

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 DECEMBER 2003

**03/0374/FL: PROPOSED NEW DWELLINGHOUSE
(PREVIOUS CONSENT NO: 01/0758/FL)
AT CAULDHAME FARM, CUTSTRAW ROAD, STEWARTON
BY MR R CURRANS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to construct a new dwellinghouse on the western side of the yard area physically attached to an existing building. The proposed house is of mainly single storey construction the external finishing materials are detailed as wet dash render for the walls and a slate substitute roofing tile. Vehicular access to the site will be via the existing junction with Cutstraw Road. This new house is proposed as a direct replacement for a house proposed to be formed from the conversion of a redundant building at Cauldhame approved under powers delegated to this Division, East Ayrshire Planning Application 01/0758/FL refers, approved 23/12/02.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is considered to be contrary to the Adopted East Ayrshire Local Plan and hence 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. The consultation process has not raised any adverse comments. The house is considered to be acceptable notwithstanding the precise terms of Policy RES 13 as the applicant has a persuasive need to be on site for work purposes, and the history of the site confirms the applicants association with Cauldhame over many years. Accordingly it is considered that

in the circumstances of this case; the previous consent and the applicant's historic association with and activities on this site; the application can be approved as an exception to policy.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application 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 for determination as it would be consistent with 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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AT CAULDHAME FARM, CUTSTRAW ROAD, STEWARTON
BY MR R CURRANS**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present a full application for planning permission that requires to be determined by the Local Planning Committee as the proposal involves a departure from the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The site involved is part of an existing farm yard at Cauldhame Farm, Stewarton. The farm yard is situated in its own holding to the north of Cutstraw road approximately 2km east of Stewarton. The site and its immediate confines are made up of a mix of sheds and assorted buildings. To the immediate south of the yard are situated two single storey dwellinghouses now occupied by the applicant's sons. These houses were constructed over twenty years ago and are not subject to any condition restricting occupancy.

2.2 **Proposed Development:** It is proposed to construct a new dwellinghouse on the western side of the yard area physically attached to an existing building. The proposed house is of mainly single storey construction the external finishing materials are detailed as wet dash render for the walls and a slate substitute roofing tile. Vehicular access to the site will be via the existing junction with Cutstraw Road. This new house is proposed as a direct replacement for a house proposed to be formed from the conversion of a redundant building at Cauldhame approved under powers delegated to this Division, East Ayrshire Planning Application 01/0758/FL refers, approved 23/12/02.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has previously offered comment on the principle of additional residential accommodation at this

same application site. The sightlines can be achieved within the land in the applicant's ownership or within the public road verge.

Noted. Appropriate conditions can be attached if the Committee are minded to grant planning permission

3.2 Scottish Environment Protection Agency have advised of no objection to the application provided that the drainage arrangements are to their satisfaction.

Noted. A condition securing this matter can be attached to any consent.

3.3 Scottish Water have confirmed that there are no public water mains in the immediate vicinity of the development site and have confirmed that they have advisors available to assist should it be required.

A note to this effect can be attached if the Committee are of a mind to approve the application.

3.4 The Coal Authority have not advised of any ground stability issues that they consider could impact on the development proposed.

Noted.

4. REPRESENTATIONS

4.1 No letters of objection have been received in connection with this application.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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. Given the nature of the proposal and the current use of the area it is considered appropriate to consider the application primarily against the terms of the Local Plan.

5.2 Policy RES 13 of the Local Plan is the most relevant policy in this case. It provides criteria whereby new development in the Rural Protection Area will be acceptable. A statement in support of the application has been submitted. This statement whilst confirming the circumstances of the loss of the original building

it was intended to convert (referred to above) provides a breakdown of the work at Cauldhame Farm and the length of time the applicant has resided at the site (in excess of 30 years). This statement confirms that a significant proportion of the work undertaken by the applicant involves agricultural repairs. Actual agricultural work on site accounts for approximately 60% of the activity of the holding. On the basis of these figure it is considered that the proposal does not fully accord with the specifics of the policy. However it is considered that the proposal does accord with the spirit of the policy and that on balance the application could be approved as a minor exception to policy.

5.3 Policy RES 15 confirms additional criteria to be applied once a development is considered to be in accordance with RES 13. These criteria indicate the Division's preferences in terms of siting options.

It is considered that the proposal in this instance does not conflict with this particular policy. Certain design matters can be addressed by means of conditions to secure compliance with the Council's Design Policies.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the consultations received and the history of the site.

