

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003**

**02/0900/FL: PROPOSED CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN AND PRIVATE CAR PARKING ON LAND ADJACENT TO NO 25 MAIN STREET, SORN**

**APPLICATION BY MR JAMES MCMAHON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full permission is sought for the change of use of the application site to form additional garden ground associated with the private residential property at No 25 Main Street. The proposal would involve using the area of land for the occupants of No.25 Main Street to park cars on. The application does not make reference to whether or not hardstanding would be formed or if a boundary fence would be erected. However, it is reasonable to assume that these works would inevitably occur and if permission is granted for the change of use these items would therefore require to be the subject of a further planning application.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons stated 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 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, the EALP and a consultee response both indicate that the proposal should be refused planning permission. There are no other material considerations that would indicate otherwise.

3.2 The proposal must be considered on its own merits and in this particular case the change of use would result in the loss of an area of valuable public open space. This area of open space is a maintained piece of ground which is not only of high amenity value to the local residents and visitors to Sorn but one which also makes a significant contribution to the

overall ambience of the village. The provision of a seat at this locale also illustrates the value of the area to the village.

3.3 It is considered that, if approved, this development would be significantly detrimental to the village of Sorn and in particular to the character of the designated Conservation Area.

### **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 not require to be referred to the Development Services Committee as it would not represent a significant departure from 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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**APPLICATION BY MR JAMES MCMAHON**

### **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 because the recommendation is one of refusal.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located in Main Street in Sorn and lies immediately north of the junction of Main Street with Fir Park. It is juxtaposed between No.25, a private dwellinghouse and the entrance to Fir Park which is a residential street and is located within Sorn Conservation Area No.1.

2.2 The area of ground is a maintained piece of public open space with a bench situated on its corner overlooking the Main Street. There is also a street light at the edge of the ground on Fir Park.

2.3 **Proposed Development:** Full permission is sought for the change of use of the application site to form additional garden ground associated with the private residential property at No 25 Main Street. The proposal would involve using the area of land for the occupants of No.25 Main Street to park cars on. The application does not make reference to whether or not hardstanding would be formed or if a boundary fence would be erected. However, it is reasonable to assume that these works would inevitably occur and if permission is granted for the change of use these items would therefore require to be the subject of a further planning application.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development provided that no object greater than 1m in height is allowed within a line from the existing seat to the corner of No.25 Main Street. The Division has also advised that all planting would

require to be maintained behind the line of the existing footway heel kerb. The site plan as submitted does not show if the access is to be taken from Fir Park or Main Street and this should be made known as it may require an access crossing to be formed.

***Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.2 East Ayrshire Parks and Leisure Division has objected to the proposed development on the grounds that it would reduce the amount of amenity open space within Sorn and detract from the overall ambience of the village. Sorn has recently entered the “Britain in Bloom” competition and this detraction of Green Open Space could be detrimental to their challenge.

***Noted.***

3.3 Sorn Community Council has not responded to the consultation letter.

***Noted***

#### **4. REPRESENTATIONS**

4.1 There are no objections from the public.

#### **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 Ayrshire Joint Structure Plan (1999) and the Adopted Catrine and Sorn Local Plan (1984). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

##### Catrine and Sorn Local Plan

5.2 Notwithstanding the age of the Adopted Local Plan, the proposed development site falls within the Conservation Area (No.1) in the village of Sorn and the relevant policies are as follows :

(i) Policy 4.3.5(l): this policy aims at retaining the character of existing residential areas and developments should take cognisance of the possible effects on nearby residences.

***The proposed development will result in the loss of an area of public open space that forms an integral part of the character of this residential area. The proposed development therefore conflicts with the provisions of this policy.***

- (ii) Policy 4.9.4(A)(c): this policy states that new development which will adversely affect the character of an area will not be allowed.

***The proposed development will adversely affect the special open character of the Conservation Area for the reason that the loss of the open space will compromise the integrity of the designation. The proposed development therefore conflicts with the provisions of this policy.***

#### Ayrshire Joint Structure Plan

5.3 There are no policies in the Joint Structure Plan that are pertinent to the consideration of this planning application.

***Noted***

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

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2002, (EALP) and consultation responses.

#### 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 EALP should be considered as a prime material consideration. In this regard the application site is affected by Environment policies. Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area by stating that proposals should contribute positively to the character or appearance of the area.

***The application site is a prominent corner site within the central part of Sorn No.1 Conservation Area that contributes positively to the setting and character of the Conservation Area. The loss of this open space area to the proposed development is not considered to be sympathetic to the overall character of the designated area and therefore it is contrary to the provisions of Policy ENV4.***

#### Consultation Responses

6.3 The response from the Council's Parks and Leisure Division objects to the proposed development on the grounds that it would reduce the level of amenity open space within Sorn, thereby detracting from the overall ambience of the village

***It is considered that this response is entirely appropriate given the location of the site in the Conservation Area.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 Financial and legal implications would arise from this development as the land is in the ownership of the Council.

***Noted.***

## **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, the EALP and a consultee response both indicate that the proposal should be refused planning permission. There are no other material considerations that would indicate otherwise.

8.2 The proposal must be considered on its own merits and in this particular case the change of use would result in the loss of an area of valuable public open space. This area of open space is a maintained piece of ground which is not only of high amenity value to the local residents and visitors to Sorn but one which also makes a significant contribution to the overall ambience of the village. The provision of a seat at this locale also illustrates the value of the area to the village.

8.3 It is considered that, if approved, this development would be significantly detrimental to the village of Sorn and in particular to the character of the designated Conservation Area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons stated 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 not require to be referred to the Development Services Committee as it would not represent a significant departure from policy.

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

2 April 2003  
NM/NM  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation Responses.
4. Adopted Catrine and Sorn Local Plan 1984.
5. The Approved Ayrshire Joint Structure Plan 1999.
6. The Approved Strathclyde Structure Plan 1989.
7. East Ayrshire Local Plan (Finalised Version with Modifications) 2002.

Any person wishing to inspect the background papers listed above should contact Miss Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Application no: 02/0900/FL

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Location	Land Adjacent to No.25 Main Street, Sorn
Nature of Proposal:	Change of Use from Public Open Space to Private Garden and Private Car Parking Area
Name and Address of Applicant:	Mr James McMahon 25 Main Street SORN MAUCHLINE KA5 6HU
Name and Address of Agent:	As Above

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

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

1. The proposed development would result in the loss of an area of maintained open space which provides amenity to the residents of Sorn and the residential area in which it is located. It is therefore considered that it does not comply with Policy 4.3.5(I) of the Catrine and Sorn Local Plan which requires that developments respect the character of residential areas and that they take cognisance of the affects on the residencies in the vicinity.
2. The proposed development would be contrary to Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications) 2002 and Policy 4.9.4(A) of the Catrine and Sorn Local Plan 1984, both of which require that the special character of Conservation Areas is protected from development which would have an adverse impact on them. The loss of the public open space would be detrimental to this area.

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