

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST
2003**

**03/0367/FL: PROPOSED ERECTION OF A DWELLING AND DOUBLE
GARAGE
AT EAST MOST SITE AT EAST HEADS FARM, NEWMILNS
BY MR & MRS DODDS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a one-half storey dwelling with detached double garage within the site. The proposed dwellinghouse is of 4-bedroom accommodation. Velux windows are proposed to the rear of the property to allow 2 bedrooms to be provided on first floor. A pitched roof porch is proposed to the front of the dwellinghouse.

2. RECOMMENDATION

2.1 The application should be refused for the reasons indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be contrary to the 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.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. Although the applicants have provided a justification it is not considered acceptable in terms of the criteria of Policy RES13. Furthermore, the development would constitute an inappropriate extension into the countryside which would in itself constitute ribboning of development along the public road.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, then the application would require to be referred to the Development Services Committee as it would represent a significant departure from 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.95 hectares in area and comprises part of a larger field under grass. The site is located to the north of Newmilns and is surrounded by agricultural land, to the west there are a number of residential properties.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a one-half storey dwelling with detached double garage within the site. The proposed dwellinghouse is of 4-bedroom accommodation. Velux windows are proposed to the rear of the property to allow 2 bedrooms to be provided on first floor. A pitched roof porch is proposed to the front of the dwellinghouse.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections provided a passing place is formed and it does not conflict with the siting of the new access.

A condition could be attached to any grant of planning consent to ensure that a passing place is provided and it does not conflict with the location of the proposed access to the dwellinghouse.

3.2 Scottish Water have advised 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 grant of planning consent to meet the above requirement.

3.3 Scottish Environment Protection Agency have no objection provided that the foul drainage arising from this development is connected into the biological sewage treatment designed and installed for 20 plot housing development at East Heads Farm. SEPA has previously granted a consent to discharge sewage effluent from this large development and it is the responsibility of the applicant to demonstrate that the additional foul drainage arising from this house can be accommodated in the sewage plant without comprising its ability to comply with the conditions as described in the consent schedule.

A condition can be attached to any grant of planning consent to meet the requirements of the Scottish Environment Protection Agency.

3.5 Newmilns and Greenholm Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation has been received 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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Structure Plan

5.2 In terms of the Approved Ayrshire Structure Plan Policy G5 is relevant and the criteria of this policy are very similar to Policy SD3 of the Adopted East Ayrshire Local Plan, with regard to site specific locational need, social and economic benefit to the community, rural land diversification and the operational needs of agricultural and forestry.

The assessment of the proposal against the criteria raised by the above policy is addressed in para 5.3.

Adopted East Ayrshire Local Plan

5.3 Policies SD3 and RES 13 are considered to be relevant. Policy SD3 states that development proposals relating to land located outwith settlement boundaries will be acceptable only where the development:

- (i) Comprises an acceptable form of residential use as detailed in Policy RES13; or
- (ii) Can be fully justified in terms of site specific locational need; or
- (iii) Can be fully justified in terms of social and economic benefit to the community; or
- (iv) Contributes to rural land diversification; or
- (v) Provides for the operational needs of agriculture or forestry.

The proposed development is contrary to the above policy as it is not considered to be an acceptable form of residential use in terms of Policy RES13 and cannot be fully justified in terms of site specific locational need or social and economic benefit. The proposal does not provide for the operational needs of agriculture or forestry and does not contribute to land diversification.

5.4 Policy RES13 states that 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 RES8.

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

The applicants have been requested to justify their proposal against the criteria of Policy RES13 stated that they are looking to move to the plot to assist in the husband's work commitments, he is an Area Manager for a company who sell spare parts for cars, commercial and agricultural machinery. At present he has nowhere to store the parts so he has to travel between Ayr, Kilmarnock, East Kilbride and Airdrie which puts a lot of time onto his working day. They are looking to build an agricultural shed to store some parts for the machinery and to provide shelter for their animals. The applicant has lived in the rural area all her life and has always had several animals to care for and would like their young son to be brought up in the countryside. The applicant has worked on a farm for a number of years and would like the chance to do so again. They have approached the local farmer about the rental of ground for more animals.

Whilst the applicant has provided a justification for the proposed development it cannot be accommodated within the criteria of Policy RES13. Therefore the proposed development is contrary to Policy RES13.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses which are detailed in Section 3 of the report and the site history.

Consultations Responses

6.2 It is not considered that the consultation responses raise any issues that would warrant the refusal of this application.

Site History

6.3 00/0125/OL: Outline planning consent was granted on 05 December 2000 for a dwellinghouse and garage for occupancy of an agricultural worker. This proposal was on the same site as the present application site under consideration. The proposal was conditional that the dwelling was occupied by a person locally employed or locally last employed in agricultural or in forestry on the land to which the dwelling relates. This consent has not been implemented on site.

6.4 02/0214/FL: Full planning consent was sought for the erection of a similar designed dwellinghouse on the same site as the present application site under consideration. This application was withdrawn by the applicant prior to determination.

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 in Section 5 of the report the application is considered to be contrary to the 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.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. Although the applicants have provided a justification it is not considered acceptable in terms of the criteria of Policy RES13. Furthermore, the development would constitute an inappropriate extension into the countryside which would in itself constitute ribboning of development along the public road.

9. RECOMMENDATION

9.1 The application should be refused for the reasons indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, then the application would require to be referred to the Development Services Committee as it would represent a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

01 August 2003
(PC/MMM)
FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application Nos. 00/0125/OL and 02/0214/FL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0367/FL

Site of Proposal:	Eastmost site East Heads Farm NEWMILNS
Nature of Proposal:	Proposed Erection of a Dwelling and Double Garage
Name & Address of Applicant:	Mr & Mrs Dodds Parkview Causeway Road DARVEL Ayrshire KA17 0HZ
Name & Address of Agent:	Mr Jamie C S Robertson 25 Wilson Avenue KILMARNOCK KA3 7AP

DPOs Reference: PC/MMM

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

1. The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore not be in accordance with Policies SD3 and RES13 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute the erection of a new dwelling in the countryside which cannot be justified in terms of Policy G5 of the Approved Ayrshire Joint Structure Plan.

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