

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 MAY 2002

02/0083/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE FOR FARM WORKER AT LAND OF EAST WHITELEE, OLD GLASGOW ROAD, STEWARTON FOR J & R S BARR

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single storey dwellinghouse within the application site. The applicant has submitted a justification in support of the proposal, in the form of a report by the Scottish Agricultural College. The report indicates that the dwellinghouse is required to accommodate a full-time worker associated with the agricultural unit. The proposed dwelling would also facilitate a further full time presence on the site, essential in terms of security and the operation of the agricultural unit. The dwellinghouse is proposed to incorporate traditional rural design features including vertically proportioned windows and window banding. The applicant proposes to externally finish the dwelling with off- white painted render and slate substitute roofing tiles.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets.

3. CONCLUSIONS

3.1 As is indicated at Paragraph 5.2 to 5.5 of the report, the application is considered to accord with Policy 5.3.5 of the Adopted Local Plan but is nevertheless partly contrary to Policy G1 of the Ayrshire Joint Structure 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 is indicated at Paragraphs 6.2 to 6.6 of the report, there are other material considerations relevant to the determination of this application.

3.2 It is considered that a site specific locational need has been established for the erection of a dwellinghouse at this location and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan. With the exception of Policy RES 15 the proposal accords with the other relevant policies of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan. Compliance with RES 15 would entail substantial upgrading of the access road serving the existing farm steading and other

properties. On balance it is considered acceptable for the proposed site to be promoted for a farm worker's dwelling.

3.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

3.4 Appropriate conditions can be included on the planning permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed or last employed locally in agriculture and his or her dependants and that the proposal dwelling is sensitively screened. On balance it is considered that the application can be approved as a minor departure from policy.

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because such a decision would be in accordance with 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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02/0083/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE FOR FARM WORKER AT LAND OF EAST WHITELEE, OLD GLASGOW ROAD, STEWARTON FOR J & R S BARR

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 proposal represents a minor departure from policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies adjacent to the B769 Stewarton to Glasgow road, approximately 2km north of Stewarton. The site is generally level and does not occupy any area of prime quality agricultural land. The farm steading to which the proposal relates is accessed via a private road some 300m from the application site. Three existing households are accessed via this road, only two of which are linked to the agricultural unit.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey dwellinghouse within the application site. The applicant has submitted a justification in support of the proposal, in the form of a report by the Scottish Agricultural College. The report indicates that the dwellinghouse is required to accommodate a full-time worker associated with the agricultural unit. The proposed dwelling would also facilitate a further full time presence on the site, essential in terms of security and the operation of the agricultural unit. The dwellinghouse is proposed to incorporate traditional rural design features including vertically proportioned windows and window banding. The applicant proposes to externally finish the dwelling with off-white painted render and slate substitute roofing tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposal subject to a condition in respect of the provision of a visibility splay.

Should the application be approved an appropriate condition in respect of the above can be included on the planning permission.

3.2 The former West of Scotland Water Authority now Scottish Water has no objection to the proposal subject to operational requirements being met and to the siting of the septic tank so as to allow easy emptying by tanker.

Should the application be approved, a condition in respect of the location of the septic tank can be included on the planning permission.

3.3 The Scottish Environment Protection Agency (SEPA) has no objection to the proposal provided the drainage arrangements are to its satisfaction. In that respect, SEPA has stated that the septic tank should discharge into a soakaway and that the applicant will require to carry out a percolation test to assess the suitability of the soil for effluent disposal.

Should the application be approved, an appropriate note in respect of the drainage arrangements can be attached to the planning permission.

3.4 Stewarton Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No representations have been submitted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Section 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 Stewarton Local Plan (1987). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy G1 of the Ayrshire Joint Structure Plan states that:-

“The three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the Structure Plan except:

- (a) where it specifically accords with other policies in the structure plan;
- (b) in locations identified in local plan for that specific development purpose;

- (c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.”

The proposed development does not accord with parts (a) and (b) of Policy G1. Nevertheless, as is noted below, the proposed development does comply with Part (c) of Policy G1, Policy G5 and with the policies of the Adopted Stewarton Local Plan.

5.3 Policy G2 of the Ayrshire Joint Structure Plan is also of relevance. Policy G2 states that:

“The three Ayrshire Councils shall actively seek to improve the urban and rural environment of Ayrshire, and subject to other policies in the structure plan, shall not be supportive of development proposals which have significant adverse effects by means of:-

- (a) unacceptable visual damage or intrusion;

As noted in 2.2 above, the proposed dwelling is of traditional rural proportions, incorporates rural design details and is to be finished in materials appropriate to its rural location. Should the application be approved, a condition can be included on the planning permission to ensure that the proposal is sufficiently screened by appropriate landscaping. It is therefore considered that the proposal would not have an unacceptable impact on visual amenity.

