

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 MARCH 2003

**02/0914/FL: PROPOSED ERECTION OF NEW DWELLINGHOUSE,
ROUGH SIDE FARM, NEW CUMNOCK**

APPLICATION BY MRS MARY HAMILTON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of one dwellinghouse within the site. The proposed dwellinghouse is of single storey construction providing a total of three bedrooms, a lounge, kitchen, bathroom, dining room and a utility room.

1.2 The proposed dwellinghouse will be finished externally in a white dry dash render with red facing brick being used in the basecourse. It is proposed to use a slate substitute tile on the roof finish of the dwellinghouse. The design of the proposed dwellinghouse and use of finishing materials is consistent with its rural location.

1.3 The proposed dwellinghouse is required for an agricultural worker on Roughside Farm and a labour assessment report has been submitted in support of the planning application.

2. RECOMMENDATION

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

2. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development 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 Section 6 of the report, there are material considerations relevant to this application.

3.2 The policy provisions of the EALP supports residential development in the countryside for agricultural workers, but only on the basis of workers being employed on a full time basis. The Labour Assessment Report indicates that the farm unit provides for 2.5 labour units. Since there are currently two

houses on the farm, a third dwellinghouse would not normally be justified in terms of the EALP.

3.3 However, in this instance, the applicant's father is in ill health and will semi-retire from the running of the farm unit. Under these circumstances, the applicant's family will take a full time role in the farm. As the applicant's father will still occupy the existing chalet unit, there is no other accommodation within the farm steading and therefore a further residential unit would be necessary.

3.4 There are no adverse consultation responses and no third party representations have been received with respect to the development. Since the proposed development would represent only a minor departure from policy and given the personal circumstances of the applicant and her family, it is considered that an exception to policy be made in this case.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would be consistent with the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) 2002.

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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ROUGHSIDE FARM, NEW CUMNOCK

APPLICATION BY MRS MARY HAMILTON

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 represents a minor departure from policy and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies approximately 1 mile north-east of New Cumnock and lies off the north side of Mansfield Road some 800 metres along the minor unclassified road leading to Roughside Farm. The site lies 60 metres east of Roughside Farm and comprises the corner of a larger agricultural field that is separated from Roughside Farm by a small tree shelterbelt. The site extends to approximately 800 m² and is relatively flat, although the land to the rear rises significantly on the adjacent hillside.

2.2 **Proposed Development:** Full planning permission is sought for the erection of one dwellinghouse within the site. The proposed dwellinghouse is of single storey construction providing a total of three bedrooms, a lounge, kitchen, bathroom, dining room and a utility room.

2.3 The proposed dwellinghouse will be finished externally in a white dry dash render with red facing brick being used in the basecourse. It is proposed to use a slate substitute tile on the roof finish of the dwellinghouse. The design of the proposed dwellinghouse and use of finishing materials is consistent with its rural location.

2.4 The proposed dwellinghouse is required for an agricultural worker on Roughside Farm and a labour assessment report has been submitted in support of the planning application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 Scottish Power, the Coal Authority and National Air Traffic Services have no adverse comments to make on the proposed development.

Noted

3.3 East Ayrshire Council's Roads and Transportation Division states that it has no objection to the proposed development subject to the imposition of appropriate conditions. The access is off the public C47 Mansfield Road and serves a number of existing farms/ dwellings. A bin refuge hard standing should be constructed within the verge of the private access adjacent to the C47public road.

Conditions can be attached to any planning consent granted for the proposed development to meet the requirements of the Roads Division.

It is understood that there may be an identified, specific justifiable need for the proposed dwelling in planning terms. The Roads Division is prepared to accept this additional dwelling via the existing access road, as servicing of the house would not adversely affect the C47 Mansfield Road at its junction with the access. Refuse is currently lifted at the junction with the public road for the existing properties. This would bring the number of properties served by this access road to five and further development should be discouraged unless the road is upgraded to an adoptable standard.

Noted.

3.4 Scottish Water advises that separate application will have to be made for the provision of site water mains, if required and service connections. It is strongly recommended that a cold water storage system be provided having an actual capacity of 200 litres. There are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

A note can be attached to any consent granted for the development to advise early contact with Scottish Water regarding service provision. Siting of the septic tank can be addressed by condition.

3.5 The Scottish Environment Protection Agency has no objections to the proposed development provided that the drainage details are to its satisfaction.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA.

4. REPRESENTATIONS

4.1 None

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 New Cumnock Local Plan (1993). The Adopted Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against residential policies. Policy RES16 states that there will be a presumption in favour of single or small scale, especially high quality residential development in the countryside, except in certain stated circumstances.

The proposed development does not fall within the excepted circumstances and therefore it would be consistent with the provisions of Policy RES16.

5.3 Policy RES18 states that where a new house in the countryside is required for an agricultural worker, the dwelling should be located, if possible, within the farm steading adjacent to the existing farm buildings.

The application site lies in close proximity to the existing farm steading at Roughside, separated by a small tree shelterbelt. In this regard the proposal is consistent with the provisions of Policy RES18.

The proposed development is therefore consistent with the policy provisions of the adopted New Cumnock Local 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) (2002), the consultation replies and the planning history of the site.

East Ayrshire Local Plan, (Finalised Version with Modifications)

6.2 The Adopted Local Plan is considered to be 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) 2002, (EALP), should be considered as a prime material consideration. The site lies within the Rural Diversification Area, as defined by the EALP, and is affected by Residential policies.

