

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 FEBRUARY, 2001

00/0697/FL: ERECTION OF DWELLINGHOUSE, DOUBLE GARAGE AND STABLES AT MOSSWELL, CASTLEHILL, NEW CUMNOCK

APPLICATION BY HEATHER MCTAGGART

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This application for full planning permission proposes the erection of a single storey dwellinghouse, double garage and stables. The proposed house has a hipped roof with slate grey flat concrete tiles. The applicant proposes to externally finish the walls with red/brown facing brick. The windows are vertically proportioned and have mullions and cills in facing brick to match the brickwork of the walls. The applicant also proposes to demolish the unsightly, disused buildings on the site.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 above, the application is considered to be 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 at paragraphs 6.2, 6.4, 6.5 and 6.6. 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 The proposed development is considered to be contrary to the policy provision of the adopted New Cumnock Local Plan. The development, however, accords in part, with the policy provision of the East Ayrshire Local Plan (Finalised Version). The garden ground of the property lies outwith the settlement boundary which is considered only to be minor departure from policy.

3.3 It is considered that the proposed development represents an opportunity to enhance the visual and environmental amenity of part of the site which, at present, is characterised by unsightly, disused agricultural buildings. The buildings currently detract significantly from the general amenity of the locality.

3.4 There have been no adverse comments from statutory consultees or other parties and the design of the proposed dwellinghouse is considered to be compatible with adjacent dwellings and with the locality.

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 HEATHER MCTAGGART

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 it involves a minor departure from the East Ayrshire Local Plan, Finalised Version.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site at Mosswell, New Cumnock, lies on the edge of the settlement, partly on an area of undeveloped land and measures some 0.25ha in area. Part of the site is characterised by some unsightly disused agricultural buildings and suffers from poor visual amenity, whilst the remainder comprises a field of rough pasture. The site is generally level. It is located at the end of a single width access road, accessed via Castlehill, has no direct road frontage and lies behind two existing residential properties.

2.2 **Proposed Development:** This application for full planning permission proposes the erection of a single storey dwellinghouse, double garage and stables. The proposed house has a hipped roof with slate grey flat concrete tiles. The applicant proposes to externally finish the walls with red/brown facing brick. The windows are vertically proportioned and have mullions and cills in facing brick to match the brickwork of the walls. The applicant also proposes to demolish the unsightly, disused buildings on the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council has not responded to the consultation letter.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to conditions relating to the standard of the access, the provision of incurtilage car parking and an internal turning area being included on the planning permission. The Division also recommends that a formal turning area for service vehicles be provided outwith the site in the open area of land at the site's access onto Castlehill, adjacent to the existing dwellinghouse.

The owner of the existing dwellinghouse (adjacent to the application site) and the open area of land adjacent to the application site's access has stated in writing that she is willing to allow the applicant (her daughter) to form a vehicle turning area on the area of open space. The applicant has subsequently submitted additional plans showing a formal vehicle turning area at the access to the site onto Castlehill.

3.3 The West of Scotland Water Authority has no objection to the proposal, subject to the siting of any septic tank in a position to allow easy access for emptying by tanker.

An appropriate condition could be included in any consent granted for the development with regard to the siting of any septic tank.

3.4 The Scottish Environment Protection Agency has no objection to the proposal, subject to the proposed treatment of foul drainage being to its satisfaction.

Noted.

3.5 Transco has no objection to the proposal, subject to the protection of its apparatus during construction.

Noted.

3.6 Scottish Power has no objection to the proposal.

Noted.

3.7 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from 2 seams of coal last worked in 1964. It does, however, state that ground movements should, by now, have ceased. The Authority also states that the site lies within an area where reserves of coal exist which may be worked at some time in the future.

Noted.

3.8 British Telecom has not responded to the consultation letter.

Noted.

