

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 NOVEMBER 2001

**01/0683/FL: PROPOSED ERECTION OF SINGLE STOREY
DWELLINGHOUSE AT HOLLYBUSH MAINS FARM, HOLLYBUSH.**

APPLICATION BY MRS E TURNER

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed dwellinghouse is of single storey construction and comprises three bedrooms, a lounge, a family room, a breakfast/kitchen area, a study, a dining room, a utility room a bathroom and WC and an integral double garage. The proposed dwellinghouse is to be finished in wet dash wall render with red facing brick details and slate-substitute roof tiles.

2. RECOMMENDATION

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

3. CONTRARY DECISION

3.1 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 such a decision would not be a significant departure from the East Ayrshire Local Plan.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at paragraph 5.2 of the report, the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

4.2 In this case, it is considered that a specific locational need has been proven by the applicant and as such, the proposal is generally in accordance with the provisions of the East Ayrshire Local Plan Finalised Version with Modifications.

4.3 Whilst the siting of the proposed dwelling is not consistent with the provisions of Policy RES15 of the EALP, it is considered that the circumstances of this application, as discussed in the report, justify laying aside the provisions of this particular policy.

4.4 No adverse consultation replies or representations have been received in respect of this application.

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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DWELLINGHOUSE AT HOLLYBUSH MAINS FARM, HOLLYBUSH.****APPLICATION BY MRS E TURNER****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 planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposal represents a departure from policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 Site Description: The application site lies off the south side of the A713 Ayr-Dalmellington road approximately 620 metres south-east of the settlement of Hollybush and some 160 metres south of the farm steading at Hollybush Mains. The site extends to approximately 0.98 hectare and lies within a small woodland shelterbelt area. The site is bounded to the north and south by agricultural land, to the west by the woodland shelter belt and to the east by an existing farm track and woodland shelter belt

2.2 Proposed Development: Full planning permission is sought for the erection of a single dwellinghouse on the site. The proposed dwellinghouse is of single storey construction and comprises three bedrooms, a lounge, a family room, a breakfast/kitchen area, a study, a dining room, a utility room a bathroom and WC and an integral double garage. The proposed dwellinghouse is to be finished in wet dash wall render with red facing brick details and slate-substitute roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalrymple Community Council has not responded to the consultation letter.

Noted.

3.2 The Coal Authority has no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water Authority advises that there are no known sewers to which a connection may be made. If a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker.

A condition could be attached to any planning consent granted for the development with regard to meeting the requirements of West of Scotland Water.

3.4 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to conditions in respect of visibility, the upgrading of the access road to adoptable standard and the provision of a turning area and three in-curtilage car parking spaces.

A construction consent application has since been submitted and approved by the Roads Division. Conditions can be attached to any consent granted for the development to ensure that the access is constructed to meet the requirements of the Roads Division.

3.5 The Scottish Environment Protection Agency advises that it has no objections in principle to the proposed development provided the drainage arrangements are to SEPA's satisfaction. The septic tank and soakaway will require to be designed and constructed in accordance with the current code of practice. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal and the area of soakaway required. Should the soil prove unsuitable for effluent disposal, then effluent may be allowed to discharge to the nearest watercourse. As the nearest watercourse offers little dilution in dry weather and already receives a number of septic tank discharges, it will be necessary for the applicant to provide full biological treatment of the sewage effluent prior to discharge to the watercourse. Surface water should be kept separate from the foul drainage.

The applicant has been advised of the comments of SEPA and a note can be attached to any consent requiring that all drainage arrangements be to the satisfaction of SEPA.

4. REPRESENTATIONS

4.1 No representations have been received with regard to the proposed development.

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 Dalmellington/Patna/Dalrymple Local Plan (1989). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 6 which states that in areas designated as Countryside Around Towns there shall be a presumption against isolated residential development in the countryside except where there is a proven specific locational need.

The proposed site lies within an area designated as Countryside Around Towns as defined by the Adopted Local Plan. The proposal would therefore only be in accordance with the policy provisions of the Adopted Plan if there is a specific locational need for the dwellinghouse. In this regard, the applicant has set up and commenced an organic pig breeding and rearing enterprise on the farm with a substantial financial outlay.