6.3 Policy RES14 states that the Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13; or

Policy RES13 indicates, amongst other things, that 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 for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates.

The applicant has submitted a Labour Assessment Report in support of the proposed development presenting a specific locational need for the new dwellinghouse. The provision of a new dwellinghouse for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates would be consistent with Policy RES14 as indicated by Policy RES13.

The existing steading at Roughside provides for two residential units comprising the existing farmhouse and a timber chalet type dwelling. However, the Labour Assessment Report submitted indicates that the farm operations justifies only 2.5 labour units meaning that the proposed dwelling, being a third dwelling on the Roughside steading, is not required on a full time basis.

The applicant has provided further clarification of the family circumstances indicating that the applicant's father, who currently resides in the chalet building, is in ill health and wishes to semi-retire from the running of the farm. As a consequence, the applicant and her husband will be assuming the additional operational responsibilities of running the farm unit on a full time basis.

Given these personal circumstances, it is considered that an exception to the policy that requires dwellings to be justified on full time labour units be made in this case since all members of the family will be working on the farm.

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 16. Any development would require to be appropriate in terms of design, to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned.

This provision would not apply to the proposed development.

- (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 as detailed in Policy RES17.

The proposed development would not have a dual residential or workplace function.

6.4 Policy RES15 states that where a new residential unit in the countryside is acceptable in terms of Policies RES13 and RES14, the Council will require applicants in the first instance to utilise any existing buildings which are capable of residential use in preference to the construction of new build housing. In addition any new housing will be required to consolidate and compliment existing farm steadings.

There are no other buildings on the steading capable of conversion within the steading and the proposed dwellinghouse will be located adjacent to the existing steading buildings. It is considered that the proposed development is consistent with the provisions of Policy RES15.

It is considered that the proposed development would represent a minor departure from Policy RES13.

Consultation Replies

6.5 The consultation replies indicate that approval of the application would be appropriate.

Planning History

6.6 Full planning permission for the erection of a timber, chalet-type dwelling at Roughside Farm was approved on 01 May 1996 (Ref. No. CD/96/69/DPP).

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 in Section 5 of the report, the application is considered to be in accordance with the development 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 Section 6 of the report, there are material considerations relevant to this application.

8.2 The policy provisions of the EALP supports residential development in the countryside for agricultural workers, but only on the basis of workers being employed on a full time basis. The Labour Assessment Report indicates that the farm unit provides for 2.5 labour units. Since there are currently two houses on the farm, a third dwellinghouse would not normally be justified in terms of the EALP.

8.3 However, in this instance, the applicant's father is in ill health and will semi-retire from the running of the farm unit. Under these circumstances, the applicant's family will take a full time role in the farm. As the applicant's father will still occupy the existing chalet unit, there is no other accommodation within the farm steading and therefore a further residential unit would be necessary.

8.4 There are no adverse consultation responses and no third party representations have been received with respect to the development. Since the proposed development would represent only a minor departure from policy and given the personal circumstances of the applicant and her family, it is considered that an exception to policy be made in this case.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would be consistent with the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) 2002.

Alan Neish
Head of Planning and Building Control
27 February 2003
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation.
5. Adopted New Cumnock Local Plan (1993).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan (Finalised Version with Modifications) 2002.
8. Approved Strathclyde Structure Plan.
9. Previous application CD/96/69/DPP

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0914/FL

Site of Proposal:	Roughside Farm NEW CUMNOCK KA18 4NT
Nature of Proposal:	Proposed erection of new dwellinghouse
Name & Address of Applicant:	Mrs Mary Hamilton 27 West Park Avenue MAUCHLINE KA5 5EA
Name & Address of Agent:	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

DPOs Reference: Hugh Melvin

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 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.

3. Notwithstanding the submitted details, parking spaces for 2 cars shall be provided and maintained within the site. The spaces shall be provided prior to the occupation of the house and thereafter maintained within the plot.

REASON: In the interests of public road safety.

4. No surface water shall be allowed to issue from the site onto the public road.

REASON: To ensure the provision and maintenance of a secure road surface in the interests of road and public safety.

5. Notwithstanding the plans hereby approved the roof shall be covered in natural slates or a suitable slate substitute, to be agreed in writing with the Planning Authority prior to commencement of development.

REASON: In the interests of visual amenity and to maintain the visual quality of the area.

6. Notwithstanding the plans hereby approved, samples of the external wall finishes shall be submitted to, and approved by the Planning Authority, prior to the commencement of development.

REASON: In the interests of visual amenity.

7. The mullions of the proposed dwellinghouse shall be formed on the same plane and in the same material as the external surface of the wall.

REASON: In the interests of visual amenity.

8. No development shall take place on site until the developer has demonstrated a viable means of effluent disposal to the Scottish Environment Protection Agency's satisfaction. Confirmation of the Scottish Environment Protection Agency's agreement to the means of effluent disposal shall be submitted to and approved by the Planning Authority prior to commencement of any development on site.

REASON: In the interests of public safety.

9. Prior to the occupation of the proposed dwellinghouse, a bin refuge hard standing shall be constructed within the verge of the private access adjacent to the C47 public road.

REASON: In the interests of public safety.

➤ **NOTES TO APPLICANT**

1. The applicant is advised to contact Scottish Water, 35 Glenburn Road, Prestwick, with regard to water supply and drainage issues.

2. The applicant is advised to contact SEPA, 31 Miller Road, Ayr, with regard to the drainage of the site.

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