

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 APRIL 2003

**02/0891/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR THE
ERECTION OF A 7 APARTMENT DWELLINGHOUSE AND INTEGRAL
DOUBLE GARAGE AT LAND BY OVER GLAISNOCK FARM, CUMNOCK**

APPLICATION BY MR S TEECE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a single dwellinghouse and integral garage within the site. The proposed dwellinghouse would take access from the existing field access track which links to the U43 public road. An indicative layout provided by the applicant shows the dwellinghouse location proposed. No elevational details have been provided though the applicant has stated that the dwellinghouse and integral garage would be of single storey construction.

1.2 In support of the application the applicant has advised that he is aware of other instances where similar applications for houses in the countryside were approved by the Council where a strict application of Policy RES 13 was not made.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed 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 provisions of 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. It is further considered that the material considerations add weight to the refusal of the application in accordance with the provisions of the development plan.

3.2 The proposal would result in development that does not have a specific locational need, is not an addition to a defined group of houses and does not form part of a group of a houses with a dual residential and workplace function. The proposal does however constitute sporadic development and would adversely affect the character of the area. The proposal would therefore not be in accordance with Policy 17 of the Cumnock and Auchinleck Local Plan, Policy G6 of the Ayrshire Joint Structure Plan, and Policies RES14, and RES 17 of the East Ayrshire Local Plan, Finalised Version with Modifications.

3.3 There have been no objections from consultees or other third parties to the proposal. Nevertheless, the proposal, if approved, would set an undesirable precedent for new housing, without appropriate justification, within the identified Rural Diversification 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 would require to be referred to the Development Services Committee as it would be a significant departure from the Adopted Cumnock and Auchinleck Local Plan and the East Ayrshire Local Plan. (Finalised Version with Modifications)

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 S TEECE

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 the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located in the open countryside some 2 miles south of Cumnock on the south-western side of the U43 public road which runs past the north-eastern site boundary. The site extends to approximately 1600 square metres and forms part of an existing ancient woodland consisting of a number of mature and semi-mature trees and shrubs of some merit. The site is bounded to the south-west by open agricultural land, to the south-east by a field access track, and to the north-west by deciduous ancient woodland.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a single dwellinghouse and integral garage within the site. The proposed dwellinghouse would take access from the existing field access track which links to the U43 public road. An indicative layout provided by the applicant shows the dwellinghouse location proposed. No elevational details have been provided though the applicant has stated that the dwellinghouse and integral garage would be of single storey construction.

2.3 In support of the application the applicant has advised that he is aware of other instances where similar applications for houses in the countryside were approved by the Council where a strict application of Policy RES 13 was not made.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council and East Ayrshire Council, Roads and Transportation Division have not responded to their consultation letters.

Noted.

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

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its satisfaction. In this regard, the proposed septic tank must be designed and constructed to meet current SEPA requirements. Foul water from this septic tank should drain to a soakaway provided that percolation test results indicate that the ground conditions are suitable. Should ground conditions not prove suitable for a soakaway system, a discharge to the nearest water course would only be allowed by SEPA if the effluent received full biological treatment prior to discharge.

A note can be attached to any consent granted for the proposed development requesting that the applicant makes early contact with SEPA.

3.4 Scottish Water have advised that there is an existing public water supply located adjacent to the site which may be suitable to connect to. Details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out. Scottish Water have further advised that there are no known sewers to which a connection can be made. Drainage will require to be treated by septic tank or another suitable treatment system to the satisfaction of SEPA. If a septic tank is utilised it must be sited in such a manner to allow for easy access for emptying by tanker.

A note can be attached to any consent granted for the proposed development requesting that the applicant makes early contact with Scottish Water.

4. REPRESENTATIONS

4.1 No third party representations have been received.

5. ASSESSMENT AGAINST THE 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 (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

Cumnock and Auchinleck Local Plan

5.2 Notwithstanding the age of the Adopted Local Plan, the proposed development requires to be assessed against relevant residential policies. The application site is located outwith any identified settlement boundaries and therefore falls to be considered in terms of Policy 17 which states that the Council will presume in favour of single, small scale, especially high amenity residential development in the countryside except in certain stated circumstances. Such circumstances include where the development would adversely affect deciduous woodland and in certain circumstances important areas of coniferous woodland.

It is considered that the erection of a dwellinghouse and integral garage at this site would not conflict with the provisions of Policy 17, as although the site is located within an area of deciduous ancient woodland the applicant has indicated that no trees would be felled within the site as a result of the proposed development.

Ayrshire Joint Structure Plan

5.3 Policy G6 of the Ayrshire Joint Structure Plan states that development proposals in the Rural Diversification Area shall normally be limited to the use of land within settlements. Outside settlements development proposals shall conform to the Structure Plan where the development:

- (i) comprises an acceptable form of residential use as defined by the local plan;
- (ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the community;
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture and forestry.

It is considered that the proposed development does not fall within any of the criteria stated above and consequently the proposal does not conform to Structure Plan Policy G6.

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), the consultations received and previous applications for dwellinghouses in the vicinity.

