

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 NOVEMBER 2003**

**03/0626/F: PROPOSED FARMHOUSE AND EXTENSION TO EXISTING COW  
SHED ADJACENT TO LEAHEAD FARM AIKET ROAD DUNLOP  
BY MR A YOUNG**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to extend the existing shed on its eastern side by the addition of a similarly designed building. This extension extends to 460sqm in floor area. It is also proposed to erect a new dwelling house for the applicant 22m further east from the shed extension. This new house is of single storey construction in cruciform design with an integral garage and will provide four apartments in addition to a lounge /kitchen area. External finishing materials are detailed as slate roofing and wet dashed render for the walls. The house is detailed with a new vehicular access to Aiket Road and an internal link to the shed.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in section 5 of the report the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise.

3.2 As indicated in the report there are material considerations relevant to this application. The consultation process has not raised any adverse comments. The concerns of the objectors in respect of the perceived traffic hazards have not been borne out by the Council's Roads Division.

## **CONTRARY DECISION NOTE**

Should the Committee be of a mind to refuse the application contrary to the recommendation of the Head of Planning & Building Control, the application will not require to be referred to the Development Services Committee as it would not constitute a significant breach of 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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 NOVEMBER 2003

**03/0626/FL: PROPOSED FARMHOUSE AND EXTENSION TO EXISTING  
COW SHED ADJACENT TO LEAHEAD FARM AIKET ROAD DUNLOP  
BY MR A YOUNG**

### 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 application for planning permission that requires to be determined by the local planning committee as it is subject to objections

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site in this case is an area of land situated to the north of Aiket Road to the immediate east of Leahead Farm. The site extends to approximately 1ha and includes currently an existing agricultural shed and associated yard area that has been on site for approximately 10 years. This shed enjoys a vehicular access via an existing field gate on the western extremity of the site. The remainder of the site is currently in agricultural use.

2.2 **Proposed Development:** It is proposed to extend the existing shed on its eastern side by the addition of a similarly designed building. This extension extends to 460sqm in floor area. It is also proposed to erect a new dwelling house for the applicant 22m further east from the shed extension. This new house is of single storey construction in cruciform design with an integral garage and will provide four apartments in addition to a lounge /kitchen area. External finishing materials are detailed as slate roofing and wet dashed render for the walls. The house is detailed with a new vehicular access to Aiket Road and an internal link to the shed.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Councils Roads and Transportation Division have confirmed that they have no objection to the proposal subject to securing the necessary sightlines. (2.5m x 70m). This aspect has been the subject of considerable correspondence bearing in mind the circumstances of the site and the planning history (see below). The Roads Division has offered comment on the details put forward and are of the view that on recent detailed inspection the proposed access would fail to achieve the sightlines. They are of the view that the existing access on the southern extremity of where the site abuts Aiket Road affords the

safest option of accessing the site as the required sightlines are achievable from that point.

***Noted. This aspect which would require the removal of the proposed new access from the proposals can be addressed through the use of a condition if the Committee is of a mind to approve the application.***

3.2 Scottish Environment Protection Agency have confirmed that there are certain matters that require clarification in respect of the foul drainage of the application proposals and in view of the absence of suitable watercourse.

***Noted. These matters can be addressed by Condition.***

3.3 The Coal Authority have not advised of any ground stability issues that would impact on the proposal.

***Noted.***

3.4 Scottish Water have confirmed that there is a public water main located in the road that may be available for connection. They advise that separate application to their office is required to ensure compliance with relevant current bye- laws.

***Noted.***

3.5 East Ayrshire Council's Environmental Health Service has not objected to the application.

***Noted.***

3.6 Dunlop and Lugton Community Council has not responded at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Letters of objection have been submitted from two individuals who live adjacent to or in close proximity to the site. The grounds of objection are as follows:

4.2 The existing situation on site results in my house being affected by the agricultural activity. This proposal will exacerbate the situation to the detriment of our house and the shed may be used for industrial purposes.

***The use of the existing shed is established as agricultural and has been for some years now. The current owner has been operating on site for in excess of two years and is now seeking to expand the activity . The expansion is on the opposite side of the shed from the objectors property and it is considered that the proposed expansion can be accommodated with no significant additional detriment to that property. The use is agricultural. Any change to an industrial use would require separate planning permission.***

- 4.3 The applicant does not own the land.

***Information has been submitted confirming the applicant's ownership of 30 acres and lease of 180 acres.***

- 4.4 The existing access is unsafe.

***The proposal has been assessed by the Councils Roads Division (as detailed in Section 3.1). They have confirmed that the existing access is safe in terms of their recommendation.***

- 4.5 The proposed new access cannot be achieved as detailed.

***The Roads Division concur with the view as detailed above (Section 3.1).***

- 4.6 The approval of a house in agricultural ground would set a precedent for similar proposals.

***The issue of precedent in this case is inappropriate. Housing is approved on agricultural land provided there is a justification for the house. This justification is normally based on a demonstrable workload of a certain nature.( See section 5 below.)***

- 4.7 The loss of hedges would alter the character of Aiket Road.

***Noted. Such a change in the character of the road would be considered as an acceptable negative impact if the application in itself is acceptable. Indeed compensatory planting can be sought by condition.***

- 4.8 The current farming climate does not justify building a house.

***(See Section 5 below)***

## 5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 provide 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.

5.2 In terms of the Structure Plan the relevant policy is G5 which establishes the Criteria against which development proposals outwith settlement boundaries will be assessed. This policy is interpreted at the local level through Policy RES13 of the Adopted East Ayrshire Local Plan which prescribes the following:

### Policy RES 13

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 above.

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

The Council will, where considered necessary or appropriate, request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information, in order to allow the Council to fully assess the application.

***A statement in support of the application has been submitted which clarifies the circumstances in this case related to the on site workload generated by the holding involved. This statement has been assessed and found to be acceptable. (The issue of the applicant not owning the full holding he is working is not in itself an issue that would justify a significant change in position. It is not uncommon for farmers to rent additional land and it should be noted that the planning enactments acknowledge a minimum holding size***

**of 0.4 ha which a farmer has to control prior to enjoying the benefit of permitted development rights.)**

***It is therefore considered that the application complies with the terms of criterion i) of this policy and is in accordance with terms of the development plan in this respect. The dwelling house is acceptable in terms of Policy RES 13 of the East Ayrshire Local Plan and the shed represents an appropriate extension to an existing facility.***

***Policy RES15 prescribes additional considerations where a proposal is deemed acceptable in respect of Policy RES 13. These considerations relate to the preferred utilization of brownfield land or existing buildings where available. In this case there are no such sites available and it is considered appropriate that, in the interest of avoiding further sporadic development, the site can be viewed as acceptable.***

5.3 Policy ENV 7 of the Local Plan provides that proposals will require to comply with the relevant Design Guidance. This aspect has been assessed and it is considered that the design of the shed extension and house is generally acceptable when set against the relevant guidance. Certain minor amendments would improve the overall design and these can be addressed by condition.

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

6.1 The principal material considerations relevant to the determination of this application are the consultation responses the representations, the site history and the impact the proposal will have on the amenity of the area.

The two former considerations are detailed in Sections 3 and 4 of the report. It is not considered that these raise any adverse aspects that would be of sufficient weight to merit the refusal of the application.

### Site history

6.2 The recent history of the site involves an individual attempting to establish a business from the existing shed

Planning application 97/0856/FL involved the proposal of a private house and smithy at the same site. That application was considered by the Northern Area Local Planning Committee on the 6<sup>th</sup> April 1998 where it was agreed to refuse the application for the five reasons recommended in the report.

The grounds of refusal related to the lack of a demonstrable specific locational need in that the workload for the applicant was not local. Indeed, he would travel to clients outwith the local area.

The relevant access sightlines (of 2.5 m x 90m) required by the Councils Roads Division could not be achieved by the applicant.

Planning application 02/0534/OL was submitted in June 2002 by the same applicant as in this current application. This involved an outline application for a dwellinghouse. Mr. Young who had on his agents' submission purchased the shed and land attached over two years previously had been operating the existing shed as a base for his agricultural business.

That application was assessed and through that process the justification for the house was considered to be in accordance with the requirements of this Division. Additionally the Councils Road Division confirmed that their sightline requirements would be less onerous as the application involves an agricultural use rather than the commercial use sought in the previous application.

