

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MAY 2003

**03/0123/OL: PROPOSED ERECTION OF NEW DWELLINGHOUSE FOR
AGRICULTURAL WORKER AT MILREOCH FARM, HOLLYBUSH**

APPLICATION BY DINWOODIE FARM MANAGEMENT

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought for a dwellinghouse on the farm unit of Milreoch Farm. The justification being cited is that the house is required by Dinwoodie Farm Management Ltd for the use of an essential farm worker as the farming strategy has recently changed from beef and dairy cows to sheep and the dwelling is required to house a full time shepherd.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason indicated 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 and while the consultations would not support refusal of the application, there are no material considerations that would justify a departure from the development plan.

3.2 This application has been made for a new dwellinghouse on land pertaining to a well established farm unit, Milreoch Farm and which is now managed by Dinwoodie Farm Management Ltd. The need case which has been put forward is that the farming strategy has changed from beef and dairy cows to sheep and therefore a full time shepherd is required to live at the unit. There is however an existing farmhouse sited at the farm buildings. Information on who occupied this house was sought and the response given was that the applicant has no legal title to the farmhouse. The agent advised that they "understood the

farmhouse to be let out on a long term basis to others by the owners". The applicant has a long term lease on the farmland previously associated with Milreoch Farmhouse. It is therefore evident that the farm unit has been leased separately from the farmhouse and that it is only now the lessee wishes to have permanent accommodation at the site.

3.3 It is not the case that the house is required for a second full time worker but rather that a full time worker is required to live at the site now that the farming strategy has changed. The applicant has not submitted an appropriate labour assessment report from a recognised body to demonstrate the need so there are no labour requirement figures to consider. In addition to this if the farm unit, irrespective of the precise type of operation, was of a scale which required someone to reside permanently at the unit then it must be questioned why the farmhouse has been let out as a separate entity from the land.

3.4 This application has been submitted with insufficient information to demonstrate a satisfactory need case. Further to this, attempts have been made to draw out the facts surrounding the lease of the house but this has not resulted in any additional relevant information which may contribute to the need case being put forward. In the absence of a demonstrable need case there is no justification for the proposed unit and hence it is contrary to the relevant development plan policies and is therefore not an application which can be supported at this time.

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 represent a significant departure from the development 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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APPLICATION BY DINWOODIE FARM MANAGEMENT

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 recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the east of the minor settlement of Hollybush in the Rural Protection Area and within a Sensitive Landscape Area. It is situated approximately 45 metres off the A713 road to Patna. Access to the site would be taken over a bridge which crosses an existing railway line and also serves the existing farmhouse of Milreoch. There is a single track leading to a dwelling known as The Cottage and the proposed site would be situated immediately north of this in what is presently a field used for agricultural purposes and pertaining to the unit known as Milreoch Farm. The site is bounded by an existing hedgerow.

2.2 **Proposed Development:** Outline planning permission is being sought for a dwellinghouse on the farm unit of Milreoch Farm. The justification being cited is that the house is required by Dinwoodie Farm Management Ltd for the use of an essential farm worker as the farming strategy has recently changed from beef and dairy cows to sheep and the dwelling is required to house a full time shepherd.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads & Transportation Division has no objection to the proposed development subject to conditions regarding the provision of a bin refuge hardstanding.

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

3.2 Scottish Water has advised that there are no known sewers to which a connection may be made and that the developer should contact them to discuss how the proposed development would be best served with a public water supply.

Noted. A note can be attached to any consent granted to advise the applicant to make early contact with Scottish Water.

3.3 The Scottish Environment Protection Agency has advised that it has no objection in principle to the proposal provided that the drainage arrangements are to its satisfaction.

Drainage is proposed as a septic tank to soakaway and the developer will be advised that SEPA's consent is required for a discharge to the watercourse if planning permission is granted.

3.4 Power Systems has no objection to the proposed development.

Noted.

3.5 Network Rail has no objection to the proposed development.

Noted.

3.6 Transco has requested that its information pack is passed onto the contractor on site.

Noted.

3.7 The Coal Authority has no objection to the proposed development and has no adverse comments to make.

Noted.

3.8 Dalrymple Community Council has not responded at the time of writing this report.

Noted.

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).