Hollybush Mains Farm is predominantly a grassland farm extending to approximately 22 hectares. The principal activity carried out on the farm was for the finishing of store cattle, however, this element has atrophied following the collapse of the beef industry. The farm is owned by Mr and Mrs Turner, who reside in the existing farmhouse. Mr Turner operates another business that results in him being away from the farm and the day to day running of the farm business was generally undertaken by Mrs Turner. Due to ill health, another worker has assisted this activity. The applicant contends that the proposed dwellinghouse is necessary for Mrs Turner, given her health situation to allow her to continue to effectively manage and supervise the agricultural activities on the farm.

A Labour Requirement Report for Hollybush Mains Farm was submitted to justify the agricultural need. The Report was undertaken by the Scottish Agricultural College and concluded that the current Labour Requirement for the farm, including the newly established pig business is 1.76 Labour Units.

The report also advised that the organic care of pigs is a specialist field and that, as such, all those involved in the care of the pigs should, if possible, be resident on the farm. Given that Mr Turner generally works away from the farm, it is considered that an additional dwellinghouse is required on the farm to accommodate a full time specialist pig worker (albeit that the proposed house will be occupied by the Turners, whilst the specialist pig worker will be accommodated in the existing farmhouse).

It is therefore considered that the proposed development is consistent with the provisions of Policy 6.

6 ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the justifications for the house provided by the applicant, the consultation replies and the planning history of the site.

East Ayrshire Local Plan

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications), (EALP), should be considered as a prime material consideration. The site lies within the Rural Protection Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

6.3 Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan;

Policy RES13 is addressed below in paragraph 6.4.

- (ii) can be fully justified in terms of site specific locational need;

See response to 5.2 above.

- (iii) can be fully justified in terms of social and economic benefit to the community;

The proposed dwellinghouse would not result in any particular social or economic benefit to the community.

- (iv) provides for the operational needs of agriculture or forestry.

See response to 5.2 above.

6.4 Policy RES13 (i) and (ii) state that the Council will be supportive of residential development in the countryside where it can be demonstrated that the house is required on a permanent basis:-

- (i) for an agricultural or forestry worker employed directly on the land to which the proposed house relates;

See response to 5.2 above.

- (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;

See response to 5.2 above. It is therefore considered that the proposal complies with the provisions of Policy RES13 of the East Ayrshire Local Plan Finalised Version with Modifications.

6.5 Policy RES15 of the EALP states that where a new residential development in the countryside is considered acceptable within the terms of Policies RES13, the Council will require applicants in the first instance, to utilise areas of derelict or degraded land in preference to the development of greenfield land and to consolidate and complement existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

The dwelling is proposed to be sited approximately 160 metres south of the existing farmhouse and associated buildings and as such, it would not compliment or consolidate the existing farm steading. The proposed development is therefore considered to be contrary to the provisions of Policy RES 15.

The applicant has, however, submitted supporting information with the application, advising that the areas around the existing farm steading are required for machine access, livestock access and for vehicular access to sheds and the two houses. Furthermore, the proposed site for the house is an area of scrub land and the use of this area would not result in the loss of arable land. The organic element of the pig business requires that the breeding sows are kept in farrowing huts within the wooded scrub area adjacent to the site of the proposed dwelling on a “free range” basis. The applicant has also indicated that the level of care and supervision required to maintain organic status necessitates the location of the dwelling in close proximity to the farrowing huts. It is therefore considered that the provisions of policy RES15 should be laid aside in this instance, given the circumstances of this application.

6.6 Policy RES17 states that residential development in the countryside will not be permitted:

- (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.

The site of the proposed development is not on prime agricultural land.

- (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;

The proposed dwellinghouse would be sited adjacent to an existing shelterbelt but the development would not result in the loss of trees at this location. Works necessary for the improvement of the access road onto the A713 will result in one tree being felled. This tree is not covered by any tree preservation order and it is not considered that its removal would have an adverse impact on the landscape.

- (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 or remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality and character of the area;

It is considered that any house erected at this location would not be visually prominent from the nearby A713 and the setting of the proposed house against the backdrop of the existing wood shelter belt would not result in the dwelling being unduly visually prominent from more open aspects to the south of the development site. The proposed development is therefore not considered to be contrary to the provisions of the above policy.

