

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 DECEMBER 2003

**03/0663/OL: PROPOSED FARM COTTAGE AND GARAGE,
SLATEHOLE FARM, OCHILTREE**

APPLICATION BY MR & MRS BROWN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse and garage on the application site. The proposed dwellinghouse is required for an agricultural worker associated with Slatehole Farm and the application is accompanied by a Labour Assessment Report.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at paragraph 5.2 of the report, the application is considered to be partly contrary to 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 refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application and these material considerations are generally supportive of the proposed development.

3.2 In terms of the principle of the proposed development, a justification for the proposed dwellinghouse has been provided and in policy terms this is acceptable. The minor departures from policy arise through the proposed location of the dwellinghouse which is set within the lands of the existing farm steading but remote from the steading itself.

3.3 However, due to physical constraints associated with the land adjacent to the existing farm steading, and the potential for a dwellinghouse located on elevated ground beyond the existing farm steading to be more visually intrusive than the current proposed site, it is considered that a departure from policy could be made to allow the dwelling to be located within the existing shelterbelt along the C49 road.

3.4 No objections have been made with respect to the proposed development and no significant issues have been raised through the

consultation process that cannot be addressed through the imposition of appropriate conditions or notes attached to any consent granted for the proposed development.

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 because it is not 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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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 because the proposed development constitutes a minor departure from the development plan and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 1.5 miles north west of Ochiltree on the east side of the C49 Ochiltree – Mauchline Road. The site lies some 70 metres south east of the junction of the C49 road with the access road leading to Slatehole Farm. The site lies within the lands of Slatehole Farm and is situated in a small clearing within the existing wooded weather break plantation that runs along the C49 road.

2.2 The application is bounded to the north and south by the tree plantation, by the agricultural lands of Slatehole Farm to the east and by the C49 road and agricultural land to the west. The site is relatively level and is effectively screened by the existing trees. Slatehole Farm itself lies approximately 200 metres to the north east in an elevated position above the C49 road. The application site extends to approximately 0.15 hectare.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse and garage on the application site. The proposed dwellinghouse is required for an agricultural worker associated with Slatehole Farm and the application is accompanied by a Labour Assessment Report.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to appropriate conditions being attached to any consent granted for the proposed development. The developer will require to widen the C49 road to 5.5 metres across the frontage of the site to East Ayrshire

Council standards which will require Construction Consent. A kerbed verge 2 metres wide is required along the frontage of the site. Junction visibilities of 2.5 metres by 120 metres are required at the junction between the driveway and the C49 road and no fencing, buildings trees or shrubs over 1 metre in height will be allowed within these areas. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads standards. The applicant must provide off road parking for a minimum of 3 cars and incorporate a turning area within the site. No surface water must be allowed to discharge from the site onto the public road. Any garages must be set back a minimum distance of 6 metres from the rear of the road verge. The private driveway will require to be paved for a minimum distance of 5 metres from the edge of the road. Any access gates will require to open inwards away from the public road. Any existing public utility apparatus or road drainage located within the verge will require to be protected beneath the proposed access. Any existing ditches will require to be piped beneath the proposed access.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads Division.

3.3 Ochiltree Community Council has no objections to the proposed development provided that the proposed development can be justified on the basis of specific locational need in terms of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan.

The proposed development is assessed against the policies of the development plan within Section 5 of the report.

3.4 The Coal Authority, Transco and Power Systems have no adverse comments to make on the proposed development.

Noted.

3.5 Scottish Water states that there is an existing public water main located in the road adjacent to the application site which may be suitable to provide a supply to the proposed development. Any septic tank to serve the development should be sited in such a position as to enable it to be emptied by tanker.

Noted. A condition can be attached to any consent granted for the proposed development to meet the requirements of Scottish Water.

