

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 10 MAY 2002**

### **02/0052/OL: PROPOSED ERECTION OF DWELLINGHOUSE AT LANDS OF BLACKDYKE, MAUCHLINE APPLICATION BY OAKDEAN WOODLANDS**

#### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicant has indicated that the dwelling is to be associated with the management and maintenance of the lands of Blackdyke mixed woodland.

#### **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 in Section 5 of the report, the application is considered to accord with the terms of the Adopted Local Plan but is considered to be contrary to the terms 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 in Section 6 of the report, there are other material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine and Sorn 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. In this regard, the proposal does not accord with the provisions of the EALP as it is considered to be contrary to Policies RES 13 and RES 17.

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

3.4 The applicant has submitted a justification for the erection of the dwellinghouse in that it is required to accommodate the landowner for the maintenance and supervision of the recently planted mixed woodland at Blackdyke. However, upon scrutiny of the proposal, the justification has been

found to be inadequate, and the applicant has not provided any further information to support this justification.

### **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 will require to be referred to the Development Services Committee for determination as such a decision would be contrary to the provisions of the Ayrshire Joint Structure Plan and Policies RES 13 and RES 17 of the East Ayrshire Local Plan Finalised Version with Modifications.

**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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SOUTHERN LOCAL PLANNING COMMITTEE: 10 MAY 2002

02/0052/OL: PROPOSED ERECTION OF DWELLINGHOUSE AT LANDS  
OF BLACKDYKE, MAUCHLINE

APPLICATION BY OAKDEAN WOODLANDS

### Report by Head of Planning and Building Control

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the application is contrary to policy and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies some 3 kilometres north of Catrine on the C86 road, approximately 1 km west of the B7037 Sorn to Galston road. The C86 is a single width rural road with passing places. The site is generally level and forms part of the lands of Blackdyke, which is now a mixed woodland, part of which was planted in Spring 2001 under a Woodland Grant Scheme. The woodland comprises a narrow belt of trees adjacent to the south side of the C86 road. The tree belt is approximately 1 km in length and is not associated with any current commercial activity.

2.2 The application site lies off the C86 road, behind the tree belt and extends to 0.2 hectare in area.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicant has indicated that the dwelling is to be associated with the management and maintenance of the lands of Blackdyke mixed woodland.

#### 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, the standard and formation of the driveway and access to the site and the location of any garage to be erected within the site.

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

3.2 Scottish Water 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 blind 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 Sorn Community Council has not responded to the consultation letter.

***Noted.***

3.6 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.***

3.7 East Ayrshire Council Outdoor Services has not responded to the consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There are no representations.

## 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 Catrine and Sorn Local Plan (1984). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 The application site lies within the Rural Protection Area as defined in the Ayrshire Joint Structure Plan and the application therefore requires to be considered with regard to Policy G5 which states:-

*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 justification in support of the application within which it is contended that the proposed dwelling is required for the supervision and maintenance of the woodland. It is not considered however that the operations associated with the maintenance and supervision of this woodland could support a full-time worker who would require to be permanently resident on the site, given its relatively small size and the fact that it is not operated on a commercial basis. Although the applicant has been requested to provide a more detailed justification for the development, this has not been provided. Consequently, it is considered that the proposed development is contrary to Policy G5.***

5.3 Policy RES 11 of the Adopted Catrine and Sorn 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 Finalised Version with Modifications](#)

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) 2001 (EALP) should be considered as a prime material consideration. The application site lies within the Rural Protection Area as defined in the EALP. As such, Policy RES13 of that plan is of relevance and states:-

*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 5.3 of the report, a site specific locational need for a dwelling at this location has not been demonstrated to the satisfaction of the Planning Authority. It is therefore considered that the proposal is contrary to the provisions of Policy RES13 of the EALP.***

6.3 RES17 of the EALP precludes residential development in the countryside in a number of specific circumstances including where it would be unduly visually prominent and where it is not located as to consolidate an existing building or group of buildings.

***It is considered that the siting of the proposed dwelling would be unduly visually prominent where it is proposed to be located, adjacent to the public road. Furthermore, the proposed dwelling is not located within the vicinity of any existing buildings. It is therefore considered that the proposal is contrary to the provisions of Policy RES 17.***

#### Consultations

6.4 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 in Section 5 of the report, the application is considered to accord with the terms of the Adopted Local Plan but is considered to be contrary to the terms 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 in Section 6 of the report, there are other material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine and Sorn 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. In this regard, the proposal does not accord with the provisions of the EALP as it is considered to be contrary to Policies RES 13 and RES 17.

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

8.4 The applicant has submitted a justification for the erection of the dwellinghouse in that it is required to accommodate the landowner for the maintenance and supervision of the recently planted mixed woodland at Blackdyke. However, upon scrutiny of the proposal, the justification has been found to be inadequate, and the applicant has not provided any further information to support this justification.

## **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 will require to be referred to the Development Services Committee for determination as such a decision would be contrary to the provisions of the Ayrshire Joint Structure Plan and Policies RES 13 and RES 17 of the East Ayrshire Local Plan Finalised Version with Modifications.

Alan Neish  
Head of Planning and Building Control

25 April 2002  
DS/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation letters.
4. Adopted Catrine and Sorn 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**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0052/OL

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Location	Lands of Blackdyke Farm MAUCHLINE KA5 6HL
Nature of Proposal:	Proposed erection of single dwellinghouse
Name and Address of Applicant:	Oakdean Woodlands 22 Woodlands Avenue Newbridge DUMFRIES DG2 OLA
Name and Address of Agent	

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

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

1. The proposal is contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan as it represents the erection of a dwellinghouse within the Rural Protection Area without an adequate justification in terms of a site specific locational need.
2. The proposal is contrary to Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it represents the erection of a dwellinghouse within the Rural Protection Area without an adequate justification in terms of a site specific locational need.
3. The proposal is contrary to Policy RES 17 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it represents the erection of a dwellinghouse in the countryside which does not physically relate to, compliment or consolidate an existing farm steading, building or group of buildings.

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**AGENDA**