- (b) unacceptable pollution of air, water or land or nuisance by way of smell, noise and light;

It is not considered that one dwellinghouse would result in an unacceptable level of pollution.

- (c) unacceptable danger by means of flooding or erosion;

The proposed dwellinghouse is not situated in a location which is liable to flooding.

- (d) prejudicing the use and enjoyment of natural environment and built heritage location;

The proposed dwellinghouse is not located within a built heritage location, nor is it considered that it would prejudice the enjoyment of the natural environment to an extent that would justify a refusal of the application.

- (e) the loss of prime quality, or locally important good quality, agricultural land;

The report by the Scottish Agricultural College indicates that the proposed dwelling is not located on good quality agricultural land.

- (f) unacceptable damage to existing species and habitats”

It is not considered that the erection of a dwelling on the site would cause unacceptable damage to existing species or habitats.

5.4 The application sites lie within the Rural Protection Area as defined in the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan (Finalised Version with Modifications). The application therefore requires to be considered with regard to Policy G5 of the 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”*

As noted above, the applicant has submitted a report by the Scottish Agricultural College in support of the application in which a site specific justification for the proposal is set out. The report states that whilst there are two dwellinghouses associated with the agricultural unit on the site, the labour requirement for the farming operations is 3.74 labour units. It is therefore considered that the erection of a dwellinghouse on site is justified. Should the application be approved, a condition can be included on the planning permission limiting the occupation of the development to a person/persons employed in agriculture.

5.5 Notwithstanding the age of the adopted Stewarton Local Plan, the application site lies within the rural area as identified in that plan. Policy 3.5 of the Stewarton Local Plan states that:

“The Council shall favourably consider new housing development in the countryside where all the following conditions are fulfilled:-

- (1) The proposal is for a single dwelling required on a permanent basis for an agricultural or forestry worker

The report by the Scottish Agricultural College confirms that the dwelling is required for this purpose.

- (2) The need cannot be met by a dwelling in a nearby settlement

The report by the Scottish Agricultural College indicates that a further full time presence on the agricultural unit would be

beneficial in terms of the running of the unit. Furthermore, a dwelling located within walking distance of the occupant's place of work is considered to be in the interests of sustainability.

- (3) The proposed dwelling is not sited in a conspicuous location in the countryside, and is sited near existing building groups.

As noted, in paragraph 2.1 above, the site is located adjacent to the B769 and would therefore be readily visible. Nevertheless, should the application be approved an appropriate condition can be included on the planning permission to ensure that suitable screen planting is provided to soften the appearance of the dwellinghouse when viewed from the public road.

- (4) The proposed dwelling is in accordance with the rural character of the area, and in the design and materials used does not detract from the amenity of the surrounding countryside.

As noted in para 2.2 above, the dwelling is proposed to be externally finished in materials which are considered will be complimentary to its rural setting. Furthermore, the form and design features of the dwelling are consistent with a rural dwelling.

- (5) The proposed dwelling has suitable access on to the public road.

The application site can be readily accessed from the B769 public road to the satisfaction of the Roads and Transportation Division. It is therefore considered that the proposal generally complies with the provisions of Policy 3.5 of the Adopted Stewarton Local 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 with Modifications) and the consultation replies.

East Ayrshire Local Plan Finalised Version with Modifications

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 with Modifications), (EALP), should be considered as a prime material consideration.

6.3 The application site lies within the Rural Protection Area as defined in the EALP. As such, Policy RES 13 of that plan is of relevance:

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

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

As has been noted at Section 5.4 above, a site specific locational need for a dwelling at this location has been demonstrated. It is therefore considered that the proposal is in accordance with the provisions of Policy RES 13 of the EALP.

6.4 Policy RES 15 of the EALP also requires to be considered. Policy RES 15 in summary states:

“Where a new residential development in the countryside is considered acceptable within the terms of Policies RES 13, 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.”

The site is neither degraded or derelict and consequently its development for residential purposes does not accord with Policy RES 15 and would have to be determined as an exception to policy.

6.5 RES 17 of the EALP precludes residential development in the countryside in a number of specific circumstances including where it would be unduly visually prominent or where, if an agricultural justification has been provided, where it is remote from the farm steading.

Any planning permission granted can be conditioned to be sympathetic to the character of the area, with regard to the use of landscaping designed to screen the dwelling when viewed from the public road. As noted in para 2.1 the farmsteading is accessed via a private road which presently serves 3 dwellings. A further dwelling accessed via that access road would not be acceptable in terms of policy to the Roads and Transportation Division without a substantial upgrading of that road. The Roads and Transportation Division has not objected to the dwelling in its

proposed location. Furthermore, the proposed site does not constitute prime agricultural land.

