

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE – 3 NOVEMBER 2000**

**00/0648/FL: REMOVAL OF CONDITIONS 1 AND 2 OF PLANNING  
CONSENT CD/93/0069/DPP TO ALLOW PERMANENT USE OF EXISTING  
HOUSE AS HOLIDAY CHALET AT FARDEN FARMHOUSE, HOLLYBUSH**

**APPLICATION BY MR S KEKEWICH**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Planning permission is sought for the removal of conditions 1 and 2 of planning consent CD/93/0069/DPP to allow the permanent use of existing house as holiday chalet.

1.2 Planning consent CD/93/0069/DPP was a temporary consent for the erection of chalet type building at Farden Farmhouse, Farden Access Road, Hollybush. This consent was approved by the former Cumnock and Doon Valley District Council on 16<sup>th</sup> June 1993. The application was contrary to policy but was granted a temporary consent given the personal circumstances involved (the applicants mother was severely disabled and was dependant on others for care). The applicants mother has since passed away. It is now proposed to remove Condition 1 and 2 of this consent and use the existing house as a holiday chalet. Conditions 1 and 2 of consent CD/93/0069/DPP state:-

Condition 1 – That the development hereby permitted shall enure for the benefit of Mrs Anne Kekewich only and be for a limited period only, to expire when the dwellinghouse is no longer required for Mrs Kekewich's personal use;

Condition 2 - That on the expiration of the consent the building and associated works shall be removed and the site returned to the condition which prevailed prior to works taking place.

1.2 The building is a single storey wooden chalet with tiled roof and is approximately 12 metres in length and 6 metres wide.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved on the grounds listed on the attached sheet.**

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### **3. SUMMARY OF ANALYSIS**

3.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development, which will provide tourist accommodation, complies with the Policies contained therein.

3.2 With regard to the objections, concerns regarding road safety have not been echoed by the Roads Division. Furthermore, it is considered that the use of the chalet for holiday accommodation would not conflict with the surrounding rural land uses. As the proposal relates to a chalet type building for tourist accommodation, and not a permanent dwelling, it is determined against Tourism, Leisure and Recreation policies contained within the Local Plan, and not Residential policies.

3.3 The chalet, which is screened from the nearest public road (A713) by an afforested area and is sited adjacent to existing buildings, is not detrimental to the character of amenity of the rural area in which it is located.

**Alan Neish**  
**Head of Planning & 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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HOUSE AS HOLIDAY CHALET AT FARDEN FARMHOUSE, HOLLYBUSH**

**APPLICATION BY MR S KEKEWICH**

**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 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 The site is located at Farden Farm, Hollybush and lies on the south side of the minor private road leading from the A713 to Dinwoodie Farm, one mile north east of Hollybush. The application site extends to 0.07 hectares and comprises an existing timber chalet and its curtilage at this location. The site is bound to the south by Farden Farmhouse, to the west by the farm access road and agricultural buildings, to the north by the farm access road and Dinwoodie Lodge and to the east by agricultural land.

2.2 **Proposed Development:** Planning permission is sought for the removal of conditions 1 and 2 of planning consent CD/93/0069/DPP to allow the permanent use of existing house as holiday chalet.

2.3 Planning consent CD/93/0069/DPP was a temporary consent for the erection of chalet type building at Farden Farmhouse, Farden Access Road, Hollybush. This consent was approved by the former Cumnock and Doon Valley District Council on 16<sup>th</sup> June 1993. The application was contrary to policy but was granted a temporary consent given the personal circumstances involved (the applicants mother was severely disabled and was dependant on others for care). The applicants mother has since passed away. It is now proposed to remove Condition 1 and 2 of this consent and use the existing house as a holiday chalet. Conditions 1 and 2 of consent CD/93/0069/DPP state:-

Condition 1 – That the development hereby permitted shall enure for the benefit of Mrs Anne Kekewich only and be for a limited period only,

to expire when the dwellinghouse is no longer required for Mrs Kekewich's personal use;

Condition 2 - That on the expiration of the consent the building and associated works shall be removed and the site returned to the condition which prevailed prior to works taking place.

2.4 The building is a single storey wooden chalet with tiled roof and is approximately 12 metres in length and 6 metres wide.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Dalrymple Community Council has not responded to the consultation letter.

***Noted.***

3.2 The Scottish Environment Protection Agency have no objections to the proposed development as it does not entail any increase in foul drainage from the site.

***Noted.***

3.3 East Ayrshire Roads and Transportation Division have advised that they have no objection to the proposed development. The chalet has been sited at this location for over seven years and has caused no traffic problems.

