

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 JANUARY 2002 01/0535/OL : PROPOSED ERECTION OF 5/6 APARTMENT ONE AND A HALF STOREY DWELLINGHOUSE, SHIELDMAINS STORE, COALHALL FOR MR JOHN C FERGUSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of one and a half storey dwellinghouse and garage within the application site. The applicant has submitted a justification in support of the proposal, in the form of a report by the Scottish Agricultural College. The report indicates that the dwellinghouse is required to accommodate a full-time worker associated with the agricultural unit and the animal feed supply business. The proposed dwelling would also facilitate a full-time presence on the site, essential in terms of security and the operation of both the feed supply business and the agricultural unit.

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 Paragraph 5.2 to 5.8 of the report, the application is considered to be contrary to Policy RES 13 of the Adopted Local Plan and partly contrary to Policy G1 of 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 refused 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 It is considered that a site specific locational need has been established for the erection of a dwellinghouse on the site and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan and Policy RES 13 of the Adopted Mauchline-Drongan-Ochiltree Local Plan. The proposal accords with the other relevant policies of the Ayrshire Joint Structure Plan and the Adopted Local Plan.

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

3.4 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 and that any subsequent Reserved Matters application relates to a dwelling designed to a high standard, appropriate to a rural location and sensitively screened.

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 accordance with the Adopted Mauchline-Drongan-Ochiltree 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 policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 80 metres south of the A70 at Coyle Bridge, adjacent to Shield Mains farmhouse and the Norvite Blends animal feed store. The site is accessed from the A70 via a single width access road and is presently in agricultural use. Whilst the applicant owns a substantial amount of agricultural land around the application site which he farms as an agricultural unit, the existing Shield Mains farmhouse is not within his ownership. The applicant does own the existing feed store and operates the associated animal feed supply business from the site.

2.2 The animal feed store is also used for the storage of ammonium nitrate, and is identified as a Major Hazard Installation in terms of Health and Safety legislation.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a one and a half storey dwellinghouse and garage within the application site. The applicant has submitted a justification in support of the proposal, in the form of a report by the Scottish Agricultural College. The report indicates that the dwellinghouse is required to accommodate a full-time worker associated with the agricultural unit and the animal feed supply business. The proposed dwelling would also facilitate a full-time presence on the site, essential in terms of security and the operation of both the feed supply business and the agricultural unit.

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 making up of the access road from the A70 to an adoptable standard, the provision of a turning head and in-curtilage car parking and the standard and formation of the driveway.

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.

3.4 The Scottish Environment Protection Agency (SEPA) 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.

3.5 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from workings in three seams of coal last worked in 1906. It does however state that, by now, any ground movement should have ceased. The Coal Authority also states that reserves of coal exist in the locality 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.

3.6 The Scottish Wildlife Trust has been consulted as the site lies adjacent to the Water of Coyle proposed Wildlife Site. The Trust, however, has no objection to the proposal.

Noted.

3.7 The Health and Safety Executive has been consulted as the site lies adjacent to a major hazard installation (storage of ammonium nitrate, required in association with the feed supply business). The HSE has advised, however, that it has no objection to the proposal.

Noted.

3.8 Drongan Community Council has not responded to the consultation letter.

Noted.

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 G1 of the Ayrshire Joint Structure Plan states that:-

“The three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the Structure Plan except:

- (a) where it specifically accords with other policies in the structure plan;*
- (b) in locations identified in local plans for that specific development purpose;*
- (c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.”*

The proposed development does not accord with parts (a) and (b) of Policy G1. Nevertheless, as is noted below, the proposed development does comply with Part (c) of Policy G1, Policy G5 and with the policies of the Adopted Mauchline-Drongan-Ochiltree Local Plan.

5.3 Policy G2 of the Ayrshire Joint Structure Plan is also 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*

Should the application be approved, a condition can be included on the planning permission to ensure that the design of the dwellinghouse is appropriate to the rural area, and that it is sufficiently screened by appropriate landscaping.

- (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 report by the Scottish Agricultural College indicates that the proposed dwelling is not located on 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.

5.4 The application site lies within the Sensitive Landscape Character Area as defined in the Ayrshire Joint Structure Plan. Policy G3 is therefore of relevance. Policy G3 states that:-

“In the Sensitive Landscape Character Areas, development shall not conform to the Structure Plan except where it would... protect and maintain, enhance or restore the scenic beauty, natural systems, wildlife and cultural heritage.”

As noted above, should the application be approved, a condition can be included on the planning permission to ensure that the design of the dwellinghouse takes account of the Council’s Design Guidelines for Residential Development in the countryside, and that it is sensitively screened.

5.5 The application sites 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”*

As noted above, the applicant has submitted a report by the Scottish Agricultural College in support of the application in which a site specific justification for the proposal is set out. The report states that whilst

there are no dwellinghouses associated with the agricultural unit on the site, the labour requirement for the farming operations is 2.48 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.