Consultations

6.6 There are no consultation replies that would indicate that the application should not be approved.

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 to 5.5 of the report, the application is considered to accord with Policy 5.3.5 of the Adopted Local Plan but is nevertheless partly contrary to Policy G1 of the Ayrshire Joint Structure 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 is indicated at Paragraphs 6.2 to 6.6 of the report, there are other material considerations relevant to the determination of this application.

8.2 It is considered that a site specific locational need has been established for the erection of a dwellinghouse at this location and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan. With the exception of Policy RES 15 the proposal accords with the other relevant policies of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan. Compliance with RES 15 would entail substantial upgrading of the access road serving the existing farm steading and other properties. On balance it is considered acceptable for the proposed site to be promoted for a farm worker's dwelling.

8.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

8.4 Appropriate conditions can be included on the planning permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed or last employed locally in agriculture and his or her dependants and that the proposal dwelling is sensitively screened. On balance it is considered that the application can be approved as a minor departure from policy.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets.

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because such a decision would be in accordance with policy.

Alan Neish
Head of Planning and Building Control

23 April 2002 (DS/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Letters.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.
8. East Ayrshire Council Design Guidance.

Any person wishing to inspect the background papers listed above should contact Mr Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0083/FL

Site of Proposal: Land of East Whitelee
Old Glasgow Road
STEWARTON

Nature of Proposal: Proposed Erection of Single Dwellinghouse
for Farm Worker

Name & Address of Applicant: J & R S Barr
East Whitelee Farm
Old Glasgow Road
STEWARTON
KA3 5JU

Name & Address of Agent:

DPOs Reference: DS/SA

The above FULL application should be granted subject to the following conditions:

1. The dwelling shall only be occupied by a person or persons locally employed or locally last employed in agriculture or in forestry on the land to which the dwelling relates; or by a spouse or dependant of such a person residing with him or her (or a widow or widower of such a person).

REASON The proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused.

2. Prior to the occupation of the dwellinghouse, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5m by 215m in both directions at the proposed access to the site from the public road.

REASON In the interest of public road safety.

3. The access to the site from the public road shall be by means of a standard access crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996. Any roadside ditch shall be piped and protected beneath the proposed access to the satisfaction of the Roads Authority.

REASON In the interests of public road safety.

4. Prior to the occupation of the dwellinghouse, the access to the site shall be bituminously surfaced for a distance of 5m from its junction with the public road such that no surface water discharges or loose material is carried out onto the public road.

REASON In the interests of public road safety.

5. Notwithstanding any specification on the approved plans or application form, two car parking spaces shall be provided within the site prior to the occupation of the dwellinghouse and shall be maintained within the site free from obstruction at all times thereafter.

REASON To ensure that adequate car parking is provided in the interests of public road safety.

6. Any access gates shall open inwards only away from the public road.

REASON In the interests of public road safety.

7. Notwithstanding any specification on the approved plans or application form, a turning area shall be provided within the site prior to the occupation of the dwellinghouse such that vehicles can enter and exit the site in a forward gear. The turning area shall be maintained within the site free from obstruction at all times thereafter.

REASON In the interests of public road safety.

8. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the proposed dwellinghouse shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of visual amenity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and any other order or enactment replacing this, the external materials to be used in the construction of any proposed garage shall match those of the dwellinghouse.

REASON In the interests of visual amenity.

10. Notwithstanding the provision of Condition 9 above, the walls of the dwellinghouse shall be externally finished in render. With the exception of the base course, the use of facing brick is not hereby approved.

REASON In the interests of visual amenity.

11. Notwithstanding any specification on the approved plans or application form, details of the appearance and location of all fences and/or walls to be erected on the site shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site. Such details shall include the treatment of the boundary of the site with the public road.

REASON In the interests of visual and residential amenity.

12. Notwithstanding any specification on the approved plans or application form, details of a landscaping scheme designed to partially screen and soften the appearance of the proposed dwellinghouse and details of the timescale for its implementation shall be submitted to and approved by the Planning Authority prior to the commencement of any works on site.

REASON In the interests of visual amenity.

13. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interest of public safety.

NOTES TO APPLICANT

1. The applicant is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick with regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage arrangements.
3. All drainage arrangements shall comply with the requirements of Scottish Water and Scottish Environment Protection Agency.
4. The applicant is advised to make early contact with Scottish Power, St. Vincent Crescent, Glasgow with regard to the protection of its apparatus during the construction phase of the development.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA