

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 02 FEBRUARY 2001

**00/0265/FL: PLANNING PERMISSION FOR ERECTION OF
DWELLINGHOUSE ADJACENT TO KNOWEHEAD FARM, MAUCHLINE**

APPLICATION BY MR & MRS MCMILLAN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Detailed planning permission is sought for the erection of a single dwellinghouse within Knowehead Farm. It is proposed to site the dwellinghouse 24 metres back from the road edge. The dwelling would be single storey with a slate substitute roof finish and wet dash finish to external walls. It has been submitted that the dwellinghouse is required to accommodate a part time agricultural worker.

2. RECOMMENDATION

2.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 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. However, 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.

3.2 In this case, no specific locational need has been proven by the applicant. It is considered that a part time worker falls short of the justification required for a new dwellinghouse, particularly when the Labour Requirement Report concludes that only one full time worker is required to run the farm as a whole. It is also considered that the proposal would constitute sporadic residential development

in the countryside. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. Furthermore, the proposed development if approved, would set an unacceptable precedent for new housing within the Rural Protection Area where there is no locational need.

3.3 There are no consultee or other objections to the proposed development of a dwellinghouse.

3.4 If the Committee are minded to approve this application, then it would require to be submitted for determination by the Development Services Committee under the scheme of delegation, as it constitutes a significant departure from the EALP.

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 & MRS MCMILLAN

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 proposed development is contrary to policies contained within the East Ayrshire Local Plan, Finalised Version and is recommended for refusal.

2. APPLICATION DETAILS

2.1 The site lies to the south side of Knowehead Road, approximately 180 metres eastwards of its junction with the A76. This junction lies approximately 700 metres north of Mauchline. The site extends to 0.15ha and is located within scrub land which is situated in the north east corner of an agricultural field which is used for grazing. The site is bound to the south, east and west by agricultural land and to the north by Knowehead Road and agricultural land.

2.2 **Proposed Development:** Detailed planning permission is sought for the erection of a single dwellinghouse within Knowehead Farm. It is proposed to site the dwellinghouse 24 metres back from the road edge. The dwelling would be single storey with a slate substitute roof finish and wet dash finish to external walls. It has been submitted that the dwellinghouse is required to accommodate a part time agricultural worker.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 British Gas Transco, Scottish Power and the Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water advise 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 can be attached to any planning consent granted for the development with regard to the siting of the septic tank.

3.4 East Ayrshire Roads and Transportation Division has deferred their decision pending the submission of satisfactory details of the required visibility splays. Visibility splays of 2.5 metres by 120 metres will require to be formed at the junction of the access to the development with the public road, with no obstruction to visibility greater than 1 metre in height being allowed within these areas. The visibility splays encroach onto land outwith the application site and the applicant should submit details of how the required visibilities are to be achieved. The proposed gate at the access point should be set back a minimum of 6 metres from the public road and the existing ditch will require to be piped below the access.

To achieve the required visibility splays, the existing hedge and fence along the northern boundary of the site will require to be lowered. Although these areas are not shown as part of the application site, they are within the ownership of the applicant. If the applicant submitted amended plans which included these areas within the red line site, appropriate conditions could be attached to any planning consent.

3.5 The Scottish Environment Protection Agency advises that in view of the absence of a watercourse suitable for the acceptance of septic tank effluent, it is recommended that the responsibility of providing a sub-soil soakaway system for effluent disposal is investigated. 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. Surface water should be excluded from the septic tank. As there is some doubt that ground conditions will prove favourable, planning permission should be delayed until the applicant demonstrates that there is indeed a viable method of septic tank effluent disposal at this location.

As the proposed development is recommended for refusal, the applicant was not requested to carry out percolation tests due to the additional costs involved. If the Committee is minded to approve the application, referral to the Development Services Committee would be required; however a condition could be applied preventing any development prior to a satisfactory effluent disposal method being agreed for the site.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Mauchline-Drongan-Ochiltree Local Plan, (1993). 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 RES17 which states that there will be a presumption in favour of single, small scale, especially high amenity, residential development in the countryside in areas designated as Remoter Rural Area.

The proposed site lies within a designated Remoter Rural Area, as defined by the Adopted Local Plan, and the proposal would therefore be in accordance with the policy provisions of the Adopted Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material consideration relevant to the determination of the application is the East Ayrshire Local Plan, Finalised Version (1999).

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 (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;

The applicant has been unable to demonstrate that there is a site specific locational need for the dwellinghouse (see paragraph 6.4).

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

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

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

The proposed development would not provide for the operational needs of agriculture or forestry. The applicant has been unable to demonstrate an agricultural justification for the proposed development (see paragraph 6.4).

6.4 Policy RES13 states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. 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;

The applicant has claimed that the proposed dwellinghouse is required for an agricultural worker. The principal activity carried out on the farm, which extends to 29.16 hectares, is sheep farming. The farm is owned by the applicant's mother, who resides in the farmhouse. The applicant and his family have recently moved back to the area and are that the dwellinghouse is required for a farm worker (himself) who is required, on part time basis, to assist his mother in the operation and management of the farm. A Labour Requirement Report for Knowehead Farm was submitted to justify this agricultural need. The Report was undertaken by the Scottish

Agricultural College and concluded that the current Labour Requirement for the farm is 0.22 Labour Units.