3.6 The Scottish Environment Protection Agency indicates that it has no objections in principle to the proposed development provided that the drainage arrangements are to its satisfaction. All foul drainage should be directed to a septic tank with blind soakaway. The applicant will require to carry out percolation tests to assess the suitability of the soil for effluent disposal. Should the soil or site prove unsuitable for effluent disposal then, due to the limited dilution available in the nearby watercourse, the discharge

will require full treatment (reed bed or package sewage treatment plant) prior to discharge.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA.

4. REPRESENTATIONS

4.1 None.

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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy G5 of the AJSP states that proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

- A. has a demonstrated specific locational need
- B. can be justified in terms of social and economic benefit to the community;
- C. contributes to rural land diversification; or
- D. provides for the operational needs of agriculture and forestry.

The applicant has provided a Labour Assessment Report that indicates that there is a justification for the proposed development to meet the operational requirements of Slatehole Farm agricultural unit. The proposed development is therefore consistent with the provisions of the AJSP.

East Ayrshire Local Plan

5.3 Policy RES 13 of the adopted EALP 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 on the land to which the 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 a conversion of a large rural residential or institutional property as detailed in Policy RES8.

The applicant has provided a Labour Assessment Report that indicates that there is a justification for the proposed development to meet the operational requirements of Slatehole Farm agricultural unit. The proposed development is therefore consistent with the provisions of Policy RES13.

5.4 Policy RES 15 states that where a new residential development in the countryside is considered acceptable within the terms of Policies RES 13 and RES 14, the Council will require applicants in the first instance:

- (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 Labour Assessment Report submitted by the applicant indicates that there are no existing buildings within the Slatehole Farm steading that would be suitable for conversion to residential use.

Policy RES15 further 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 the development being isolated in the countryside.

The proposed site for the new farm dwelling lies some distance away from the existing steading at Slatehole Farm and in this regard the proposed development does not meet this aspect of Policy RES15. The applicant was requested to relocate the proposed dwelling closer to the existing steading. However, the applicant has indicated that due to the topography of the land in

the immediate vicinity of the existing steading and due to the presence of a number of physical constraints, the siting of the proposed dwelling closer to the farm would be difficult to achieve. To relocate the site beyond the existing farm would result in the dwellinghouse being visually prominent as this would result in the development breaking the skyline as viewed along the C49 road.

The proposed location is set within the existing shelterbelt of trees along the C49 road and it is considered that this site would be well screened and less conspicuous than the alternative considered by the applicant in order to meet the terms of Policy RES15. In this instance it is considered that an exception to policy would be appropriate.

5.5 Policy RES 16 states that the Council will not be supportive of any proposals for additional houses in the countryside for agricultural workers where it can be established that:-

- (i) an existing farmhouse or other agricultural workers accommodation previously serving the agricultural unit concerned has been sold off separately from the unit to persons not employed on the farm, within the preceding five year period; or

There is no evidence to suggest that an existing farmhouse or other agricultural workers accommodation previously serving the farm has been sold off within the preceding five year period.

- (ii) an agricultural occupancy condition previously attached to a residential property serving the agricultural unit concerned has been removed by the Council in the preceding five year period.

A search of records has found no evidence of previous planning applications on the farm unit within the last 5 years.

The Council will not generally be supportive of proposals for new agricultural workers houses where the farm unit to which the proposal relates has been established for a period of less than two years. The siting of a residential caravan to accommodate an agricultural worker for a limited period may be considered acceptable with regard to newly established farm units where this can be fully justified to meet the operational requirements of the unit.

It is understood that the farm unit has been established for over two years.

5.6 Policy RES 17 states that residential development in the countryside will not be permitted, amongst other things:

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

(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.

The proposed development could be considered to be contrary to Policy RES17 as the proposed site is located along the C49 road. However to relocate the site beyond the existing farm would result in the dwellinghouse being visually prominent as this would result in the development breaking the skyline as viewed along the C49 road.

The proposed location is set within the existing shelterbelt of trees along the C49 road and it is considered that this site would be well screened and less conspicuous than the alternative considered by the applicant. In this instance it is considered that an exception to policy would be appropriate.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses. In this regard the consultation responses do not indicate that the application should be refused.

Noted.

