Scottish Executive Development Department – Road Network Management and Maintenance Division (see paragraph 3.7).

***Noted.***

3.7 Scottish Executive Development Department – Road Network Management and Maintenance Division has no objections to the proposed development subject to the following conditions:

- (i) There shall be no means of direct access to the trunk road either pedestrian or vehicular.

- (ii) A boundary fence or hedge shall be provided and maintained along the boundary of the site with the trunk road, details of which shall be submitted to and approved by the Planning Authority.

***Conditions regarding the above can be attached to any planning consent.***

#### **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 Cumnock - Auchinleck Local Plan, (1992). 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 17 which states that there will be a presumption in favour of single, small scale, especially high amenity, residential development in the countryside.

***The erection of a dwellinghouse at the proposed site would be in accordance with the policy provisions of the Adopted Plan.***

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

6.1 The other principal material consideration relevant to the determination of the application is the East Ayrshire Local Plan, Finalised Version (1999).

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 Diversification Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

6.3 Strategic Development Policy SD4 states that within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES14 of the Local Plan;
- (ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the economy.

***The proposed development has no site specific locational need and cannot be justified in terms of social or economic benefit. Policy RES14 is addressed below.***

6.4 Policy RES14 states that the Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:-

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

***The applicant has stated that the proposed house is required for a family with a disabled son. This is not however one of the criteria outlined in Policy RES13 (see paragraph 6.5)***

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and RES16;

***The proposed site is located south of an existing semi-detached dwellinghouse and south east of a vacant garage building. Two dwellings are not considered to be a clearly defined "group" of houses within the meaning of this policy. The proposed development would therefore be contrary to the provisions of the above policy.***

- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy.

***The proposed development does not form part of a group of houses with a dual residential and workplace function.***

6.5 Policy RES 13 states that the Council will be supportive of residential development of single houses in the countryside where it can be demonstrated that the houses are required on a permanent basis:-

- (i) for an 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.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

***The applicant has not provided any site specific locational justification with regard to either of the above. The proposal is therefore contrary to the provisions of this policy.***

6.6 Policy RES5 states that backland development (i.e the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site, or the amenity of neighbouring properties.

***It is proposed to site the dwellinghouse directly to the rear of a vacant garage building, which the applicant intends to convert into a dwellinghouse (no planning consent has however been approved). The proposed new dwellinghouse would have no direct road frontage, with access being taken up the side of the existing vacant garage. Whilst this building is currently vacant, it is considered that the siting of the proposed dwellinghouse would adversely affect the amenity of the area and the setting of neighbouring properties. The proposal is therefore contrary to the provisions of this 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 is indicated at paragraph 5.2 above, 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 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, no specific locational need has been proven by the applicant. Furthermore, it is considered that the proposed siting of the dwellinghouse, directly to the rear of an existing building and with no proper frontage, would adversely affect the amenity of the area. 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 Diversification Area where there is no locational need.

8.3 There are no consultee or other objections to the proposed development of a dwellinghouse.

8.4 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 would constitute 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 2000  
VE/SMB  
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. Cumnock – Auchinleck Adopted Local Plan (1992)
6. Adopted Ayrshire Joint Structure Plan.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no. 00/0734/OL

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Location	Meadow Cottages, Dumfries Road, Cumnock
Nature of Proposal:	Proposed Construction of One Bungalow
Name and Address of Applicant:	Kenneth Burns, Meadow Cottages, Dumfries Road, Cumnock KA18 4PG
Name and Address of Agent	N/A

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DPO's Ref: [VIVIEN EMERY ]  
PPO's Ref; [ ]

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

- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside which:-
- does not have a specific locational need;
  - is not an addition to a defined group of houses, and
  - does not form part of a group of houses with a dual residential and workplace function.

The proposal would therefore not be in accordance with Policies SD4 and RES14 of the East Ayrshire Local Plan Finalised Version.

- (2) The proposed development would result in "backland" development which would adversely affect the amenity of the area and the setting of existing buildings and would therefore be contrary to Policy RES16 of the East Ayrshire Local Plan, Finalised Version.

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<b>AGENDA</b>
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