As 1 Labour Unit is required to justify one full time worker, the applicant was advised that there was no proven justification for an additional dwellinghouse for a farm worker, as the farm could be operated from the existing farmhouse.

A revised Labour Requirement Report was then submitted. This report stated that the applicant (who has a full time job and proposes to work on the farm on a part time basis only) is keen to sell the sheep and instead use the unit for suckler cow production. The Report also stated that the applicants mother intends to re-start and expand the Bed and Breakfast business. The revised Labour Requirement Report submitted was calculated on the basis of the number of hours required to manage the grazing land, proposed cows and the proposed bed and breakfast business. This revised report calculated the Labour Requirement for the farm as being 1.07 Labour Units.

It should be noted that it is not appropriate for a Labour Requirement to be assessed against "proposed" operations on the farm unit where no firm commitment to these operations has been provided. The Planning Authority has no guarantee that these proposals will take place and no evidence has been given of any financial commitment to such proposals. Furthermore, the Labour Requirement has partly been calculated on the basis of a non agricultural activity i.e. the bed and breakfast business. Notwithstanding this, an additional farm worker can still not be justified when determined against the revised report. Only one person is required to run the farm, and this can be carried out from the existing farmhouse. The proposed development is therefore contrary to the provisions of the above Policy.

- (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;

The proposed dwellinghouse is not required for a worker employed by a rural enterprise or tourism related activity.

- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of one-site staff accommodation;

The proposed dwellinghouse is not required for on-site staff accommodation for an authorised proposal.

- (iv) as an enabling development for the conversion of a large rural residential or institutional property.

The proposal is not an enabling development for the conversion of a large residential or institutional property.

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 and RES14, 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.

It is proposed to site the house approximately 120 metres south west of the existing farmhouse and surrounding buildings. Pre-application discussions were undertaken with the planning officer and the applicant's agent. The agent was advised that consideration should be given to sites adjacent to the existing farm buildings or to the conversion of the existing agricultural buildings. The agent submitted supporting information with the application, advising that other sites were considered, but that the location proposed was the preferred site. It is considered however that any house erected at this location would be visually prominent from the nearby A76 in an area which at present contains no buildings. The proposed development is therefore contrary to the provisions of the above policy.

6.6 Policy RES16 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 within a broken tree belt. This tree belt consists of a number of small semi-mature trees and a hedgerow, all of which are in a poor condition. The proposed development will result in the felling of a few small trees. It is not considered however that this felling 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;

Although the dwellinghouse would be sited within a broken tree belt, these trees are relatively small and would not provide significant screening of the development. The dwellinghouse would therefore be visually prominent when viewed from the A76, and would be detrimental to the visual amenity and character of the countryside.

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. However, 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, no specific locational need has been proven by the applicant. It is considered that a part time worker falls short of the justification required for a new dwellinghouse, particularly when the Labour Requirement Report concludes that only one full time worker is required to run the farm as a whole. It is also considered that the proposal would constitute sporadic residential development in the countryside. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. Furthermore, the proposed development if approved, would set an unacceptable precedent for new housing within the Rural Protection Area where there is no locational need.

8.3 There are no consultee or other objections to the proposed development of a dwellinghouse.

8.4 If the Committee are minded to approve this application, then it would require to be submitted for determination by the Development Services

Committee under the scheme of delegation, as it constitutes a significant departure from the EALP.

9. RECOMMENDATION

9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
19 January 2000
VE/SMB)
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.
5. Mauchline-Drongan, Ochiltree Local Plan.
6. Adopted Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

Location	Adjacent to Knowehead Farm, Mauchline
Nature of Proposal:	Proposed Erection of Dwellinghouse
Name and Address of Applicant:	Mr & Mrs McMillan Knowehead Farm MAUCHLINE KA5 6EY
Name and Address of Agent	Stewart McGill 21 Lember Drive GLASGOW G76 7NQ

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

(1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:

- a) for an agricultural or forestry worker (the applicant has been unable to provide an existing justification for an additional farm worker);
- b) for a worker employed by a rural enterprise or a tourism related industry;
- c) as an essential and integral part of an authorised proposal;
- d) as an enabling development for the conversion of a large rural residential or institutional property.

The proposal would therefore not be in accordance with Policies SD3 and RES13 of the East Ayrshire Local Plan Finalised Version.

(2) The proposed development would not consolidate the existing farm steading, would constitute an isolated development in the countryside and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version.

(3) The site selected is conspicuous in the landscape and the erection of a dwellinghouse would be detrimental to the visual amenity and character of the countryside, contrary to the provisions of Policy RES16(viii) of the East Ayrshire Local Plan, Finalised Version.

(4) The proposed development would set an undesirable precedent for new housing within the Rural protection Area where there is no specific locational need.

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AGENDA