3.9 The West of Scotland Archaeology Service states that whilst there is an early castle within the vicinity of the site, there is no need for archaeological mitigation during or prior to construction, as the site boundary avoids the site of the castle by some 30 metres. It does however state that it wishes to be informed in the event that any archaeological finds are unearthed during construction.

An appropriate condition can be included in any consent granted for the development with regard to reporting any archaeological finds to the West of Scotland Archaeology Service.

4. REPRESENTATIONS

4.1 No representations have been received in respect of this application.

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 comprise the Adopted New Cumnock Local Plan and the Adopted Ayrshire Joint Structure Plan. The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 The site lies within the settlement boundary of New Cumnock as defined in the Adopted New Cumnock Local Plan, but is nevertheless identified, in part, as an area of undeveloped land in the Local Plan. The application therefore requires to be determined with regard to Policy ENV4(b) of the Adopted New Cumnock Local Plan. Policy ENV4(b) states that there will be a general presumption against any development on undeveloped land within the settlement boundary which contributes to the rural setting or nature of the settlement.

It is considered that, given the location of part of the application site on an area of undeveloped land, the proposal to erect a dwellinghouse, garage and stables on the site is contrary to the adopted New Cumnock Local Plan. As has been noted above, part of the site is characterised by some unsightly disused agricultural buildings which, it is considered, detract significantly from the general amenity of the area. Whilst the proposal is contrary to Policy ENV4(b), it is considered that the application nevertheless represents an opportunity to enhance the visual and environmental amenity of this site on the edge of New Cumnock. Furthermore, the proposed dwelling forms a group with other dwellings in the vicinity and does not represent isolated or sporadic development in the countryside. It is

therefore considered that this opportunity to enhance the environmental and visual amenity of the area should be considered as a material planning consideration.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the Finalised East Ayrshire Local Plan and the opportunity to enhance the amenity of the area. Given the early date of the Adopted Local Plan, it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has consequently agreed that the East Ayrshire Local Plan Finalised Version should be considered as a prime material consideration.

6.2 Part of the site, upon which it is proposed to erect the dwellinghouse, garage and stables, lies within the settlement boundary of New Cumnock as identified in the Finalised East Ayrshire Local Plan. As regards that part of the site, Policy RES 4 presumes in favour of development, provided there is compatibility with existing land uses and any transportation or infrastructure issues can be resolved.

It is considered that, as the land immediately to the south of the site is characterised by residential development and as no adverse consultation replies have been received, that part of the proposal occupied by the house is in accordance with Policy RES 4.

6.3 Part of the site (the garden ground of the proposed dwellinghouse) lies however, outwith the settlement boundary of New Cumnock and within the Rural Diversification area as defined in the East Ayrshire Local Plan. As such Policy SD4 is of relevance. Policy SD4 states that "Within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council 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 specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community."

The proposal cannot be justified under the provisions of this policy.

6.4 Policy RES 14 of the East Ayrshire Local Plan is also of relevance. Policy RES 14 allows for small scale residential development within the Rural Diversification Area where :

(i) The house is required on a permanent basis for categories of development detailed in Policy RES 13.

The proposed development is contrary to this section of the policy. No information has been submitted to justify the proposed house in terms of need for an agricultural or forestry worker or a worker employed in a rural enterprise or a tourism related activity or is necessary for on-site staff accommodation.

(ii) The proposed development would constitute a limited addition to an existing clearly defined group of houses not delineated by a formal settlement boundary.

The proposal cannot be justified within the terms of this section of the policy as the site is adjacent to the settlement boundary of New Cumnock.

(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.

The proposal cannot be justified within the terms of this section of the policy as the proposed house and stables do not have a dual residential and workplace function. The proposal is therefore contrary to the terms of Policy RES 14. Notwithstanding this, as has been stated above, it is considered that the proposal represents an opportunity to improve the visual and environmental amenity of part of the application site which lies on the rural edge of New Cumnock. Furthermore, it is only the garden ground of the proposed dwellinghouse which is situated within the Rural Diversification Area - which is a minor departure from policy. It is therefore considered that these material planning considerations indicate that a grant of planning permission is justified.