Consultation Responses

6.2 The consultations received are not considered to raise any issue that would indicate that the application should be refused

Site History

6.3 In 2002 the same applicant as in this current application sought planning permission for the conversion of part of the steading to form a new house, as referred to above in Section 2. At that time the applicant was residing in one of the existing houses at Cauldhame with his two sons and had been for many years, and his mother was residing in the other.

6.4 That application was approved and the two existing houses were formally conferred to the sons. The intention being that Mr Currans and his mother would live in the new house. Work commenced on the conversion and it was found that the existing structure was not capable of supporting the works and in fact major sections of the building collapsed. The loss was so significant that the issued consent could no longer be implemented. The current application was submitted in response to enforcement action initiated by this Division in connection with the substantial loss of the existing building.

6.5 The proposed new house is exactly the same design on the same site as that originally approved through the conversion. This fact combined with the number of years the applicant has been associated with the steading at Cauldhame as demonstrated by the statement submitted in support of the application, adds weight to a favourable consideration of the application in the circumstances of this case.

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 indicated at Section 5 of the report the application is considered to be contrary to the Adopted East Ayrshire Local Plan and hence 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. The consultation process has not raised any adverse comments. The house is considered to be acceptable notwithstanding the precise terms of Policy RES 13 as the applicant has a persuasive need to be on site for work purposes, and the history of the site confirms the applicants association with Cauldhame over many years. Accordingly it is considered that in the circumstances of this case; the previous consent and the applicant's historic association with and activities on this site; the application can be approved as an exception to policy.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application 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 for determination as it would be consistent with Council Policy.

Alan Neish
Head of Planning and Building Control

26 November 2003
(IW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and plans.
2. Statutory Notes/Certificates.
3. Consultation Responses.
4. Previous Applications
5. Adopted East Ayrshire Local Plan 2003.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0374/FL

Site of Proposal: Cauldhame Farm
 Cutstraw Road
 STEWARTON

Nature of Proposal: Proposed New Dwellinghouse – Previous
 Consent No 01/0758/FL.

Name & Address of Applicant: Mr R Currans
 Cauldhame Farm
 Cutstraw Road
 STEWARTON KA3 5HU

Name & Address of Agent: James W Mair
 25 Woodside Avenue
 KILMARNOCK KA1 1TU

DPOs Reference: IW/MMM

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

1. The dwelling shall only be occupied by a person locally employed or locally last employed in agriculture or in forestry on the land to which the dwelling relates; or by a 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 dwelling house in the countryside which would otherwise be refused.

2. Notwithstanding any specification on the approved plans or the application form details/samples of the windows and doors shall be submitted to and approved by the Planning Authority before any development commences on site. The windows and doors shall thereafter be formed as approved.

REASON In the interests of visual amenity.

3. Notwithstanding any specification on the approved plans the external surface of the walls shall be wet dash rendered and painted in a colour to be agreed in writing by the Planning Authority.

REASON In the interests of visual amenity.

4. Notwithstanding the plans hereby approved the roof shall be covered in natural slates or a slate substitute. Details/samples of a slate substitute shall be submitted to and approved by the Planning Authority before any development commences on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

5. The mullions identified on the approved plans on the north and west elevation shall be formed on the same plane and in the same material as the elevation on which they are located.

REASON In the interests of visual amenity.

6. Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

7. The junction onto the public road shall be 5.5 metres wide with 4.5 metres kerbed radii. The junction shall be completed to the satisfaction of the Roads and Transportation Division prior to occupation of the dwellinghouse hereby approved.

REASON In the interests of residential amenity and road safety.

8. The new access road shall:

- (i) be 3.5 metres wide with intervisible passing places;
- (ii) terminate in a standard residential turning head; and
- (iii) be constructed to an adoptable standard.

The access road shall be completed to the satisfaction of the Roads and Transportation Division prior to the occupation of the dwellinghouse hereby approved.

REASON In the interests of residential amenity and road safety.

9. 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 interests of public safety.

10. All drainage arrangements shall be to the Scottish Environment Protection Agency's satisfaction. Any septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297:1983.

REASON In the interests of public safety.

Note:-

1. The applicant should contact Scottish Power regarding advice given in the Health & Safety Executive Booklet HS(G)47 – “Avoiding Danger from Underground Services” and Guidance Note GS6 – “Avoidance of Danger from Overhead Lines”.

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