6.7 The application site also lies within a Sensitive Landscape Area and Policy ENV11 states that the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The Council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage within these areas and will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

It is considered that the proposed development will not result in unacceptable visual intrusion nor result in irreparable damage to the Sensitive Landscape Area. Furthermore, whilst the use of red brick is not considered appropriate within a rural location, the materials used in the construction of the proposed dwellinghouse can be controlled by the use of conditions, should the application be approved.

Planning History

6.8 An outline planning application (Ref. No. CD/92/241) for the erection of a dwellinghouse at Hollybush Mains Farm was approved by the former Cumnock and Doon Valley District Council on 03 March 1993. This consent

was granted on a personal basis to Mrs. Turner, the applicant for the current application, to allow her to look after her parents on health grounds. A subsequent detailed application for the dwelling (Ref. No. CD/93/0136) was approved by the former Council on 09 July 1993. This dwelling is still occupied by Mrs. Turner's parents.

6.9 Planning application 99/0017/FL for the erection of a dwellinghouse on the site of the current application was refused on 13 February 2001. That proposal was considered to be contrary to the policies discussed above as the applicant had, at that time, been unable to provide a justification for the proposed house.

Consultation Replies

6.10 The consultation replies indicate that approval of the application would be appropriate.

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 is indicated at paragraph 5.2 above, the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 In this case, it is considered that a specific locational need has been proven by the applicant and as such, the proposal is generally in accordance with the provisions of the East Ayrshire Local Plan Finalised Version with Modifications.

8.3 Whilst the siting of the proposed dwelling is not consistent with the provisions of Policy RES15 of the EALP, it is considered that the circumstances of this application, as discussed in the report, justify laying aside the provisions of this particular policy.

8.4 No adverse consultation replies or representations have been received in respect of this application.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
21 November 2001
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Adopted Dalmellington/Patna/Dalrymple Local Plan.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure plan
8. Previous applications CD/93/0136 and 99/0017/FL

Any person wishing to inspect the background papers listed above should contact Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0683/FL

Location	Hollybush Mains Farm, Hollybush
Nature of Proposal:	Proposed Erection of a Dwellinghouse
Name and Address of Applicant:	Mrs. E. Turner Hollybush Mains Farm HOLLYBUSH
Name and Address of Agent	

DPO's Ref: [Hugh Melvin]
PPO's Ref; []

The above **FULL** application should be granted subject to the following conditions:

(1) The dwelling hereby approved shall be occupied only by a person or persons locally employed or locally last employed in agriculture 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 dwellinghouse in the countryside which would otherwise be refused.

(2) Prior to the occupation of the dwellinghouse, a visibility splay shall be formed and thereafter maintained such that there shall be no obstruction to visibility above one metre in height within a splay of 2.5 metres by 160 metres in both direction at the junction of the access to the site with the A713.

REASON – In the interest of public road safety.

(3) Prior to the occupation of the dwellinghouse, the access to site, to the extent indicated in blue on the approved location plan, shall be upgraded to adoptable standard in accordance with the East Ayrshire Council Roads Development Guide 1996.

REASON – In the interest of public road safety as the proposal represents the third house accessed via a private road.

(4) Prior to the occupation of the dwellinghouse, a turning area shall be provided and thereafter maintained within the site.

REASON – To ensure that access and egress to the site is taken in a forward gear only in the interest of public road safety.

(5) Prior to the occupation of the dwellinghouse, three in-curtilage car parking spaces shall be provided and thereafter maintained with the site.

REASON – To ensure that adequate car parking is provided, in the interest of public road safety.

(6) Notwithstanding any specification on the approved plans or application form, the proposed dwellinghouse shall be finished with wet dash render. The use of red facing brick, as indicated on the approved plans and application form is not hereby approved.

REASON – In the interest of visual amenity.

(7) Notwithstanding any specification on the approved plans or application form, or the provisions of condition (6) above, samples of all external materials to be used in the construction of the dwellinghouse shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON – In the interest of visual amenity.

(8) Notwithstanding any specification on the approved plans or application form, details of the location, design and materials to be used in the construction of all walls, fences or other means of enclosure within the site shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site.

REASON – In the interest of visual amenity

(9) 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 interest of public safety and residential amenity.

NOTES:

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency (SEPA), 2 Alloway Place, Ayr, with regard to drainage arrangements.
3. All drainage arrangements shall be to the complete satisfaction of the West of Scotland Water Authority and SEPA.

AGENDA

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**