Ayrshire Joint Structure Plan

5.2 Policy E2 of the structure plan requires that in Sensitive Landscape Character Areas the protection and enhancement of the landscape shall be given prime consideration in the determination of development proposals.

It is considered that, if the principle of the proposed development is found to be acceptable, then the site is one which, if developed, would not be of any significant detriment to the landscape character. The proposal is therefore not contrary to this policy.

5.3 Policy G5 states that development proposals outwith settlements shall conform to the structure plan only where the development can be demonstrated to meet one of the criteria as set out in the terms of the policy.

The proposed development is based on the need for a full time shepherd. However, it is not considered that the information submitted sufficiently justifies the need and therefore it does not comply with this policy.

East Ayrshire Local Plan

5.4 Policy SD3 requires that any residential development proposed outwith the settlement boundaries will only be acceptable where it conforms to Policy RES13 of the plan.

The proposed development is not considered to have been adequately justified under the terms of Policy RES13 and therefore it does not comply with Policy SD3.

5.5 Policy RES13 states that the Council will be supportive of residential development in the Rural Protection Area where it can be demonstrated that the house is required on a permanent basis for one of the exclusions as set out in the terms of the policy.

The applicant has stated that the house is required for a full time worker based upon the change in the farm's strategy. However there is already a farmhouse pertaining to the farm unit and it has not been

demonstrated that a second permanent house is required and therefore the proposal does not comply with this policy.

5.6 Policy ENV11 states that any development which would create unacceptable visual intrusion or irreparable damage in a Sensitive Landscape Character Area will not be supported.

It is not considered that this proposal is visually unacceptable and therefore the proposal does not contravene the policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The consultation responses would not indicate that the application should be refused.

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 and while the consultations would not support refusal of the application, there are no material considerations that would justify a departure from the development plan.

8.2 This application has been made for a new dwellinghouse on land pertaining to a well established farm unit, Milreoch Farm and which is now managed by Dinwoodie Farm Management Ltd. The need case which has been put forward is that the farming strategy has changed from beef and dairy cows to sheep and therefore a full time shepherd is required to live at the unit. There is however an existing farmhouse sited at the farm buildings. Information on who occupied this house was sought and the response given was that the applicant

has no legal title to the farmhouse. The agent advised that they “understood the farmhouse to be let out on a long term basis to others by the owners”. The applicant has a long term lease on the farmland previously associated with Milreoch Farmhouse. It is therefore evident that the farm unit has been leased separately from the farmhouse and that it is only now the lessee wishes to have permanent accommodation at the site.

8.3 It is not the case that the house is required for a second full time worker but rather that a full time worker is required to live at the site now that the farming strategy has changed. The applicant has not submitted an appropriate labour assessment report from a recognised body to demonstrate the need so there are no labour requirement figures to consider. In addition to this if the farm unit, irrespective of the precise type of operation, was of a scale which required someone to reside permanently at the unit then it must be questioned why the farmhouse has been let out as a separate entity from the land.

8.4 This application has been submitted with insufficient information to demonstrate a satisfactory need case. Further to this, attempts have been made to draw out the facts surrounding the lease of the house but this has not resulted in any additional relevant information which may contribute to the need case being put forward. In the absence of a demonstrable need case there is no justification for the proposed unit and hence it is contrary to the relevant development plan policies and is therefore not an application which can be supported at this time.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reason indicated 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 represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

09 May 2003
NM/NM
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 Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0123/OL

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|--------------------------------|---|
| Location | Milreoch Farm HOLLYBUSH KA6 6HA |
| Nature of Proposal: | Proposed erection of new dwellinghouse for agricultural worker |
| Name and Address of Applicant: | Dinwoodie Farm Management Ltd Dinwoodie House Annexe HOLLYBUSH KA6 6EY |
| Name and Address of Agent | Carricks Chartered Architects 7 Alloway Place AYR KA7 2AE |

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

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

1. The proposed development is for a new dwellinghouse in the countryside for which a need case has been not been sufficiently demonstrated. Consequently the proposed development is contrary to Policy G5 of the Ayrshire Joint Structure Plan and Policies SD3 and RES13 of the East Ayrshire Local Plan. The provisions of these policies require that new residential development in the countryside is justified in terms of being necessary to the economic operation of a rural enterprise.

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