

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001**

**99/0536/OL: OUTLINE CONSENT FOR RESIDENTIAL UNIT WITH INTEGRAL OFFICE/BUSINESS SUITE FOR HOME BASED PRINTING BUSINESS AT LAND AT LITTLE CESSNOCK, SORN ROAD, GALSTON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a residential unit with integral office and business suite for a home based printing business. The site is bounded on the West by a 3m high wall and on all other boundaries by trees. Little Cessnock Cottage and walled garden, although owned by the applicants' family, is not part of the development.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons shown on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 As identified at paras 5.2 and 5.3 in the report, the application is considered to be contrary to the Adopted Ayrshire Joint Structure Plan and the Adopted Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As indicated in Section 6 of the report the material considerations are not such as would support this application.

3.2 Should the Committee be of a mind to approve this application, it would require to be referred to the Development Services Committee because it represents a significant breach of Council policy.

**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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### 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 application for consent which is to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the non classified road to Cessnock Farm which is reached via the Haymouth Junction on the B7037 Galston to Sorn Road. The application site comprises 6.07 hectares of land bounded to the South-west by Little Cessnock Cottages on the B7037, to the South-east by the Haymouth Burn, and Cessnock Plantation to the North. The site is located in the Rural Protection Area but is not currently used for agricultural purposes.

2.2 **Proposed Development:** It is proposed to erect a residential unit with integral office and business suite for a home based printing business. The site is bounded on the West by a 3m high wall and on all other boundaries by trees. Little Cessnock Cottage and walled garden, although owned by the applicants' family, is not part of the development.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority has no adverse comments to make on this application.

***Noted.***

3.2 West of Scotland Water state that there are no sewers in the vicinity and that a septic tank should be used to service this site.

***A condition could be added to any grant of planning permission to address this point.***

3.3 Roads and Transportation Division have stated that the applicant would have difficulty achieving site access to the access junction without removing significant amounts

of vegetation along the roadside. They recommend that a re-assessment of the access provision is required.

***A condition regarding the site access could be attached to any grant of planning permission.***

3.4 Scottish Environment Protection Agency have no objection to the proposed development provided suitable drainage arrangements are made in accordance with the Code of Practice BS 6297: 1983.

***A condition regarding the site drainage could be attached to any grant of planning permission.***

3.5 Galston Community Council have not responded at the time of writing.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There are no representations in respect of the proposal, however the applicant has provided a 'planning statement' in support of the application which states the following:-

##### Economic Benefit

- This is an accessible location in close proximity to other dwellings.
- There is economic benefit arising from a location covering West and South West Scotland.
- The proposal is sustainable, avoiding long distance commuting and promotes the 'home based' working policy of the company for who the applicant is designate consultant.
- As the market grows there would be possibilities of employing further staff in admin and IT roles.

***The proposal appears to be essentially a one man enterprise equally capable of serving its markets from premises located within existing settlements. Any employment generated beyond that of the applicant would create non-sustainable travel to work requirements.***

4.2 Specific Locational Need:-

- There is a specific need for the enterprise to be located in Ayrshire.
- The land is already owned by the applicant.

***There are opportunities within settlements to establish such an enterprise. Aside from the land being owned by the applicant, which is not locational justification, the enterprise would appear to be capable of operation from a number of locations provided they have access to the Ayrshire market.***

#### 4.3 Infrastructure:-

- There being a number of premises in the area, servicing is not problematic.

***It is not anticipated that servicing the site would be an issue.***

#### 4.4 Environmental Impact:-

- There is no negative impact arising from the proposal.

***It is accepted that there is no negative environmental impact.***

#### 4.5 Policy:-

- The proposal is policy compliant.

***Reference is made to now superseded policy provisions. Against the current policy framework the proposal is not compliant.***

### 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 Ayr County Development Plan 1953.

5.2 The Adopted Ayr County Development Plan is now considerably out of date. Nevertheless, within this Plan, the site is identified as an area of dairy farming.

***The proposal does not relate to farming of any sort and therefore does not accord with the Adopted Ayr County Development Plan.***

5.3 The Adopted Ayrshire Joint Structure Plan Policy G5 states that:

“Development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

- A has a demonstrated site specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification; or
- D provides for the operational needs of agriculture and forestry.