5.6 Notwithstanding the age of the adopted Mauchline-Drongan-Ochiltree Local Plan, the application site lies within the rural area within a Nature Conservation Area as identified in that plan. Policy RES 13 of the Mauchline-Drongan-Ochiltree Local Plan states that:

“wherever possible, potential developers of houses in the countryside will be directed to brown field or redevelopment sites in locations which would not be unduly visually prominent. The Council as Planning Authority will discourage residential development which will result in the loss of agricultural land in pastoral or arable use, or which would result in the loss of land planted for forestry, woodland, mature shelter belts or in the loss of mature trees, or would adversely diminish the landscape quality and the character of the area.”

The site is presently under agricultural use and is visually prominent from the adjacent A70. Nevertheless, as noted above, a locational need has been identified in this instance. The use of any other site within the applicant’s ownership within proximity to the existing buildings would not be appropriate given that any such site would be within the Major Hazard Consultation Zone. It is also considered that, should the application be approved, a condition can be included on the planning permission to ensure that the design of the dwellinghouse is to an appropriate standard and that suitable landscaping is provided.

5.7 Policy RES 16 of the Mauchline-Drongan-Ochiltree Local Plan is also of relevance. Policy RES 16 states that:-

“in areas designated as Countryside Around Towns, there will be presumption against residential and other development in the countryside except where there is a proven, specific, locational need.”

As has been noted at Sections 5.5 and 5.6 above, it is considered that a site specific locational need has been identified for the erection of a dwellinghouse at this location. The proposal is therefore considered to be in accordance with Policy RES 16.

5.8 The application also requires to be determined with regard to Policy ENV 2 of the Mauchline-Drongan-Ochiltree Local Plan which states that:-

“The Council will seek to ensure the protection of Sites of Specific Scientific Interest and will presume against development which would have an adverse environmental impact on Sites of Special Scientific Interest, Listed Wildlife Sites and other resources of importance for nature conservation (including sites supporting species protected by law), heritage resources requiring conservation (including listed

buildings, scheduled ancient monuments, archaeological and industrial archaeological sites).”

The application site lies adjacent to the Water of Coyle Listed Wildlife Site. It is not considered that the erection of a single dwellinghouse with a site-specific justification on this site would adversely affect the Listed Wildlife Site to an extent that would justify a refusal of the application. No adverse comments have been received from the Scottish Wildlife Trust.

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.

6.3 The application site lies within the Rural Protection Area as defined in the EALP. As such, Policy RES 13 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:

- (i) for a full-time agricultural or forestry worker employed directly on the land to which the proposed house relates;*
- (ii) 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*
- (iii) 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 5.5. above, 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 RES 13 of the EALP.

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

“Where a new residential development in the countryside is considered acceptable within the terms of Policies RES 13, 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.”

See response to 5.6 above.

6.5 RES 17 of the EALP precludes residential development in the countryside in a number of specific circumstances including where it would be unduly visually prominent.

Any planning permission can be conditioned not only with regard to the quality of the house design, but also through the use of landscaping, to be sympathetic to the character of the area.

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 Paragraph 5.2 to 5.8 of the report, the application is considered to be contrary to Policy RES 13 of the Adopted Local Plan and partly contrary to Policy G1 of 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 refused 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 It is considered that a site specific locational need has been established for the erection of a dwellinghouse on the site and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan and Policy RES 13 of the Adopted Mauchline-Drongan-Ochiltree Local Plan. The proposal accords with

the other relevant policies of the Ayrshire Joint Structure Plan and the Adopted Local Plan.

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

8.4 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 and that any subsequent Reserved Matters application relates to a dwelling designed to a high standard, appropriate to a rural location and sensitively screened.

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 accordance with the Adopted Mauchline-Drongan-Ochiltree Plan.

Alan Neish
Head of Planning and Building Control
31 December 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificate.
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.
8. East Ayrshire Council Design Guidance.

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

Implementation Officer: Dave Morris

Location	Shieldmains Store COALHALL KA6 6LZ
Nature of Proposal:	Proposed erection of 5-6 apartment one and a half storey bungalow
Name and Address of Applicant:	Mr J Ferguson Shieldmains Farm COAHALL KA6 6LZ
Name and Address of Agent	Stairhill Architecture Services Stairhill MAUCHLINE KA5 5HN

DPO's Ref: [Derek Scott]
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 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 open space and associated maintenance arrangements;
 - (f) The provision for car parking;
 - (g) The boundary walls/fences to be erected;
 - (h) The landscaping of the site and associated maintenance arrangements
 - (i) 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, the access road to the site from the A70 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 the provisions of Condition 3 or any specification on the approved plans or application form, any submission for approval of Reserved Matters shall indicate the location of passing places on the upgraded access road, the location of a turning head and the provision of 3 in-curtilage car parking spaces.

REASON – In the interests of public road safety.

5. Notwithstanding any specification on the approved plans or application form, any submission or approval of Reserved Matters shall include visibility splays of 2 metres by 90 metres at the junction of the driveway with the access road to the site.

REASON – In the interests of public road safety.

6. 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.

7. 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.

8. 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." In particular, the orientation of the house relative to the gradient of the site shall be such as to minimise underbuilding.

REASON – In the interests of visual amenity.

9. The details to be submitted further to Condition 2 above shall include a landscaping scheme which shall illustrate the methods to be employed to sensitively screen the dwellinghouse from the A70 and to soften its impact within the countryside.

REASON – In the interests of visual 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. The applicant is advised to make early contact with the Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, with regard to past mining activities on the site.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA