

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004**

**01/0407/OL: ERECTION OF STABLES AND ASSOCIATED  
DWELLINGHOUSE  
AT LAND AT FINGART FARM, DUNLOP  
BY MR T YOUNG**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The application is in outline and proposes a dwellinghouse and stable block. Supporting details of the stables have been submitted but can only be considered as indicative at this outline stage. Vehicular access is detailed from an existing field access on a dip in Halket Road and a large yard area is indicated on the submission.

The dwellinghouse is sited on the high south-western corner of the site and the stable block depicted in a central location in front of the access.

**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 is indicated in Section 5 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 indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the development plan and in turn would support the refusal of this application.

## **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 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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**01/0407/OL: ERECTION OF STABLES AND ASSOCIATED  
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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 as the proposal is subject to objections and is recommended for refusal.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a rectangular area of land 1.4 ha in area, approximately 1 mile east of Lugton on the south side of Halket Road. The site is currently under grass and is characterised by a prominent high escarpment area on its west side falling steeply to a burn. The site falls less abruptly to the east. Currently the site is bounded by other agricultural land and is confined by existing field boundaries and a hedge to the north boundary which abuts Halket Road.

2.2 **Proposed Development:** The application is in outline and proposes a dwellinghouse and stable block. Supporting details of the stables have been submitted but can only be considered as indicative at this outline stage. Vehicular access is detailed from an existing field access on a dip in Halket Road and a large yard area is indicated on the submission.

The dwellinghouse is sited on the high south-western corner of the site and the stable block depicted in a central location in front of the access.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has advised that they have no objections to the proposal subject to conditions which they

believe are necessary due to the character of the traffic the proposal would generate:-

- (i) The access into the development should be sufficient to allow turning manoeuvres by commercial vehicles;
- (ii) From the access to the junction with the C100 passing places should be provided; and
- (iii) The junction with the C100 should be widened with corner radii increased to accommodate the commercial traffic.

In addition to the above improvements the applicant will be required to provide standard sightlines at the new access to the development,  $x = 2.5$  metres and  $y = 70$  metres and at the junction with the C100,  $x = 2.5$  metres  $y = 90$  metres.

At the new access, the standard will only be achieved by the removal of significant lengths of adjoining vegetation whereas to achieve the standard at the C100 junction will require control of adjoining land.

Prior to the granting of any planning consent the developer will be required to provide detailed plans of these improvements for the approval of the Roads Division.

***The applicant's agent has questioned the necessity of these requirements. Current information from the applicant's agent confirms that his land holding does not extend to the area required for the junction improvements with the C100, accordingly the requirements cannot be secured and the proposal would constitute a road safety hazard. In addition, no detailed plans, as requested by the Roads Division prior to the granting of any planning permission have been submitted by the applicant/agent.***

3.2 The Scottish Environment Protection Agency has advised that they have no objections to the proposal but have advised of their requirements for foul water drainage.

***Noted.***

3.3 Scottish Water has confirmed that the proposed development can be serviced from a nearby public water main.

***Noted.***

3.4 The Coal Authority has advised that there is no evidence of past or existing workings in the site area.

***Noted.***

3.5 Dunlop and Lugton Community Council has objected to the application. See Section 4 below.

***Noted.***

#### **4. REPRESENTATIONS**

In addition to the Community Council, four letters of objection have been submitted in response to this application. The grounds of objection relate to the following issues:-

4.1 As an adjacent land owner I should have been formally notified of the application.

***The applicant's agent confirmed that they had been unable to identify the relevant parties at the time of submission and the application was advertised accordingly.***

4.2 The proposal will result in additional traffic, cars, horse trailers etc that would constitute a hazard on the local narrow roads.

***The Council's Roads and Transportation Division (see paragraph 3.1 above) confirm that they are satisfied that the proposal could be accommodated subject to various conditions.***

4.3 The proposal will lead to an increased demand on local water supply facilities.

***The Water Authority confirmed that the proposal could be serviced from an existing water main located adjacent to the site.***

4.4 This proposal if allowed, would result in a precedent for similar types of facility against the Local Plan policy.

***Noted. (See Section 5 below). The question of a negative precedent in this instance is inappropriate. Applications must be considered on their individual merits against the Local Plan and other material considerations. The application would be favourably considered if a sufficient justification could be provided in support of the proposal.***

4.5 The proposed house could be viewed from my house and will be obtrusive on the open hilltop situation chosen.

***It is the view of this Division that the indicative positioning of the house (should the principle be approved) is inappropriate in visual impact terms.***

4.6 There is insufficient demand for this commercial proposal. The applicant should use his own buildings for that aspect.