***Noted.***

### **4. REPRESENTATIONS**

Two letters of objection have been received with regard to the proposal.

4.1 The property in question is situated in the middle of a working farm directly opposite their busy shed and a stack of over 90 winter silage bales. There is concern that strangers with no connection to the farm will be able to wander into this area which may raise legal liability as well as health and safety issues, that they will be responsible for.

***Noted.***

4.2 It is strange that this property is being considered for holiday accommodation in view of its location in the middle of their farm and the state of the neighbouring property in which Mr Kewewich lives. There has also been a recent infestation of rats, which Environmental Health are monitoring.

***Environmental Health have advised that they received a complaint some months ago regarding rats at Farden Farmhouse and the general untidyness of the area. The applicant was advised to lay***

***bait for the rats, was shown how to do so, and was requested to clear away any rubbish within his curtilage. No further complaints were received and Environmental Health have had no further involvement at this site. The chalet itself and its curtilage are in a neat and tidy condition and it is not considered that the chalet itself contributed to the presence of rats at this location.***

4.3 The former Cumnock and Doon Valley District Council advised them in writing in 1993 of the local plan policy context prevailing at the time of the 1993 consent. Reference was made to the specific personal circumstance of Mrs Kekewich, which were supported by a medical statement, recognising which the Council considered it appropriate to grant a temporary consent.

***Noted.***

4.4 Policy RES13 of the East Ayrshire Local Plan, Finalised Version states 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 an agricultural worker etc. Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. The site lies within the Rural Protection Area and none of the circumstances narrated in the policy which might allow an exception to policy exists in the present case. It would therefore not be anticipated that the Council would support the application.

***Policy RES13 of the East Ayrshire Local Plan, Finalised Version applies to permanent dwellings within the countryside and not to tourist related accommodation. Policy RES13 is not therefore a relevant policy which this proposal should be determined against. An appropriate condition can be attached to any planning consent limiting the use of the chalet as holiday accommodation only.***

4.5 Dinwoodie Lodge, which is adjacent to the proposed site is subject to condition restricting occupancy to persons engaged in agriculture and is occupied by their client's son who manages the farm on their behalf.

***Planning permission for the erection of a dwellinghouse at Farden Farm was approved on 3<sup>rd</sup> February 1992. This was approved subject to an occupancy condition which stated that the occupation of the dwellinghouse be limited to a person in full employment in agriculture on Farden Farm. This application related to the construction of a permanent dwelling within the countryside.***

4.6 The proposal does not fulfil the criteria of Local Plan Policy TLR8 as the property is situated within a working farm, adjacent to silage storage. It would not provide a suitable environment for visitors to the area to spend a holiday and its contribution to the fulfilment of the Council's Tourism, Leisure and Recreation Development Strategy is likely to be extremely limited. Such

use is not compatible with the operation of a working farm which is not in any way geared up to provide facilities for visitors.

***Whilst it is noted that the chalet is sited across the road from agricultural buildings it is not considered that this would have a detrimental impact on the use of the chalet for holiday accommodation, nor have an adverse effect on the adjacent farm. The chalet is sited within a rural environment where agricultural activities are commonplace and where it is considered that both uses can be compatible.***

4.7 Photographs have been submitted to demonstrate the close proximity of the chalet building with the storage area for silage bales and in general terms to demonstrate the unsuitability of this building as holiday accommodation in the midst of a working farm, with attendant tractor movements and other activities which would be likely to pose danger, particularly to visiting children not accustomed to such environment.

***See Section 4.6***

4.8 The entrance to Farden chalet is in extremely close proximity to their driveway and the increase in traffic as well as possibly a large number of strangers may pose a hazard for their child and animals.

***The Roads Division have no objection to the proposed development.***

4.9 The roadway leading to the chalet from the main road (A713) is a very narrow single-track road with only a few passing places. The junction leading to the A713 is extremely hazardous with limited vision, no signage and a narrow entrance. The increase in traffic at the road end will be very dangerous not only for traffic on the main road but to traffic coming to and from Dinwoodie.

***The Roads Division have no objection to the proposed development.***

4.10 Access is by way of a private farm road which is not suitable for the additional levels of traffic which might be generated by the letting of the property as a holiday cottage. In particular, there are inadequate sight lines at the junction of the farm road with the A713 which carries heavy vehicles of traffic, with consequent road safety implications. There is no signage on the main road indicating the junction with the farm road.

