

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002**

**02/0129/OL: PROPOSED ERECTION OF TWO DETACHED  
DWELLINGHOUSES AND ASSOCIATED GARAGES AT WHITEHILL  
FARM, SKARES**

**APPLICATION BY MR GUTHRIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of two dwellinghouses within the site. These dwellings would have a joint access off the C97. No elevational details of the proposed dwellings have been provided at this outline stage. An indicative layout has however been submitted, and indicates two dwellings set back 10 metres from the public road. The plans also show a proposed boundary hedge along the northern and eastern boundaries of the site.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.**

**3. CONCLUSIONS**

3.1 As is indicated at paragraph 5.2 and 5.3 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 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 Section 6 of the report, 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 and it is further considered that the material considerations support refusal of the application.

3.2 The proposal would result in development which would constitute an inappropriate extension of development into the countryside with no locational justification within the rural area and is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP.

3.3. In terms of the letters of objection, it is agreed that the proposal is contrary to policies contained within the AJSP and EALP. It is not, though,

considered that the development of the site for two dwellinghouses would have an adverse effect on the amenity and privacy currently enjoyed by existing residents of Skares.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would require to be referred to the Development Services Committee as it would be a significant departure from 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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### 02/0129/OL: PROPOSED ERECTION OF TWO DETACHED DWELLINGHOUSES AND ASSOCIATED GARAGES AT WHITEHILL FARM, SKARES

APPLICATION BY MR GUTHRIE

#### 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 subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the edge of Skares village , 40 metres north of the junction of the B7046 Skares Road and the C97 leading from Skares to the A70 at Ochiltree. The site extends to 0.12 hectare and is located within the south west corner of an overgrown field. A number of semi-mature trees and shrubs are located within the site. The site is bounded to the north and east by this field, to the west by the C97 and agricultural land, and to the south by an existing dwellinghouse. A mature hedge runs along the western boundary of the site.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of two dwellinghouses within the site. These dwellings would have a joint access off the C97. No elevational details of the proposed dwellings have been provided at this outline stage. An indicative layout has however been submitted, and indicates two dwellings set back 10 metres from the public road. The plans also show a proposed boundary hedge along the northern and eastern boundaries of the site.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council has objected to the proposal on the following grounds:

(i) The proposed development is contrary to policies G5 (a) and (d) of the Ayrshire Joint Structure Plan (AJSP) and RES13 of the East Ayrshire Local Plan, Finalised Version with Modifications (EALP) as the applicant has not

demonstrated a site specific need, nor does the application provide for the operational needs of agriculture and forestry.

***Policy G5 of the AJSP 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 need; and***
- D. provides for the operational needs of agriculture and forestry.***

***The applicant has not provided any demonstrated site specific need for the proposed dwellings, nor would the dwellings provide for the operational needs of agriculture or forestry. The proposed development would therefore be contrary to Policy G5 of the AJSP.***

***It is also acknowledged that the proposed development is contrary to the provisions of Policy RES13 of the EALP (See paragraph 6.4)***

- (ii) Local opinion seems to be against the proposal.

***No evidence with regard to local opposition has been submitted by the Community Council. However, one additional representation is detailed in Section 4 below.***

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

***Noted.***

3.3 East Ayrshire Council, Roads and Transportation Division has no objections subject to conditions. Visibility sightline splay areas of 2.5 metres by 120 metres will require to be formed and maintained at the access, with no obstruction greater than 1 metre in height allowed within these areas. The applicant will require to re-locate the Skares village sign to an agreed location outwith the visibility splays at his expense. A two metre wide kerbed footway shall require to be formed along the frontage of the site and 2 parking spaces will require to be provided within the site. Conditions regarding the siting of garages and the surfacing of the driveway are also recommended.

***Conditions regarding the requirements of the Roads Division could be attached to any planning consent granted for the proposed development.***

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their satisfaction. In this regard all foul drainage should be connected to the public

sewerage system in accordance with Scottish Water's requirements. Surface water should be kept separate from foul drainage.

***Noted.***

3.5 Scottish Water advises that there are no known sewers to which a connection can 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. Contact should be made with this office to discuss how the proposed development would be best served with a public water supply.

***The applicant has advised that there is a public sewer to the east of the site, to which it is proposed to connect. In this respect Scottish Water has been re-consulted, however no response has been received at the time of writing. Notwithstanding this, should the application be approved, an appropriate suspensive condition could be included on any planning permission requiring that no works shall start on site until such time as the applicant can provide written confirmation from Scottish Water and the Scottish Environment Protection Agency that they are satisfied with the proposed drainage arrangements.***

#### **4. REPRESENTATIONS**

4.1 Two letters of objection have been received, including the letter from Ochiltree Community Council which is outlined in paragraph 3.1 above. The other letter is summarised as follows:

4.2 The development would have an adverse effect on the enjoyment of their own property. The buildings would be in close proximity to their clients garden and patio and would encroach on their privacy.

***Whilst the block plan submitted is indicative only, the nearest dwelling would be sited some 10 metres from the objectors boundary and 20 metres from their dwellinghouse. This is considered an acceptable distance to protect the privacy of existing residents. Furthermore, an existing fence along the southern boundary of the site would provide adequate screening between the site and the objectors house.***

4.3 The development is outwith the current boundaries of the settlement of Skares and should planning permission be granted this would open the door for further applications, and they feel this would have an adverse effect on the village as a whole.

