

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 OCTOBER 2003

**02/0507/OL: CHANGE OF USE FROM AGRICULTURAL LAND TO ERECTION
OF DWELLINGHOUSE
AT CHANGUE FARM, DARVEL
BY KERR TIMBER LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought for the erection of a dwellinghouse within the site. The applicants have submitted an indicative plan showing the proposed siting of the dwellinghouse and the access point. The proposed dwellinghouse is to be located towards the southern boundary of the site, with an access point from the existing access to Changue Farm. Details regarding the design of the proposed dwellinghouse will be dealt with at the detailed stage. The house is intended for an employee of Kerr Timber Ltd.

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 at Section 5 of the report the application is considered to be in accordance with both the Approved Ayrshire Joint Structure Plan and the Adopted 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 approved 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. With regard to the concerns of the objector, these have not been echoed by the Roads Division. The proposed dwellinghouse is acceptable in terms of Policy RES 13 of the East Ayrshire Local Plan as the landowner requires a presence on site to reduce the likelihood of vandalism, fly tipping and the potential for fire damage as well as to undertake a range of conservation and other operations.. Their justification is further strengthened by the fact there are

no existing dwellings on site. It is considered that the proposed dwelling can be accommodated on site without visual detriment to the surrounding rural environment.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 as it would not 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 OCTOBER 2003

**02/0507/OL: CHANGE OF USE FROM AGRICULTURAL LAND TO ERECTION
OF DWELLINGHOUSE
AT CHANGUE FARM, DARVEL
BY KERR TIMBER LTD**

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 it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.20 hectares and comprises part of a larger field under grass. Recently young saplings have been planted in the application site. The site is located to the south of Darvel and Priestland and is surrounded by agricultural land and a shelter belt of trees. To the west of the site is an access to Changue Farm. The site slopes from south to north.

2.2 **Proposed Development:** Outline planning consent is sought for the erection of a dwellinghouse within the site. The applicants have submitted an indicative plan showing the proposed siting of the dwellinghouse and the access point. The proposed dwellinghouse is to be located towards the southern boundary of the site, with an access point from the existing access to Changue Farm. Details regarding the design of the proposed dwellinghouse will be dealt with at the detailed stage. The house is intended for an employee of Kerr Timber Ltd.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections to the proposed development. Details of two passing places either side of the access and on the public road and being intervisible with the access and not more than 150 metres from the access point shall be provided.

A condition can be attached to any planning consent to ensure details of the two passing places are provided and implemented.

3.2 Scottish Water have advised that drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. Any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

The requirements of Scottish Water can be met by attaching a condition to any grant of planning consent.

3.3 Scottish Environment Protection Agency have no objections to the proposed development. They have recommended that the applicant investigate the possibility of providing a sub-soil soakaway system for effluent disposal due to the absence of a watercourse suitable for the acceptance of a septic tank effluent. The septic tank and soakaway should be designed and constructed in accordance with the current Code of Practice BS6297: 1983. Percolation testing will be required on site to assess the suitability of the sub-soil for effluent disposal. Surface water should be excluded from the septic tank. If this is found not to be a suitable drainage method they recommend that the applicant contact them directly.

The applicant's agents have indicated that they are considering draining the development by a reed bed system into an existing tile drain rather than a soakaway system. The drainage arrangements would require to meet the requirements of SEPA.

3.4 Scottish Wildlife Trust have no objections to the proposed development.

Noted.

3.5 Darvel and District Community Council and The Coal Authority have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

There is one objector to the proposed development. The grounds of objection are as follows:

4.1 The necessity of building a house on a greenfield site when the company in question has just recently sold two farmhouses.

The applicant has confirmed that they have no existing dwellinghouses on the total estate of 596.6 hectares. The two farmhouses were sold by the previous landowner separately from the forestry and agricultural interests which were purchased by the applicant in 2000.

4.2 The necessity to have access from the farm road end due to the safety of young children and animals and how this will affect liability for repairs to the road.

The Roads Division has no objections to the proposed development in road safety terms subject to certain works being required by condition. The liability for repairs to the road is a legal and not a planning matter.

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).

Approved Ayrshire Structure Plan

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 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.

The proposed development complies with the above policy as it is considered to be an acceptable form of residential use in terms of Policy RES 13 and can be fully justified in terms of site specific locational need. Details have been submitted sufficient to confirm that the proposal does provide for the operational needs of forestry.

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 the satisfaction of the Council will not receive Council support.

The applicant have been requested to justify their proposal against the provisions of Policy RES 13. They have stated that they purchased Lanfine Estate in 2000 and the estate comprises forestry and agricultural interests. The woodlands extend to 307.2 hectares and the total area of the estate amounts to 596.6 hectares. The woodlands were initially planted in the 1970's and comprise predominantly conifer plantation species with broad leafed woodland. Further plantings were carried out in 1990 and 1998. There are a number of long term management objectives for the woodland such as the production of a range of timber products which will meet market requirements on a sustainable basis, landscape enhancement to increase the biodiversity and conservation value of the woodland, to integrate the woodland into

the local community and the removal of land from agricultural production in line with European agricultural policy.

There are no existing dwellings on site.

They have indicated that the landowner requires to be resident on site to reduce the likelihood of vandalism, fly tipping and the potential for fire damage which has not only implications for the woodland but for the wider community. They also require to be on site to provide effective wildlife management and to prevent the serious potential damage caused by vermin. At present both the owners and agents reside some 70 miles from the site. This is a major difficulty in both the management and labour input required. Therefore they believe that given the size of the land holding of 596 hectares there exists a clear labour requirement in order to make Lanfine a successful rural business.