***The Roads Division have no objection to the proposed development.***

4.11 Photographs submitted show the junction of the farm road with the A713 which is situated on the crest of a hill and on a bend, almost directly opposite the entrance to garage premises and only a short distance from the entrance to the Hollybush Inn. The location of the access and its proximity to these other accesses would give rise to a serious possibility of accidents, particularly in the case of visitors unfamiliar with the area.

***The Roads Division have no objection to the proposed development.***

## **5. DEVELOPMENT PLAN STATUS**

5.1 The relevant policy document is the East Ayrshire Local Plan Finalised Version. The application site lies within the Rural Protection Area. The site is affected by Tourism, Leisure and Recreation Policies.

5.2 Tourism, Leisure and Recreation Policy TLR8 states that there will be a presumption in favour of tourist related development including tourist and visitor accommodation and camping and caravan sites. Wherever possible, encouragement will be given to the use of existing buildings in preference to the construction of new build facilities. Proposals will require to meet all of the following criteria:-

(i) the proposed use and any associated structures is not visually or environmentally intrusive, is of a nature and scale compatible with surrounding land uses and is not detrimental to the character and amenity of the area within which it is proposed.

***The chalet building is located adjacent to the existing farmhouse. It is not visually prominent as the site is some distance from the A713 (the nearest public road) and is screened from this road by afforested areas. The single storey timber structure is sited adjacent to existing buildings (both residential and agricultural) and is considered to be compatible with its surrounding rural land uses.***

(ii) there is no adverse impact on the natural environment and in particular on recognised natural or built heritage resources requiring conservation.

***The chalet is situated on agricultural land and has no adverse impact on the natural environment.***

(iii) the proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision.

***No objections have been received from the Roads Division or the Scottish Environment Protection Agency.***

***It is considered that the proposed development complies with the general provisions of the above policy.***

5.3 In terms of the Dalmellington/Patna/Dalrymple Local Plan the proposed development is affected by Policy 6.25E. This policy states that the District Council will encourage the provision of further tourist and hotel accommodation.

***The proposed use would be in accordance with the provisions of the above policy.***

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 As outlined in Section 2.3 temporary planning consent for the erection of a chalet type building at Farden Farmhouse, Farden Access Road, Hollybush was approved by the former Cumnock and Doon Valley District Council on 16<sup>th</sup> June 1993. This was a personal consent to Mrs Anne Kekewich who has since passed away. Following her death the Planning Division was advised that the another individual was occupying the chalet. This application was subsequently submitted as a result of correspondence to the applicant from the Planning Division's Enforcement Officer.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application. If the application is refused, legal implications may arise from any enforcement action that is initiated against the owner of the property.

## **8. CONCLUSIONS**

8.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development, which will provide tourist accommodation, complies with the Policies contained therein.

8.2 With regard to the objections, concerns regarding road safety have not been echoed by the Roads Division. Furthermore, it is considered that the use of the chalet for holiday accommodation would not conflict with the surrounding rural land uses. As the proposal relates to a chalet type building for tourist accommodation, and not a permanent dwelling, it is determined against Tourism, Leisure and Recreation policies contained within the Local Plan, and not Residential policies.

8.3 The chalet, which is screened from the nearest public road (A713) by an afforested area and is sited adjacent to existing buildings, is not detrimental to the character of amenity of the rural area in which it is located.

## **9. RECOMMENDATIONS**

**9.1 It is recommended that the application be approved on the grounds listed on the attached sheet.**

Alan Neish  
Head of Planning and Building Control  
25 October 2000  
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FVDVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Representations
5. East Ayrshire Local Plan Finalised Version.
6. Dalmmellington/Patna/Dalrymple Local Plan.
7. Planning Application No. CD/91/361 & CD/93/0069.

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

**Implementation Officer : Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0648/FL

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Location	Farden Lodge Hollybush
Nature of Proposal:	Removal of Conditions 1 & 2 of planning consent CD/93/0069/DPP to allow permanent use of existing house as holiday chalet
Name and Address of Applicant:	Mr S Kekewich Farden Farmhouse Hollybush AYR KA6 6EY
Name and Address of Agent	Robert Welsh & Co 21 Wellington Square AYR KA7 1EZ

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DPO's Ref: [ VIVIEN EMERY ]  
PPO's Ref; [ ]

The above **FULL** application should be granted subject to the following conditions:

- (1) The chalet hereby approved shall be occupied as holiday accommodation only and shall not be occupied as the sole or main residence of the occupant.

REASON – To ensure the chalet is not used as a permanent dwelling.

- (2) The chalet hereby approved shall not be occupied between the months of November to February.

REASON – To ensure the chalet is not used as a permanent dwelling.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**