***As indicated in Section 6 below, it is acknowledged that the site is located outwith the settlement boundary of Skares, as defined by the East Ayrshire Local Plan, Finalised Version with Modifications. It is also considered that if the application were***

***approved, an undesirable precedent would be set for further development along the C97.***

## **5. DEVELOPMENT PLAN STATUS**

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 Cumnock and Auchinleck Local Plan, (1992). 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 relevant residential policies. Dwellinghouse No.1 would be sited within the northernmost part of the site which is located outside the settlement boundary of Skares and is affected by Policy 17 which states that the Council will make a presumption in favour of single, small scale, especially high amenity residential development in the countryside except:

- (i) where there would be unreasonable infrastructure costs not carried by the developer;

***No objections from Scottish Water or the Council's Roads Division have been received.***

- (ii) on prime quality, non-prime quality but locally important agricultural land and good quality hill grazings;

***The site comprises overgrown land and is not used for agricultural purposes.***

- (ii) where a ribboning out of development from the built up areas would result.

***The erection of dwellinghouse No.1 would result in ribbon development along the C97 and would therefore be contrary to the above policy.***

- (iii) The southernmost half of the site (where dwellinghouse No.2 would be sited) is located within the settlement boundary of Skares and is affected by Policy 15 which states that the Council will pursue a policy aimed at retaining the character of existing residential areas.

***It is considered that the erection of one dwellinghouse within this area would not have an adverse affect on the character of the residential area and would therefore comply with Policy 15 of the Adopted Local Plan. Notwithstanding this, the application has to***

***be considered as a whole and cannot be refused or approved in part. In this respect, as part of the site lies outwith the settlement boundary and would result in unacceptable ribbon development, the development is considered to be contrary to the policy provisions of the Adopted Plan.***

## **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 (2001), consultation responses and letter of representation.

### 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. The site lies within the Rural Protection Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

- (iv) Strategic Development Policy SD3 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; or
  - (ii) can be fully justified in terms of site specific locational need; or
  - (iii) can be fully justified in terms of social and economic benefit to the community; or
  - (iv) contributes to rural land diversification; or
  - (v) provides for the operational needs of agriculture or forestry.

***The development does not contribute to rural diversification and the applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.***

- (v) Policy RES 13 states that the Council will be supportive of residential development of single houses in the countryside where it can be demonstrated that the houses are required on a permanent basis:-
- (vi) for an agricultural or forestry worker employed directly on the land to which the proposed house relates;

- (vii) 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;
- (viii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (ix) as an enabling development for the conversion of a large rural residential or institutional property.

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

***The applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.***

6.5 Policy RES17 states that residential development in the countryside will not be permitted:

- (x) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;

***The proposed development of two dwellinghouses along the C97, directly to the north of the settlement boundary of Skares would result in inappropriate ribbon development into the countryside and if approved, would set a precedent for further development along the C97.***

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

***See response (iv) above.***

### Consultation Responses

6.6 Ochiltree Community Council has objected to the application as no locational need has been provided and the proposed development is therefore contrary to the EALP. No other consultation responses would indicate refusal of the application.

### Representations

6.7 It is acknowledged that the proposal is contrary to policies contained within the AJSP and EALP. It is not however considered that the development of the site for two dwellinghouses would have an adverse effect on the amenity and privacy currently enjoyed by nearby residents.

## **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 and 5.3 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 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 Section 6 of the report, 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 and it is further considered that the material considerations support refusal of the application.

8.2 The proposal would result in development which would constitute an inappropriate extension of development into the countryside with no locational justification within the rural area and is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP.

8.3. In terms of the letters of objection, it is agreed that the proposal is contrary to policies contained within the AJSP and EALP. It is not, though, considered that the development of the site for two dwellinghouses would have an adverse effect on the amenity and privacy currently enjoyed by existing residents of Skares.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would require to be referred to the Development Services Committee as it would be a significant departure from the East Ayrshire Local Plan.

Alan Neish  
Head of Planning and Building Control

17 April 2002  
VE/VE  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of Representation.
5. Adopted Cumnock and Auchinleck Local Plan (1992)
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.

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

**Implementation Officer: Dave Morris**

Application no: 02/0129/FL

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Location	Whitehill Farm SKARES KA18 2RF
Nature of Proposal:	Proposed erection of two detached dwellinghouses and associated garages
Name and Address of Applicant:	Mr R Guthrie Whitehill Farm Skares KA18 2RF
Name and Address of Agent	Stairhill Architecture Services Stairhill MAUCLINE KA5 5HN

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DPO's Ref: [Vivien Emery ]  
PPO's Ref: [ ]

The above **FULL** application should be refused for the following reasons:-

1. The proposed development would constitute the erection of a new dwelling in the countryside without a site specific locational need and would therefore be contrary to Policies SD3 and RES13 of the East Ayrshire Local Plan, Finalised Version with Modifications.
2. The proposed development would constitute an inappropriate extension and ribboning out of development into the countryside from the existing settlement boundary of Skares and would therefore be contrary to Policy RES17(iv) and (vi) of the East Ayrshire Local Plan, Finalised Version with Modifications.
3. The proposed development would set an undesirable precedent for residential development along the C97 and within the Rural Protection Area.

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**AGENDA**