6.5 The site, which is located behind existing properties on Castlehill, has no direct road frontage and is considered to be “backland development”.

The site is of sufficient size to accommodate the dwellinghouse, garage and stables and to provide ample garden ground. Furthermore, there is sufficient distance between the proposed dwellinghouse and existing gardens (approximately 22 metres) so as not to cause an unacceptable reduction to the amenity of the existing properties. It is therefore considered that a refusal of the application on amenity grounds cannot be justified in this instance.

6.6 It is further considered that the design of the proposed dwellinghouse is compatible with the surrounding houses and area.

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 5.1 above, the application is considered to be 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 at paragraphs 6.2, 6.4, 6.5 and 6.6. 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 The proposed development is considered to be contrary to the policy provision of the adopted New Cumnock Local Plan. The development, however, accords in part, with the policy provision of the East Ayrshire Local Plan (Finalised Version). The garden ground of the property lies outwith the settlement boundary which is considered only to be minor departure from policy.

8.3 It is considered that the proposed development represents an opportunity to enhance the visual and environmental amenity of part of the site which, at present, is characterised by unsightly, disused agricultural buildings. The buildings currently detract significantly from the general amenity of the locality.

8.4 There have been no adverse comments from statutory consultees or other parties and the design of the proposed dwellinghouse is considered to be compatible with adjacent dwellings and with the locality.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
21 December 2000
DS/FGD/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Adopted New Cumnock Local Plan.
5. East Ayrshire Local Plan Finalised Version.
6. Letter dated 15 November 2000 from Mrs M McTaggart.
7. Adopted Ayrshire Joint Structure Plan.

Any person wishing to inspect the Background Papers listed above should contact Mr Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

Application no: 00/0697/FL

Location	Mosswell Cottage, 30 Castlehill NEW CUMNOCK
Nature of Proposal:	Proposed erection of dwellinghouse, double garage and stables
Name and Address of Applicant:	Heather MacTaggart 6 Greenholm Road CUMNOCK KA18 1LH
Name and Address of Agent	

DPO's Ref: DEREK SCOTT]
PPO's Ref; []

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

(1) The proposed development shall be carried out in accordance with the application form and plans submitted on 28 September 2000 as revised by the block plan and garage/loose boxes plan received by the Planning Authority on 20 November 2000.

REASON - To ensure that the development is carried out in accordance with the approved details.

(2) Prior to the occupation of the dwellinghouse, the turning area, as indicated in blue on the approved plans, shall be formed to the satisfaction of the Planning Authority to enable vehicles to enter and leave the site in a forward gear.

REASON - In the interests of road safety.

(3) The driveway shall be suitably surfaced to ensure that no surface water discharges, or loose material is carried out onto, the access road.

REASON - In the interests of residential amenity and road safety.

(4) Prior to the occupation of the dwellinghouse, 3 in-curtilage car parking spaces shall be provided.

REASON - In the interests of residential amenity and road safety.

(5) The turning area, provided in respect of Condition 2 above shall be maintained and kept free from obstruction at all times.

REASON - In the interests of road safety.

(6) Notwithstanding the plans and application form hereby approved, before any work commences on site, samples of all external materials to be used in the construction of the dwellinghouse, garage and stables shall be submitted to and approved by the Planning Authority.

REASON - In the interests of visual amenity.

(7) Notwithstanding the plans and application form hereby approved, the external materials to be used in the construction of the garage and stables shall match those of the dwellinghouse to which they relate.

REASON - In the interests of visual amenity.

(8) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON - In the interests 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 tanker.

REASON - In the interests of public safety.

(10) The developer shall inform the West of Scotland Archaeology Service, 20 India Street, Glasgow, G2 4PF, within 5 days of any item of antiquity being unearthed during construction.

REASON - To ensure that an appropriate record is made of any archaeological finds.

**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.**

AGENDA