East Ayrshire Local Plan (Finalised Version with Modifications)

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) 2002, (EALP), should be considered as a prime material consideration. The site lies within the Rural Diversification Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

6.3 Strategic Development Policy SD4 states that within the Rural Diversification Area, development proposals relating to land 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 RES 14 of the Local Plan; or
- (ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community.

Policy RES 14 is addressed below. The applicant has not provided any site specific locational justification for the development, nor can the proposed development be fully justified in terms of social and economic benefit.

6.4 Policy RES 14 states that the Council will be supportive of small scale residential developments within the Rural Diversification Area where :-

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES 13 i.e.
 - (a) for an agricultural or forestry worker employed directly on the land to which the proposed house relates;
 - (b) for a worker employed by a rural 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;
 - (c) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
 - (d) as an enabling development for the conversion of a large rural residential or institutional property.

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

There is no site specific locational justification for the proposed dwellinghouse.

(ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provisions of Policies RES 15 and 16 below. Any development would require to be appropriate in terms of design, to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned.

The proposed site is located approximately 200 metres south eastwards of two existing dwellings which were granted full planning permission in 1994 and 1995 respectively. Two isolated dwellinghouses within the rural area does not constitute a clearly defined group of houses in terms of this policy. The proposed development is therefore contrary to the provisions of the above policy.

(iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES 17 below.

The proposed development does not form part of an integrated group of properties with a dual residential and workplace function supporting the rural economy. The proposed development is therefore contrary to the provisions of the above policy.

6.5 Policy RES 17 states that residential development in the countryside will not be permitted, (relevant sections only quoted):-

(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 development is located within an area of Ancient Woodlands but the applicant has indicated that no trees would be felled as a result of this proposal.

(vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

The proposed development would constitute sporadic development in the rural area, setting an undesirable precedent. The proposed development is therefore contrary to the provisions of the above policy.

(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.

It is considered that the proposed development would diminish the natural landscape quality and adversely affect the character of the area. The proposed development is therefore considered to be contrary to Policies SD4, RES 14 and RES 17 of the EALP.

Consultation Responses

6.6 The consultation replies do not indicate that the application should be refused.

Planning History

6.7 An application for outline planning permission for two dwellinghouses within the shelter belt 300 metres to the north west of the site was refused in 2000 (Reference 00/0471/OL). This application was refused as it constituted a departure from the development plan. Two dwellinghouses around 200 metres to the north west of the site were granted outline planning permission by the former Cumnock and Doon Valley District Council in 1993 (References CD/93/0216/OPP & CD/93/0217/OPP). Full planning permission was subsequently approved in 1994 for Plot 1 (Reference CD/93/0292/FL) and in 1995 (Reference 95/0090/FL) for Plot 2; these applications were in accordance with the Council's policies at that time.

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 in Section 5 of the report, the application is considered to be contrary to the provisions of 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. It is further considered that the material considerations add weight to the refusal of the application in accordance with the provisions of the development plan.

8.2 The proposal would result in development that does not have a specific locational need, is not an addition to a defined group of houses and does not form part of a group of a houses with a dual residential and workplace function. The proposal does however constitute sporadic development and would adversely affect the character of the area. The proposal would therefore not be in accordance with Policy 17 of the Cumnock and Auchinleck Local Plan, Policy G6 of the Ayrshire Joint Structure Plan, and Policies RES14, and RES 17 of the East Ayrshire Local Plan, Finalised Version with Modifications.

8.3 There have been no objections from consultees or other third parties to the proposal. Nevertheless, the proposal, if approved, would set an undesirable precedent for new housing, without appropriate justification, within the identified Rural Diversification Area.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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 it would be a significant departure from the Adopted Cumnock and Auchinleck Local Plan and the East Ayrshire Local Plan. (Finalised Version with Modifications)

Alan Neish
Head of Planning and Building Control
11 March 2003
RD/RD
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letter of representation from applicant.
5. Adopted Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
8. Approved Strathclyde Structure Plan (1989).
9. Previous applications CD/93/0216/OPP, CD/93/0217/OPP, CD/93/0292/FL, 95/0090/FL & 00/0471/OL.

Any person wishing to inspect the background papers listed above should contact Mr Robert Duncan on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0891/OL

Location	Land by Over Glaisnock Farm, Cumnock
Nature of Proposal:	Proposed outline planning permission for the erection of a 7 apartment dwellinghouse and integral double garage
Name and Address of Applicant:	Mr S Teece 1 Penders Wynd Cumnock KA18 3BS
Name and Address of Agent	

DPO's Ref: [Robert Duncan

]

PPO's Ref

[

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The above **OUTLINE** application should be refused for the following reasons:-

1. The proposed development would constitute the erection of a new dwellinghouse in the countryside which:-
 - a) does not have a specific locational need;
 - b) is not an addition to a defined group of houses;
 - c) does not form part of a group of a houses with a dual residential and workplace function;
 - d) would constitute sporadic development along a public road, and
 - e) would adversely affect the character of the area.

The proposal would therefore not be in accordance with Policy 17 of the Cumnock and Auchinleck Local Plan, Policy G6 of the Ayrshire Joint Structure Plan, and Policies SD4, RES14, and RES 17 of the East Ayrshire Local Plan, Finalised Version with Modifications.

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