In terms of site specific locational need, the applicant has selected this site as it is on the main road into the forestry area. The future occupier of the dwellinghouse would be able to monitor movement of vehicles and people into the woodland area in order to prevent vandalism, fly tipping and fire raising. The proposed house will be fully enclosed to the sides and rear by forestry, but will be open fronted to the main road and will not be highly visible. They have also indicated that there are other areas of ground more level, easier to service and ultimately cheaper to develop but the applicant feels that this site is much better for security than other sites.

Given the scale of the enterprise, it is considered that the justification for the proposed development can be accommodated within the criteria of Policy RES 13. The proposed development complies with Policy RES 13.

5.5 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES 13 and 14 of the local plan, to meet two stated criteria, as follows;

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and
- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

The policy also states that, in all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses, in preference to being isolated in the countryside.

The applicant has provided a justification for the siting of the proposed dwellinghouse on this particular site on security grounds. The site is located on the frontage of the main road into the forestry area whereby the movement of vehicles and people can be easily monitored into the woodland area. The location and siting of the application site is ideal to meet the requirements of the applicant in terms of security provision.

5.6 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances; these being:

- (i) in Sites of Special Scientific Interest and on other recognised, important areas of known nature conservation, built heritage or natural heritage interest;
- (ii) on prime quality or good quality, locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macaulay Land Use Research Institute;
- (iii) where the development would result in the loss of land planted for forestry, areas of ancient or semi-natural woodland, mature shelter belts or in the loss of mature trees;
- (iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;
- (v) where the development would constitute an extension from those clearly defined groups of houses not delineated by a formal settlement boundary within the Rural Protection Areas as identified on the Local Plan maps;
- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;
- (vii) where the development would contribute to the coalescence of neighbouring communities;
- (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 and character of the area; or
- (ix) where the development would not meet the service requirements of the Council as Roads Authority or the standards of all appropriate statutory undertakers and other service providers.

Not all of these criteria are applicable in relation to this site. Furthermore, the proposed development does not constitute or add to sporadic or ribboning of development and would not contribute to the coalescence of neighbouring communities. The Roads Division have offered no objections to the proposed development and neither have the other consultees including the Scottish Wildlife Trust. The applicant has provided a justification for this particular site in terms of the operational needs of the business. The justification, including the details of the year round operations that would be undertaken over this very extensive estate, is considered in the circumstances of this case to be an acceptable basis for a dwelling house conditioned to be occupied solely by a person employed full time on the estate.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and representations which are detailed in Sections 3 and 4 of the report.

Consultation Responses and Letter of Representation

6.2 It is not considered that the consultation responses or letter of representation contain any adverse aspects that would be of sufficient weight to merit a recommendation of refusal.

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 in accordance with both the Approved Ayrshire Joint Structure Plan and the Adopted 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 approved 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. With regard to the concerns of the objector, these have not been echoed by the Roads Division. The proposed dwellinghouse is acceptable in terms of Policy RES 13 of the East Ayrshire Local Plan as the landowner requires a presence on site to reduce the likelihood of vandalism, fly tipping and

the potential for fire damage as well as to undertake a range of conservation and other operations.. Their justification is further strengthened by the fact there are no existing dwellings on site. It is considered that the proposed dwelling can be accommodated on site without visual detriment to the surrounding rural environment.

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 agree that the application be refused 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 as it would not constitute a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

25 September 2003
(PC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

020507OL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0507/OL

Site of Proposal:	Changue DARVEL KA17 0LS
Nature of Proposal:	Change of Use from Agricultural Land to Erection of Dwellinghouse
Name & Address of Applicant:	Kerr Timber Ltd 4 Newmarket Street CASTLE DOUGLAS DG7 1HY
Name & Address of Agent:	Stairhill Architecture Services Stairhill MAUCHLINE KA5 5HN

DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 01 July 2003, Planning Appraisal Report dated October 2002 and the amended plan received by the Planning Authority on 31 March 2003.

REASON To ensure that development is carried out in accordance with the approved details.

2. The proposed dwelling shall only be occupied by a person locally employed full-time in forestry on the land to which the dwelling relates; or a dependent 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 dwellinghouse in the countryside which has been justified on the above basis and which would otherwise be refused.

3. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouse.
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements, including a layby for service vehicles at the junction with the main road;
- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site and associated maintenance arrangements;
- (i) Finished site levels/floor levels.

REASON The approval is in outline only.

4. Details to be submitted under Condition 3 above shall include the design and construction of the two passing places on the public road intervisible with the access but not more than 150 metres from the access point. These shall be provided prior to the occupation of the dwellinghouse.

REASON In the interests of road safety.

5. That the indicative layout plans submitted along with the application are for information purposes only and shall not be treated as forming part of the issued consent with the exception of the position of the proposed vehicle access.

REASON The approval is in outline only.

7. The details to be submitted under Conditions 3(a), (b) shall propose a dwellinghouse whose form and design shall both respect and use to advantage the topography of the site and use and reflect principles of sustainability and energy efficiency.

REASON In the interests of visual amenity and to secure a development which respects the existing site topography and uses energy efficiency principles.

NOTES:-

1. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick KA9 2NS regarding the supply of water.
2. Scottish Environment Protection Agency have advised that the applicant shall investigate the possibility of providing a sub-soil soakaway system for effluent disposal. The septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297:1983. The applicant shall carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. If this is found not to be a suitable drainage method, the applicant should contact Scottish Environment Protection Agency, Redwood Crescent, Peel Park, East Kilbride G74 5PP, directly to discuss more fully the alternative drainage options for the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**