The applicant elected on the basis of correspondence and discussions with this office in respect of the outline application to withdraw that application and submit the current full application.

#### Impact on the Amenity of the Area

6.3 In terms of the impact on the amenity of the area it is considered that the proposal whilst raising the intrusiveness of the site does so on the basis of an acceptable rural use which is expanding. It is therefore considered that the proposal can be supported in development plan terms and with the use of appropriate conditions certain aspects can be secured to ensure the elements of the development are finished to an appropriate standard for the area in an effort to soften the impact of the proposal.

### **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 indicated in section 5 of the report the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise.

8.2 As indicated in the report there are material considerations relevant to this application. The consultation process has not raised any adverse comments. The concerns of the objectors in respect of the perceived traffic hazards have not been borne out by the Councils Roads Division.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee be of a mind to refuse the application contrary to the recommendation of the Head of Planning & Building Control, the application will not require to be referred to the Development Services Committee as it would not constitute a significant breach of policy.

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

29 October 2003 (IW/SA/IMB)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application forms Plans.
2. Statutory Notices certificates.
3. Representations.
4. Consultations.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0626/FL

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Site of Proposal: Adjacent Land to Leahead Farm  
Aiket Road  
DUNLOP  
KA3 4BP

Nature of Proposal: Proposed Farmhouse and Extension to  
Existing Cow Shed

Name & Address of Applicant: Mr A Young  
c/o Rigton  
Lochlibo Road  
Burnhouse  
BEITH  
KA15 1LE

Name & Address of Agent: Thomson Dawes  
21 Portland Road  
KILMARNOCK  
KA1 2BT

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DPOs Reference: IW/SA

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 the details of the plans hereby approved the proposed new vehicular access is not hereby approved as the required sightlines cannot be achieved.

REASON: In the interests of road safety.

(3) Details of the provision of sightlines of 2.5m x 70 m from the existing access be submitted for the approval of the Planning Authority within one month from the date of this permission and thereafter implemented and maintained to the satisfaction of the Planning Authority.

REASON: In the interests of road safety.

(4) Notwithstanding the submitted plans details of the boundary treatment on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON: To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

(5) Details submitted in pursuance of condition 2 above shall provide for the formation of a natural/native species hedge along the boundary with Aiket Road.

REASON: In the interests of visual amenity.

(6) Notwithstanding the plans hereby approved the external appearance of all materials, including windows, to be used in the construction of the extension shall match the materials of the original building.

REASON: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.

(7) Details submitted in pursuance of condition 4 above shall provide for the use of a natural slate roofing material and the use of a wet dashed render as a finish to the external walls and the provision of traditional sash and case windows unless otherwise agreed by the Planning Authority. Details/samples of said materials/finishings shall be submitted to and approved by the Planning Authority prior to the commencement of work on the dwellinghouse.

REASON: In the interests of visual amenity.

(8) Notwithstanding the details of the plans hereby approved the garage of the proposed dwellinghouse shall be provided with an arched opening details confirming said detail to be submitted for the approval of the Planning Authority prior to the commencement of development of the dwellinghouse.

(9) Notwithstanding the submitted plans details of the method of door opening and finishing materials of the integral garage shall be submitted to and approved by the Planning Authority prior to the commencement of development of the dwellinghouse.

REASON: In the interests of visual amenity.

(10) 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.

(11) Details of the means of disposal of foul drainage from the development shall be submitted for the approval of the Planning Authority within one month from the date of the consent and thereafter implemented in accordance with such details as are approved.

REASON: In the interests of public health & safety.

(12) Any septic tank and soakaway or other means of foul drainage shall be constructed in accordance with the current code of practice BS 6297:1983.

REASON: In the interest of public health & safety.

NOTES: There is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to Ordnance Datum and the proposed and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.

Separate application will have to be made for the provision of site water mains, if required, and service connections. Consultation should be made with Developer Services regarding compliance with current bylaws and use of water for building purposes is advised. It is strongly recommended that a cold water storage system is provided, for each house or flat having an actual (not nominal) capacity of 200 litres.

There are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

A Technical Advisor is available for consultation purposes where specialist advice is required on this matter. Where advice is sought, separate agreements may apply to this service which will be charged at the rate indicated in Scottish Waters Scheme of Charges (West Area).

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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