***The applicant resides at Fingart Farm proper, approximately a half mile from the application site. It is understood from the agent that this proposal is for a separate party.***

4.7 There has been considerable correspondence with the applicant's agent in respect of the justification for the business and associated house at the application site. To date that information has not been considered to be sufficiently substantive to demonstrate the required commitment to the proposal and for the Council to adopt an alternative view to that detailed below in Section 5.

## **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 (2003).

### East Ayrshire Local Plan

5.2 The relevant policies in the EALP against which the proposal requires to be assessed are RES 13, RES 17, RES 16, IND 10, ENV 12 and ENV 13.

5.3 Policy RES 13 lists the criteria where residential development in the Rural Protection Area will be supported. It is considered that criteria (ii) of this policy is appropriate to this application.

“(ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on site is essential to the economic operation of the activity concerned.”

***On assessment it is considered that the proposal does not accord with this criteria due to prematurity; there is no rural enterprise established to justify the workload as required by the policy.***

5.4 Policy RES 17 confirms additional siting criteria against which proposals for housing must be assessed.

***It is considered that the principle of a house in the location indicated is contrary to criteria (viii) of this policy:***

***“Residential development in the countryside will not be permitted:***

***(viii) where, in the opinion of the Council, the development would be unduly visually prominent, break the skyline when viewed from a public road, adversely affect the amenity and appearance of remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality or character of the area.”***

5.5 Policy RES 16 confirms the Council's position in respect of proposals for additional houses in the countryside specifically for agricultural workers. It advises that the Council will not generally be supportive of proposals for new agricultural workers houses where the farm unit has been established for less than two years. The siting of a residential caravan to accommodate a worker for a limited period may be considered acceptable with regard to newly established farm units. The reason for this policy is to protect rural resources from inappropriate residential development.

***It is considered reasonable to adopt the same approach in this instance; maintaining that the principle of permanent residential accommodation should not be considered until the stables business has been established for a minimum of two years. Again, this has been put to the applicant's agent, but not accepted. Indeed it has been suggested, in direct conflict with Council Policy, that the Council should accept the principle of the house before the stables has been established in any form.***

5.6 Policy IND 10 confirm criteria in which business development proposals outwith settlement boundaries will be acceptable. The reason for this policy is to sustain, enhance and diversify the rural economy of the area.

***The principle of a stables would accord with item (iii) of this policy provided sufficient justification was submitted. No sufficient justification has been submitted.***

5.7 Policies ENV 12 and 13 confirms environmental criteria to be adhered to in assessing new development. The reason for this policy is to ensure that the character and quality of the countryside is maintained and enhanced.

***In terms of its siting, the proposed house is considered to be contrary to these policies.***

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

6.1 The other principal material considerations relevant to the determination of the application are the consultations and objections.

### Consultation Replies

6.2 Other than the response from the Dunlop and Lugton Community Council, the consultation responses are generally supportive of the application, and their requirements can be met by means of conditions if the Committee are of a mind to approve the application.

### Objection Letters

6.3 The letters of objection submitted in respect of this application have been assessed in Section 4 and are considered to provide valid arguments against the application before the Committee. In particular, the issues of justification and siting are regarded as the most significant aspects.

## **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 is indicated in Section 5 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 indicated in Section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the development plan and in turn would support the refusal of this application.

## **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 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**

11 February 2004  
(IW/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Notices.
3. Consultations.
4. Letters of Objection.
5. Correspondence with Applicant.
6. Adopted East Ayrshire Local Plan 2003.
7. Approved Ayrshire Joint Structure Plan.

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

***Implementation Officer: Dave Morris***

01/0407/OL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0407/OL

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Site of Proposal:	Land at Fingart Farm DUNLOP
Nature of Proposal:	Proposed Erection of Stables and Associated Dwellinghouse
Name & Address of Applicant:	Mr Thomas Young Fingart Dunlop KILMARNOCK KA3 4EG
Name & Address of Agent:	James Barr 226 West George Street GLASGOW G2 2LN

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DPOs Reference: IW/MMM

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

1. The proposed development would be contrary to Policies RES 13, 16 and IND 10 of the East Ayrshire Local Plan by reason of there being no adequate justification for the house.
2. The proposed development would be contrary to Policy RES 17 of the East Ayrshire Local Plan by means of the obtrusive siting of the proposed house to the detriment of the visual amenity of the area.
3. The proposed development would be contrary to Policies ENV 12 and 13 of the East Ayrshire Local Plan by means of inappropriate siting on an exposed site.
4. The proposed development would be detrimental to road safety by reason of increased use of an existing substandard junction.

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