

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MAY 2003

**02/0869/OL: PROPOSED ERECTION OF DWELLINGHOUSE AND STABLES
FOR THE PURPOSE OF BREEDING HORSES AND PONIES AT FARDEN
FARM, NEW CUMNOCK**

APPLICATION BY MS. T. STIRLING

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse on the site and for the erection of stables for the purposes of breeding horses and ponies. No details have been provided at this stage regarding the proposed dwellinghouse or the proposed stables. It is the applicant's intention to set up a small business in breeding horses and ponies from the site and seeks to secure permission for a dwellinghouse in order to supervise the business in the interests of security and animal husbandry.

1.2 The applicant has provided supporting information indicating that it is her intention to establish a horse breeding business on the site. This would be accommodated within stables to be erected on the site in addition to the available grazing provided by the land in the ownership of her family. At present she has 4 mares and a yearling colt which will be used for breeding purposes. She also has a gelding that is used for show purposes. The applicant has indicated the level of supervision and animal husbandry that would be required in relation to the proposed business and while this would require a high level of supervision on site, this would not provide full time employment for the applicant and her main source of employment would be elsewhere.

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 indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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, however it is considered that these are not supportive of the application.

3.2 The establishment of a horse breeding business at this location could be acceptable in policy terms provided issues of access are resolved with the Roads Division. Alternative access arrangements could remove the Roads Division recommendation of refusal. However this would involve land outwith the control or ownership of the applicant.

3.3 It is further considered that approval of a dwellinghouse in association with the proposed business is premature pending the establishment of the horse breeding business and with activity at a level that would justify a house for a worker.

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 because approval would result in a significant departure from policy.

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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APPLICATION BY MS. T. STIRLING

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 proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the north-west side of the B741 New Cumnock to Dalmellington Road and comprises part of a larger agricultural field in pastoral use. The application site lies on the south-west corner of this field and extends to approximately 0.12 hectare in area. The application sites lies on gently sloping ground falling from road level n the B741 in a south-west to north-east direction.

2.2 The land at present is used for grazing the applicant's horses and ponies and the larger field of which the application site forms part is understood to be in the ownership of the applicant's parents. A small animal shelter is located within the larger field.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on the site and for the erection of stables for the purposes of breeding horses and ponies. No details have been provided at this stage regarding the proposed dwellinghouse or the proposed stables. It is the applicant's intention to set up a small business in breeding horses and ponies from the site and seeks to secure permission for a dwellinghouse in order to supervise the business in the interests of security and animal husbandry.

2.4 The applicant has provided supporting information indicating that it is her intention to establish a horse breeding business on the site. This would be

accommodated within stables to be erected on the site in addition to the available grazing provided by the land in the ownership of her family. At present she has 4 mares and a yearling colt which will be used for breeding purposes. She also has a gelding that is used for show purposes. The applicant has indicated the level of supervision and animal husbandry that would be required in relation to the proposed business and while this would require a high level of supervision on site, this would not provide full time employment for the applicant and her main source of employment would be elsewhere.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has recommended refusal of the application. There is an existing track access at this location onto the B741 road but it is steep, unsurfaced and has sub-standard visibilities onto the unrestricted B741 public road. The required visibilities would be 2.5 metres by 215 metres in each direction for traffic safety which may be achievable by the relocation of the access to the east of the site.

The applicant has no control over the land to the east that would satisfy the requirements of the Roads Division. It is noted that the proposed access is existing and serves Farden Farm itself. Although it is considered that the proposed development would not result in a significant increase in the use of the existing access, the interests of road safety have to take precedence.

3.2 West of Scotland Archaeology Service has no adverse comments to make on the proposed development.

Noted.

3.3 The Coal Authority, Transco and Power Systems have no adverse comments to make on the proposed development.

Noted.

3.4 Scottish Water has no comments to make other than to advise that any septic tank serving the property 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 proposed development to advise the applicant of the comments of Scottish Water.

3.5 The Scottish Environment Protection Agency states that it will be requesting that percolation tests are carried out to investigate the suitability of the

site for a soakaway system of drainage. If these tests fail, SEPA considers that an alternative method of treatment and disposal of the foul drainage is available. Hence there are no objections to the proposal provided that the applicant discusses the matter further with SEPA.

A note can be attached to any grant of planning consent to advise the applicant to make early contact with SEPA regarding the drainage of the site.

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 and the Adopted East Ayrshire Local Plan (2003).

East Ayrshire Local Plan

5.2 The site lies within the Rural Diversification Area and Policy RES14 would apply. This states that residential development in the countryside will be supported where the house is required on a permanent basis for categories of development detailed in Policy RES13. The relevant criterion within RES13 is (ii) - where a worker is employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on site is essential to the economic activity concerned.

It is accepted that a proposed horse breeding business may require a worker to live on site. However it is considered that the business element of any such proposal should be fully operational before any house is established on the site. The applicant has not provided any additional information to indicate that there is a clear business plan for the development of the proposed business. In this regard, the applicant has verbally indicated that the business, at least at the onset, would be ancillary to her main source of employment. In this respect there is a question over the level of activity that would justify a dwellinghouse for a worker on site.

It is considered that approval of a dwellinghouse in association with the proposed business is premature pending the establishment of a business activity at a level that would justify a house for a worker. In circumstances where the business requires to be established prior to the erection of a dwellinghouse, the temporary siting of a residential caravan at an appropriate location on the site may be an appropriate form of alternative accommodation while the business becomes established. It is considered that the application as it currently stands is contrary to Policy RES14.

5.3 Policy IND10 states that business development outside settlement boundaries will be acceptable where the proposal relates to sympathetic business developments related to appropriate rural activities.

The proposed stables to be used for the horse breeding business is considered to be an appropriate rural business development and is therefore consistent with Policy IND6.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses.

Consultation Responses

6.2 The consultation response from the Roads Division indicates that the application should be refused on road safety grounds.

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 indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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, however it is considered that these are not supportive of the application.

8.2 The establishment of a horse breeding business at this location could be acceptable in policy terms provided issues of access are resolved with the Roads Division. Alternative access arrangements could remove the Roads Division recommendation of refusal. However this would involve land outwith the control or ownership of the applicant.

8.3 It is further considered that approval of a dwellinghouse in association with the proposed business is premature pending the establishment of the horse breeding business and with activity at a level that would justify a house for a worker.

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 because approval would result in a significant departure from policy.

Alan Neish
Head of Planning and Building Control

14 May 2003
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application No: 02/0869/OL

Location	Farden Farm, New Cumnock
Nature of Proposal:	Proposed erection of dwellinghouse and stable for the purposes of breeding horses and ponies.
Name and Address of Applicant:	Ms. Terri Stirling Cascaya Knowe Top Burnfoot Road NEW CUMNOCK
Name and Address of Agent	

DPO's Ref:
PPO's Ref: Hugh Melvin

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

1. The proposed erection of a dwellinghouse is considered to be premature pending the establishment of a horse breeding business within the application site. In this regard it is considered that at present no specific, locational need has been established for the dwellinghouse and therefore the proposal is considered to be contrary to Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan (2003)
2. The access road to the proposed development site is sub-standard and required visibility sightlines of 2.5 metres by 215 metres cannot be achieved to the east of the application site. Approval of the application would therefore result in detriment to road safety at this location.

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