

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 8 FEBRUARY 2002 01/0764/FL : PROPOSED ERECTION OF DWELLINGHOUSE AT KILLOCHHEAD FARM, BY GALSTON FOR MR AND MRS MITCHELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single-storey 3-bedroom dwelling on the site. The applicant proposes to incorporate a number of traditional features, including banding around windows. The windows are also shown on the submitted plans to incorporate vertical emphasis. The applicant proposes to externally finish the dwelling using white render and a slate or slate effect tile.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Paragraphs 5.2 to 5.4 of the report, the application is considered to accord with the terms of the Adopted Local Plan and the Ayrshire Joint Structure Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.8 of the report, there are other material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. As is indicated at Paragraphs 6.2 to 6.5 of the report, the proposal generally accords with the provisions of the EALP. Notwithstanding this, the proposal is considered to be contrary to Policy RES15 of the EALP. However, for the reason detailed above, it is considered that the provisions of Policy RES15 can be laid aside in favour of a grant of planning permission.

3.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

3.4 An agricultural justification has been established for the erection of the dwellinghouse and an appropriate condition can be included on the planning

permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed locally in agriculture and his or her dependants.

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, notwithstanding the agricultural justification cited above or the other relevant material considerations, such a decision would be in supported by Policy RES 13 of the East Ayrshire Local Plan.

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 a full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposal represents a minor departure from the East Ayrshire Local Plan (Finalised Version with Modifications) and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 200m east of the B7037, Sorn to Galston Road, 5km south of Galston. It is accessed via a single width rural road from the B7037. The site is generally level and forms part of a larger area of wooded scrubland and measures 0.12 hectares in area.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single-storey 3-bedroom dwelling on the site. The applicant proposes to incorporate a number of traditional features, including banding around windows. The windows are also shown on the submitted plans to incorporate vertical emphasis. The applicant proposes to externally finish the dwelling using white render and a slate or slate effect tile.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to conditions in respect of the provision of a turning head and in-curtilage car parking and the standard and formation of the driveway and access to the site.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 The West of Scotland Water Authority has no objection to the proposal subject to operational requirements being met and to the siting of the septic tank so as to allow easy emptying by tanker.

Should the application be approved, a condition in respect of the location of the septic tank can be included on the planning permission.

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided the drainage arrangements are to its satisfaction. In that respect, SEPA has stated that the septic tank should discharge into a soakaway and that the applicant will require to carry out a percolation test to assess the suitability of the soil for effluent disposal.

Should the application be approved, an appropriate note in respect of the drainage arrangements can be attached to the planning permission.

3.4 The Coal Authority has stated that the site lies within an area where reserves of coal exist that could be worked at some time in the future.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

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

Noted.

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

Noted.

3.7 Scottish Power has no objection to the proposal provided its apparatus is safeguarded during the construction phase.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

4. REPRESENTATIONS

4.1 No representations have been submitted.

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 Approved Ayrshire Joint Structure Plan (1999) and the Adopted Mauchline-Drongan-Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy G2 of the Ayrshire Joint Structure Plan is of relevance. Policy G2 states that:-

“The three Ayrshire Councils shall actively seek to improve the urban and rural environment of Ayrshire, and, subject to other policies in the Structure Plan, shall not be supportive of development proposals which have significant adverse effects by means of:-

(a) *unacceptable visual damage or intrusion*

It is considered that the design of the proposed dwelling is generally appropriate to its site within the rural area.

(b) *unacceptable pollution of air, water or land or nuisance by way of smell, noise and light;*

It is not considered that one dwellinghouse would result in an unacceptable level of pollution.

(c) *unacceptable danger by means of flooding or erosion;*

The proposed dwellinghouse is not situated in a location which is liable to flooding.

(d) *prejudicing the use and enjoyment of natural environment and built heritage location;*

The proposed dwellinghouse is not located within a built heritage location, nor is it considered that it would prejudice the enjoyment of the natural environment to an extent that would justify a refusal of the application.

(e) *the loss of prime quality or locally important good quality, agricultural land;*

The proposed dwelling would not be located on an area of good quality agricultural land.

(f) *unacceptable damage to existing species and habitats.*

It is not considered that the erection of a dwelling on the site would cause unacceptable damage to existing species or habitats.

5.3 The application site lies within the Rural Protection Area as defined in the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan (Finalised Version with Modifications). The application therefore requires to be considered with regard to Policy G5 of the Ayrshire Joint Structure Plan. Policy G5 states that:-

“Development 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 site specific locational need”*

The applicant has submitted a report by the Scottish Agricultural College in support of the application in which a site specific locational justification for the proposal is set out. The report states that whilst there is only one dwellinghouse associated with Killochhead Farm, the labour requirement for the operation of the farm is 5.03 labour units. The report adds that it is highly desirable for animal welfare and security purposes that someone is resident on site at the unit at all times.

5.4 Policy RES 17 of the Adopted Mauchline-Drongan-Ochiltree Local Plan is also of relevance. It considers the proposal in the context of its location in the then Remoter Rural Area. It presumes in favour of single, small scale residential development in the countryside except in certain stated circumstances.

The proposal does not fall under any of these stated exceptions and therefore the proposed development complies with Adopted Local Plan policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

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 East Ayrshire Local Plan (Finalised Version with Modifications) (EALP), should be considered as a prime material consideration.

(6)0. ? ? The application site now within the Rural Protection Area as defined in the EALP. As such, Policy RES13 of that plan is of relevance:-

“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:

- (6) *for a full-time agricultural or forestry worker employed directly on the land to which the proposed house relates;*
- (6) *for a worker employed by 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; or*
- (6) *as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation;*

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

As has been noted at Section 5.4 of the report, a site specific locational need for a dwelling at this location has been demonstrated. It is therefore considered that the proposal is in accordance with the provisions of Policy RES13 of the EALP.

