

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 DECEMBER 2003**

**03/0366/OL: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A  
DWELLINGHOUSE  
AT GOWANBANK , DARVEL  
BY MR WILLIAM SMITH**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a single dwelling house to the west of the main house. The information submitted in support of the application comprises a redlined site which is 0.075 acres in area. The site is to the immediate north of the access road and has an outline of a house detailed within its boundaries. Vehicular access to the proposed house will be via the existing access from the main road. No details of the house have been submitted as these would appropriately be dealt with at the reserved matters stage if this application is approved.

The house on the submission of the applicant is to be used for a worker who will manage the grounds of Gowanbank.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report this application is considered to be contrary to both the Approved Ayrshire Structure Plan and the East Ayrshire Local 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 however these considerations add weight to the considerations of the development plan. These considerations confirm that in the absence of a sufficient, quantifiable demonstration in support of the proposal the application should be refused.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will have to be referred to the Development Services Committee as it would constitute 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 outline planning application which is to be considered by the Local Planning Committee as it is recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is part of the grounds attached to Gowanbank on the west side of Darvel. Gowanbank is a substantial traditional villa situated on a terraced elevated position on the north of the A71.

2.2 **Application Details:** Outline planning permission is sought for the erection of a single dwelling house to the west of the main house. The information submitted in support of the application comprises a redlined site which is 0.075 acres in area. The site is to the immediate north of the access road and has an outline of a house detailed within its boundaries. Vehicular access to the proposed house will be via the existing access from the main road. No details of the house have been submitted as these would appropriately be dealt with at the reserved matters stage if this application is approved. The house on the submission of the applicant is to be used for a worker who will manage the grounds of Gowanbank.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Scottish Water have confirmed that there is a public water main located on the street available for connection and that separate application will be required to their office for the site water mains. They have also advised that there are no known sewers in the area and that foul drainage will require to be treated by means of septic tank or other suitable means.

***Noted***

3.2 The Council's Roads and Transportation Division has recommended refusal of the application as the junction with the A71 is inadequate with no scope for improvement. The Division has further clarified that it would have to record that any approval would be expressly against their recommendations.

***Noted. (see reason for refusal).***

3.3 Scottish Environment Protection Agency have advised in terms very similar to the comments from Scottish Water in respect of the treatment of foul drainage from the site.

***Noted.***

3.4 The Coal Authority have confirmed that they do not anticipate any ground stability issues to impact on the ability of the proposal to be implemented.

***Noted.***

3.5 The Council's Community Services Department were consulted due to the presence of mature trees in the grounds. They have confirmed that the only tree that would require removal is dead.

***Noted.***

#### **4. REPRESENTATIONS**

4. There are no third party representations submitted in respect of 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 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 2003. The appropriate Policies in this case are as follows:-

5.2 In terms of the Approved Ayrshire Structure Plan Policy G5 is relevant and the criteria to be met within 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 which is one of the Councils strategic policies, 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 RES 13; 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.

***It is considered that the proposed development does not comply with the above policy. A supporting statement has been submitted from the applicant but it is not independent and does not in the view of this Division justify the approval of the application:***

***The Statement fails to confirm a substantive site specific requirement for a permanent house on the site in terms of criteria (i) or (ii). This would normally be based on a quantifiable existing workload of a character that requires a person to be available on site.***

***The applicants contention is that a resident worker is required to manage the grounds at Gowanbank. The grounds extend to 2.5 ha and it is not considered sufficient on the basis of the submitted information to have a house on site for this purpose. Similarly no demonstrable social or economic benefit to the community has been put forward by the applicant in terms of criteria (iii).***

5.4 Policy RES 13 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 RES 8.

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

***The criteria here are explored in the response to 5.3 above, and are found not to be met. Accordingly, the application is considered to be contrary to the Development Plan.***

5.5 Policy RES 17 lays out various circumstances where housing outwith settlement boundaries will not be permitted. Included in its nine criteria are circumstances where the development would not meet the service requirements of the Roads Authority.

***In that the access is not supported by the Roads Division, the application is contrary to Policy RES 17.***

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

6.1 The principle material considerations relevant to the determination of this application are the consultation responses and the supporting statement from the applicant.

***It is considered that the consultation responses in respect of the Roads comments are not supportive of the application.***

6.2 The supporting statement lays out the arguments for a dwelling at this location, however these are not considered to be sufficiently persuasive as to merit approval of the application.

## **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 indicated at Section 5 of the report this application is considered to be contrary to both the Approved Ayrshire Structure Plan and the East Ayrshire Local 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 however these considerations add weight to the considerations of the development plan. These considerations confirm that in the absence of a sufficient, quantifiable demonstration in support of the proposal the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated on the attached 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 the application will have to be referred to the Development Services Committee as it would constitute a significant breach of Council Policy.

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

26 November 2003 (IW/SA)  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application forms/plans.
2. Statutory Notices/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan 1999.
5. Adopted East Ayrshire Local Plan 2003.

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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0366/OL

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Site of Proposal: Gowanbank  
DARVEL

Nature of Proposal: Proposed erection of single  
dwellinghouse

Name & Address of Applicant: Mr William Smith  
Gowanbank  
DARVEL  
KA17 0LL

Name & Address of Agent:

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DPOs Reference: IW/SA

The above OUTLINE application should be refused for the following reasons:

1. The proposed development is contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan in that no sufficient justification has been put forward in support of the house such as to meet the requirements of the Structure Plan.
2. The proposed development is contrary to Policy SD 3 and RES 13 of the Adopted East Ayrshire Local Plan 2003 by reason of there being no sufficient justification for the proposed house.
3. The proposed development would be detrimental to road safety by reason of intensifying the use of an already substandard access and accordingly would be contrary to Policy RES 17 of the Adopted East Ayrshire Local Plan.

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