***The proposed development is located in the Rural Protection area and the applicant fails to meet the requirements of this Policy in terms of site specific locational need and cannot be justified as bringing a social or economic benefit to the community. The applicant has also failed to show that the development contributes to rural land diversification or that the building is needed for the operational needs of agriculture and forestry.***

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

6.1 The other principle material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), National Planning Policy Guideline (NPPG) 15 “Rural Development” and the representations of the applicant.

6.2 The Adopted Ayr County Development 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 with Modifications (EALP) should be considered a prime material consideration. The EALP Policy RES 13, Housing in the Countryside, states:

“The Council will be 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:

- (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 RES 8 above.

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

***This development fails to meet any of the requirements of this policy and therefore this development is contrary to the EALP. Had the development complied with RES 13, it would then be necessary for the applicants to demonstrate that existing buildings or degraded land in the vicinity could not have been utilised. This has not been demonstrated and accordingly the proposal does not comply with RES 15.***

6.3 Police RES 17 of the EALP opposes development where it would add to or constitute sporadic development.

***This proposal is viewed as being sporadic and in breach of RES 17.***

6.4 Policy IND 10 of the EALP states:

“Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (i) Category 1 and 2 business and industrial sites and those Miscellaneous Development Opportunity sites with potential for industrial or business development, as indicated on the Local Plan Rural Area Map;
- (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;
- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;
- (iv) Rail freight based industrial uses at existing coal disposal points; or
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

All proposals for industrial and business developments in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources.”

***Printing has no special tourism or rural locus and therefore the proposal is in breach of IND 10.***

6.5 NPPG 15 on Rural Development states that new development will be permitted in the countryside only when it can be demonstrated that there are severe constraints in

and adjacent to existing settlements, to accommodate this need. "Planning Authority should designate development plans accordingly," to accommodate this need.

***The EALP has not identified Galston or its surrounding locale as having severe constraints on the existing settlement. Therefore there is no locational justification for the development to be located outwith Galston, or indeed outwith any settlement.***

6.6 NPPG 3 on "Land for Housing" states:-

- "development should be encouraged on suitable sites in existing settlements";
- "the coalescence of settlements and ribbon development should be avoided, "and
- "isolated development should be discouraged in the open countryside unless particular circumstances are clearly identified in development plans or there are special need".

***The proposed development is not located in an existing settlement and its proposed location may lead to ribbon development between the Little Cessnock Cottage and Cessnock Farm. There are no circumstances identified in current Council policy which would justify an approval in this case.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As identified at paras 5.2 and 5.3 above, the application is considered to be contrary to the Adopted Ayrshire Joint Structure Plan and the Adopted Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As indicated in Section 6 above the material considerations are not such as would support this application.

8.2 Should the Committee be of a mind to approve this application, it would require to be referred to the Development Services Committee because it represents a significant breach of Council policy.

## **9. RECOMMENDATIONS**

**9.1 It is recommended that the application be refused for the reasons shown on the attached sheet.**

**Alan Neish**  
**Head of Planning and Building Control**

17 April 2001  
(CSI/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application and Form/Plans.
2. Statutory Notice/Certificates.
3. Consultation Replies.
4. East Ayrshire Local Plan Finalised Version with Modifications.
5. Adopted Ayr County Development Plan
6. Adopted Ayrshire Joint Structure Plan.
7. NPPG 3 "Land for Housing".  
NPPG 15. "Rural Development".

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

***Implementation Officer: Dave Morris***

990536OL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

99/0536/OL

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Site of Proposal:	Land at Little Cessnock Sorn Road GALSTON
Natural of Proposal:	Proposed Outline Consent Required in Principle for Residential Unit with Integral Office/Business Suite for Home Based Printing Business
Name & Address of Applicant:	Mr F N Clark and T Telfer 30 Howart Crescent IRVINE
Name & Address of Agent:	James Barr 226 West George Street GLASGOW

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DPOs Reference: CSI/MMM

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

1. The proposed development is contrary to the provisions of Policy G5 of the Adopted Ayrshire Joint Structure Plan in that it constitutes development in the Rural Protection Area without a site specific locational need, without justification in terms of economic or social benefit to the community and without contribution to rural land diversification or the operational needs of agriculture or forestry.
2. The proposed development is contrary to the provisions of Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that there is no demonstrated requirement for a house at this location in the Rural Protection Area.
3. The proposed development is contrary to the provisions of Policy RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that it constitutes and would add to sporadic development in a rural location.
4. The proposed development is contrary to the provisions of Policy IND 10 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that it does not

constitute one of the categories of development listed as being appropriate outwith settlement boundaries.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**