6.4 Policy RES15 of the EALP also requires to be considered. Policy RES 15 states in summary:-

“Where a new residential development in the countryside is considered acceptable within the terms of Policy RES13, 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.”

Whilst the dwelling is not located in close proximity to the existing farm steading, it is, nevertheless, located on area of wooded scrubland. Given this and that the design of the proposed dwelling incorporates features of a traditional rural nature, it is considered that it would not have a detrimental impact on the rural and open nature of the countryside. It is therefore considered that, in this instance, the provisions of Policy RES15 should be laid aside in favour of a grant of planning permission.

6.5 RES17 of the EALP precludes residential development in the countryside in a number of specific circumstances including where it would be unduly visually prominent.

It is not considered that the siting of the proposed dwelling would be unduly visually prominent.

Consultations

6.6 There are no consultation replies that would indicate that the application should not be approved.

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 Paragraphs 5.2 to 5.4 of the report, the application is considered to accord with the terms of the Adopted Local Plan and the Ayrshire Joint Structure Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.8 of the report, there are other material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. As is indicated at Paragraphs 6.2 to 6.5 of the report, the proposal generally accords with the provisions of the EALP. Notwithstanding this, the proposal is considered to be contrary to Policy RES15 of the EALP. However, for the reason detailed above, it is considered that the provisions of Policy RES15 can be laid aside in favour of a grant of planning permission.

8.3 There have been no adverse consultation replies that would preclude the granting of planning permission.

8.4 An agricultural justification has been established for the erection of the dwellinghouse and an appropriate condition can be included on the planning permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed locally in agriculture and his or her dependants.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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, notwithstanding the agricultural justification cited above or the other relevant material considerations, such a decision would be in supported by Policy RES 13 of the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control
25 January 2002
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation letters.
4. Adopted Mauchline-Drongan-Ochiltree Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

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

Implementation Officer : Dave Morris

Location	Killochhead Farm GALSTON KA4 8NW
Nature of Proposal:	Proposed erection of 6-apartment bungalow
Name and Address of Applicant:	Mr & Mrs Mitchell Killochhead Farm GALSTON KA4 8NW
Name and Address of Agent	Stairhill Architecture Services Stairhill MAUCHLINE KA5 5HN

DPO's Ref: [Derek Scott]
PPO's Ref; []

The above **FULL** 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 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. Notwithstanding any specification on the approved plans or application form, the public road adjacent to the access to the site, shall be widened to 5.5m for a distance of at least 10 metres, prior to the occupation of the dwellinghouse.

REASON – In the interests of public road safety.

3. The access to the site from the public road shall be by means of a standard access crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996. The roadside ditch shall be piped and protected beneath the proposed access to the satisfaction of the Roads Authority.

REASON – In the interests of public road safety.

4. Prior to the occupation of the dwellinghouse, the access to the site shall be bituminously surfaced for a distance of 10m from its junction with the public road such that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

5. Prior to the occupation of the dwellinghouse, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height

within a visibility splay of 2.5m x 90m in both directions at the proposed access to the site from the public road.

REASON – In the interests of public road safety.

6. Notwithstanding any specification on the approved plans or application form, three car parking spaces shall be provided within the site prior to the occupation of the dwellinghouse and shall be maintained within the site free from obstruction at all times thereafter.

REASON – To ensure that adequate car parking is provided in the interests of public road safety.

7. Any access gates shall open inwards only away from the public road.

REASON – In the interests of public road safety.

8. Notwithstanding any specification on the approved plans or application form, a turning area shall be provided within the site prior to the occupation of the dwellinghouse such that vehicles can enter and exit the site in a forward gear. The turning area shall be maintained within the site free from obstruction at all times thereafter.

REASON – In the interests of public road safety.

9. Notwithstanding any specification on the approved plans or application form, samples of all external materials to be used in the construction of the proposed dwellinghouse and garage shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON – In the interests of visual amenity.

10. Notwithstanding any specification on the approved plans or application form, or the provisions of Condition 9 above, the external materials to be used in the construction of the proposed garage shall match those of the dwellinghouse.

REASON – In the interests of visual amenity.

11. Notwithstanding the provisions of Condition 10 above, details of the proposed garage shall be submitted to and approved by the Planning Authority prior to its erection on site. These details shall allow for the garage having a pitched roof.

REASON – In the interests of visual amenity.

12. Notwithstanding the details shown on the approved front elevation drawing, there shall be formed a mullion to the centre of the lounge window as indicated on the approved floor plan. This shall be smooth rendered as per the other window bands.

REASON – In the interests of visual amenity.

13. Notwithstanding any specification on the approved plans or application form, details of the appearance and location of all fences and/or walls to be erected on the site shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site. Such details shall include the treatment of the boundary of the site with the public road.

REASON – In the interests of visual and residential amenity.

• **NOTES TO APPLICANT**

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, with regard to water supply and drainage.

2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage arrangements.
3. All drainage arrangements shall comply with the requirements of the West of Scotland Water Authority and Scottish Environment Protection Agency.
4. The applicant is advised to make early contact with Scottish Power, St Vincent Crescent, Glasgow, with regard to the protection of its apparatus during the construction phase of the development.
5. The applicant is advised of the comments of the Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire with regard to mineral operations on the site to the effect that the site lies in the vicinity of coal reserves which could be worked in the future subject to feasibility and the appropriate consents.

AGENDA