

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 JUNE 2001

00/0715/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CUTSTRAW ROAD STEWARTON BY MR J CRAWLEY

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought for the principle of residential use on the site. No specific number of units have been put forward but if approved it could be assumed that it would likely be intended for 1 or 2 houses.

2. RECOMMENDATION

2.1 It is recommended that the outline planning application be refused for the reasons on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 of the report, the application is considered to be contrary to 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 of the report there are material considerations relevant to this application, however, it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan.

**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 outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it represents a departure from the Development Plan and is recommended for refusal.

2. APPLICATION DETAILS

2.1 Site Description: The application site comprises an area of land 40m wide and 25m deep on Cutstraw Road outwith the settlement boundary of Stewarton. It is situated between an old farmsteading property recently converted to residential use to the east and older 1 and half storey bungalow properties to the immediate west. Historically it is understood that an agricultural shed stood on the site which was part of the now converted steading. This shed has been demolished and currently the site stands in an overgrown condition.

2.2 Proposed Development: Outline planning consent is sought for the principle of residential use on the site. No specific number of units have been put forward but if approved it could be assumed that it would likely be intended for 1 or 2 houses.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that the proposal should be refused for several reasons all attributable to the rural nature of the site and its immediate surroundings as follows

- (1) The road is too narrow fronting the site and should be widened in addition to providing passing places
- (2) A new 2 m wide footway should be provided connecting the site to the existing footway at Cutstraw Road
- (3) Sightlines of $x = 25\text{m}$ and $y = 90\text{m}$ would be required and cannot be met.

These comments were relayed to the applicant who has not formally responded on the matters raised but has verbally indicated a willingness to explore options to resolve the issues. However, he was reluctant to go further until the development plan status was determined, (see sections 5 and 6).

3.2 West of Scotland Water has confirmed that there are no foul sewers in the area for connection, but that there is a public water main located close by for the site's utilisation.

Noted.

3.3 Scottish Environment Protection Agency have confirmed as per West of Scotland Water that there is no local authority sewer available for the proposal and have prescribed standard requirements necessary to establish the use of a septic tank.

Noted.

3.4 The Coal Authority have advised that they do not anticipate any ground stability issues to preclude the proposed development.

Noted.

3.5 Stewarton and District Community Council have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

(There are no objections to the application)

4.1 The applicant has however lodged a supporting letter to compliment the application which clarifies his reasoning behind the application on a number of points; the site is a gap within the established row of houses and should be regarded as such; an existing dilapidated shed was removed at his expense to improve the amenity of the area, and verbal indications from the Council in the past have indicated that an application as now put forward may be considered favourably in the future.

Noted. The first item is explored further in paragraph 6 below. The other two representations are, due to their nature, difficult to refute or verify. The application however, should solely be determined on its merits.

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 Joint Ayrshire Structure Plan and the Adopted Stewarton Local Plan which 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 5.3.2 which details comprehensive circumstances in which housing in the countryside would be permitted. These circumstances are laid out within associated policies 5.3.3 to 5.3.6 and concern rehabilitations and housing for farm or forestry workers.

The proposal has been assessed against the listed criteria, with which it does not comply. It is accordingly speculative in nature and contrary to the Adopted Local Plan and should be refused.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), planning history, consultation responses and impact on amenity of the area.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications)

As stated the Adopted Plan is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (EALP) should be considered a prime material consideration.

With regard to the EALP it is considered appropriate to assess the application against the terms of Policy Res 13 which is the principle point of reference in situations where housing is proposed in the countryside. Policy RES 13 prescribes the following:

Policy RES 13

"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."

The requirements of this policy have been put to the applicant who confirms that his circumstances do not accord with its content. However, he has put forward the justification that the circumstances of the site, being within a long established row of houses in the countryside, would merit an exception being made with respect to a sympathetic infill development.

This position has been assessed against the policy background and is considered insufficient to warrant there being an exception to policy. Accordingly, it is considered that the proposal is not compatible with the terms of RES 13.

6.3 Planning History

There have been formal attempts to change the use of this site to "residential" on two previous occasions. These applications (Kilmarnock and Loudoun Ref. No KL/OL/87/140B and C respectively) were both refused on policy grounds primarily based on Policy 5.3.2 of the then Adopted Stewarton Local Plan.

6.3 Consultation Response

As stated above the applicant was willing to explore options of improving the particular areas that concerned the Council's Road and Transportation Division but was only willing to do so if the Policy consideration changed in his favour.

Both the Development Plan and the EALP remain unsupportive of the application.

6.4 Impact on vicinity of area

This particular consideration is in outline difficult to fully quantify .The site is currently overgrown but not too unsightly and no evidence has been presented of it generating nuisance complaints.

It is considered that residential development could be accommodated on site with no significant detriment to the immediate area. Notwithstanding this, the proposal remains contrary to policies applied consistently to prevent development in the countryside where there is no specific justification.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.1 above, the application is considered to be contrary to 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, however, it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan.

9. RECOMMENDATION

9.1 It is recommended that the outline planning application be refused for the reasons on the attached sheet.

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

5 June 2001 (IW/SA)

(FV/DVM)

LIST OF BACKGROUND PAPERS

- 1 .Application form/plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Correspondence with applicant.
5. Planning History.
6. Adopted Stewarton Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. NPPG 1 The Planning System

- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES 8,"

The proposed development fails to comply with any of these criteria,

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AGENDA