

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

**03/0948/OL: PROPOSED OUTLINE APPLICATION FOR ERECTION OF
SINGLE DWELLINGHOUSE
AT CASTLE FARM CLOSE, STEWARTON
BY M HUTCHISON AND A GIBSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a single dwellinghouse. No details of house size or means of vehicular access are detailed.

2. RECOMMENDATION

2.1 It is recommended that the outline planning application be refused for the reasons 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 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan and consequently 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 would require to be referred to the Development Services Committee as there would be 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 under the scheme of delegation because it represents a departure from the Development Plan and is recommended for refusal.

2. APPLICATION DETAILS

2.1 Site Description: This application relates to part of a field currently used for grazing on the northern edge of Stewarton. The field rises from Castle Farm Close, which forms its southern boundary and runs parallel with Dunlop Road on its western edge and the railway line to the east. The entire field is outwith the urban boundary of Stewarton. The application site is located in the south eastern corner of the field, and measures 43m x 51m. Two of the boundaries (those on northern and western sides) of the application site are not physically delineated on the ground. As the entire field rises northwards, the application site is visible when entering and leaving Stewarton.

2.2 Proposed Development: Outline planning permission is sought for the erection of a single dwellinghouse. No details of house size or means of vehicular access are detailed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division have no objections to the proposal subject to the following conditions:

- (i) Access to the public road shall be in the form of a vehicle access crossing, constructed to the standard indicated in the Roads Development Guide
- (ii) A footway shall be constructed adjacent to the existing public road over the frontage of the application site.

In addition the Roads Division have stated that all other matters relating to this development are reserved until the full application is made.

Noted. If Members choose to grant consent these requirements can be conditioned.

3.2 Scottish Water advise that there is an existing public sewerage system to which a connection may be made from the proposed development. A totally separate drainage system of foul and surface water sewers will be required. They have advised that contact should be made with Developer Services to discuss how the proposed development would be served with a public water supply.

Noted. If Members choose to grant consent these requirements can be conditioned.

3.3 Scottish Power have no objection to the proposed development.

Noted.

3.4 Network Rail have no objection in principle to the proposed development.

Noted.

3.5 The Coal Authority have not raised any issues that would warrant the refusal of this application.

Noted.

3.6 Stewarton and District Community Council have objected to the application (see Section 4 below).

4. REPRESENTATIONS

In addition to the Community Council, objections have been received from eight objectors and the points raised are as follows.

4.1 The site is outwith the present town boundary as defined in the current Plan. By allowing this initial application it could later generate a new settlement boundary for the town, and which would then be encompassed into the Local Plan.

Noted. Members are referred to the comments under Section 5 of this report.

4.2 Should the outline application be approved it is possible that further houses may be applied for, leading to a full scale development of the field.

Noted. Members are referred to the comments under Section 5 of this report.

4.3 The current parking within Castle Farm Close is extremely congested and already causes problems for residents accessing and leaving this property. This is exacerbated by lack of parking for the properties on Clark Wynd. The parking problems have a knock on effect for delivery and cleansing vehicles as well as emergency service vehicles.

The Council's Roads and Transportation Division have not raised any issues in this regard as detailed in Section 3 of this report.

4.4 The area marked on the submitted plan encroaches on part of the land that was originally marked for a proposed car park as detailed on the original development plans issued by Raithmuir Developments. These plans were subsequently changed without any consultation to the affected parties, to form a garden area. Neither of these were ever realised. Many residents purchased their properties on the proviso that car parking facilities would be made available. Due to a lack of parking facilities in the area, which quite often arises, problems arise for the residents and visitors alike. East Ayrshire Council now have a golden opportunity to ensure that the original car park is constructed, and develop this area properly.

The planning history of the area has been assessed, and there is no evidence of this site being earmarked for parking.

4.5 It is difficult to see how any new development could be accessed using the existing road without exacerbating an already badly congested and dangerous area. Cars are currently parked wherever possible making entry and exit difficult and can also compromise the safety of the children.

Members are referred to the comments of the Council's roads and Transportation Division in Section 3 of this report.

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).

Ayrshire Joint Structure Plan

5.2 Policy G5 of the Ayrshire Joint Structure Plan 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
- (b) can be justified in terms of social and economic benefit to the community
- (c) contributes to rural land diversification or
- (d) provides for the operational needs of agriculture or forestry

No appropriate justification has been demonstrated by the applicant in this regard. It is therefore considered that this proposal is contrary to this Policy.

East Ayrshire Local Plan

5.3 Policy RES 13 is supportive of the residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes set out below:-

- (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

The Policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

As the applicant has submitted no justification for this proposal, it meets none of the above four purposes. The application is therefore contrary to East Ayrshire Local Plan policy.

5.4 Policy RES 17 of the East Ayrshire Local Plan lists a number of circumstances where residential development in the countryside will not be permitted. In this case RES 17 (iv) applies:

- (iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries.

This development would constitute an extension into the countryside and therefore should not be permitted.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the consultation responses and letters of representation and the impact on the amenity of the area.

Consultation Responses and Representations

6.2 None of the consultation responses raise any issues that would warrant the refusal of this application.

6.3 The letters of representation raise issues that warrant the refusal of this application in terms of policy consideration discussed in Section 5 of this report.

Impact on the Amenity of the Area

6.4 It is considered that the development would constitute an intrusion into the countryside that proposes boundary unrelated to existing features to the detriment of visual amenity.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining the 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. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan and consequently support the refusal of this application.

9. RECOMMENDATION

9.1 It is recommended that the outline planning application be refused for the reasons 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 would require to be referred to the Development Services Committee as there would be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

14 January 2004
(AN/SA/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Correspondence with Applicant.
5. Letter of Representation.
6. Adopted East Ayrshire Local Plan.
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576768.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0948/OL

Site of Proposal:	Plot Castle Farm Close STEWARTON
Nature of Proposal:	Erection of single dwellinghouse
Name & Address of Applicant:	Morag Hutchison and Andrew Gibson 2a Forbes Walk KILMARNOCK KA3 7RJ
Name & Address of Agent:	

DPOs Reference: AG/SA

The above OUTLINE application should be refused on the following grounds:

1. The proposed development would constitute the erection of a new dwelling in the countryside without acceptable justification and would therefore not be in accordance with Policy RES 13 of the Adopted East Ayrshire Local Plan. In detail 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.”

The proposed development fails to comply with any of these criteria.

2. The proposed development is contrary to Policy RES 17 (iv) of the Adopted East Ayrshire Local Plan in that the (iv) “the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries.” In this respect the development would be detrimental to the visual amenity of the area.

3. The proposed development is contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan in that it does not comply with the provisions of this policy because the development proposal:-

- A - has not demonstrated a site specific locational need;
- B - cannot be justified in terms of social and economic benefit to the community;
- C - does not contribute to rural land diversification; or
- D - does not provide for the operational needs of agriculture and forestry.