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 of the report, the application is considered to be partly contrary to 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 refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application and these material considerations are generally supportive of the proposed development.

8.2 In terms of the principle of the proposed development, a justification for the proposed dwellinghouse has been provided and in policy terms this is acceptable. The minor departures from policy arise through the proposed

location of the dwellinghouse which is set within the lands of the existing farm steading but remote from the steading itself.

8.3 However, due to physical constraints associated with the land adjacent to the existing farm steading, and the potential for a dwellinghouse located on elevated ground beyond the existing farm steading to be more visually intrusive than the current proposed site, it is considered that a departure from policy could be made to allow the dwelling to be located within the existing shelterbelt along the C49 road.

8.4 No objections have been made with respect to the proposed development and no significant issues have been raised through the consultation process that cannot be addressed through the imposition of appropriate conditions or notes attached to any consent granted for the proposed development.

9. RECOMMENDATION

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

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 because it is not a significant departure from policy.

Alan Neish
Head of Planning and Building Control

02 December 2003
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates..
3. Consultation Responses.

4. Adopted East Ayrshire Local Plan 2003.
5. Approved Ayrshire Joint Structure Plan 1999.

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Location	Slatehole Farm OCHILTREE
Nature of Proposal:	Proposed farm cottage and garage
Name and Address of Applicant:	Mr and Mrs Brown Slatehole Farm OCHILTREE
Name and Address of Agent	Stairhill Architectural Services Stairhill MAUCHLINE

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

The above **OUTLINE** 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 full time 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. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned 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;
 - (e) The provision for car parking;
 - (g) The boundary walls/fences to be erected;
 - (h) Finished site levels/floor levels.

REASON – The approval is in outline only.

3. Notwithstanding any specification on the approved plans or application form and further to the provisions of Condition 2 (d), the access to the site from the C49 shall be constructed to adoptable standards, in accordance with East Ayrshire Council Roads Development Guide 1996, prior to the commencement of development on site.

REASON – In the interests of public road safety.

4. Notwithstanding any specification on the approved plans or application form, any submission or approval of Reserved Matters shall indicate the provision of visibility splays of 2.5 metres by 120 metres at the junction of the driveway with the access road to the site and no fencing, buildings trees or shrubs over 1 metre in height will be allowed within these areas.

REASON – In the interests of public road safety.

5. The driveway and the access road to the site shall be constructed such that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

6. The applicant shall widen the C49 road to 5.5 metres across the frontage of the site to East Ayrshire Council standards. A kerbed verge 2 metres wide shall also be provided along the frontage of the site, all prior to the occupation of the house.

REASON – In the interests of public road safety.

7. The applicant shall provide off road parking for a minimum of 3 cars and incorporate a turning area within the site, prior to the occupation of the house.

REASON – In the interests of public road safety.

8. Any garage shall be set back a minimum distance of 6 metres from the rear of the road verge.

REASON – In the interests of public road safety.

9. The private driveway shall be paved for a minimum distance of 5 metres from the edge of the road and any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety.

10. Any existing public utility apparatus or road drainage located within the verge shall be protected beneath the proposed access. Any existing ditches will require to be piped beneath the proposed access.

REASON – In the interests of public road safety.

11. 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.

12. As part of the submission for approval of Reserved Matters, the design of the dwellinghouse shall take full cognisance of East Ayrshire Council's Design Guidance for New Residential Development in the Countryside and Planning Advice Note 36, "The Siting and Design of New Housing in the Countryside."

REASON – In the interests of visual amenity.

13. The applicant shall submit, as part of any Reserved Matters application, details of the trees to be removed from the site, the measures to be undertaken to protect trees during construction works and details of further planting to be introduced on the site.

REASON – In the interests of visual amenity.

NOTES TO APPLICANT:

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for works on the C49 road. The Division can be contacted on Tel 01563 555 330.
2. Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.
3. The applicant is advised to contact Scottish Environment Protection Agency, 31 Miller Road, AYR KA72AX with regard to the drainage of the site.

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