

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 NOVEMBER 2003

**03/0831/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 she 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 while these are supportive of the application, they are not of sufficient weight to justify a departure from the development plan.

3.2 The establishment of a horse breeding business at this location is considered to be acceptable in policy terms. However, it is 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 full time worker. In terms of policy, it would be expected that the business element of the proposed development should be established for a period of time before justification for a dwellinghouse could be made.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 NOVEMBER 2003

**03/0831/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

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-east corner of this field and extends to approximately 0.1 hectare in area. The application sites lies on gently sloping ground falling from road level on 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 she 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 indicated that it has no objections to the proposed development subject to conditions. Prior to the commencement of development, visibility sightline splay areas of 2.5 metres by 215 metres will require to be formed and maintained at the access point, with no obstruction to visibility greater than 1 metre in height allowed within these areas. This would be achievable with access taken at the eastern end of the plot but may be over land outwith the developer's control. The applicant will require to form a 2.5 metres wide kerbed servicing lay-by with a 1 metre wide pedestrian refuge/verge across the frontage of the site. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads standards. Any roadside ditch/drain must be piped and protected beneath the proposed access. Any existing public utility apparatus located in the verge will require to be protected. An internal turning area must be formed within the site to allow vehicles to enter and leave in forward gear. Any access gates will require to open inwards away from the public road. The private driveway will require to be paved for a minimum distance of 5 metres from the edge of the public road to avoid overcarry of loose material onto the road and at a gradient not exceeding 5% over this length. Any garage must be set back a minimum distance of 6 metres from the rear of the pedestrian refuge. A minimum of 3 number off road parking spaces will require to be provided for the dwelling.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division. A Section 75 Agreement will be required in order that the requisite visibility splay areas can be secured as this would involve land outwith the direct control of the applicant.

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.

3.6 New Cumnock Community Council has indicated its objection to the proposed development on the grounds of ownership issues relating to the application site.

The Community Council has failed to specify its reason for objecting to the proposed development. The applicant has indicated that the application site is in the ownership of her parents. The question of ownership is not however a valid planning objection to this development and is not a material consideration in the determination of this application.

4. REPRESENTATIONS

4.1 Apart from the representations made by New Cumnock Community Council, no other third party representations have been received regarding the proposed development.

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 industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to one of five stated types of development. Two of these stated types of development are pertinent to the application, these being:-

- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need to be located within the Rural Diversification Area.

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 IND10.

Ayrshire Joint Structure Plan

5.4 Policy G6 states that development proposals outwith settlements in the Rural Diversification Area shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

C can be justified in terms of social and economic benefit to the community;

D contributes to rural land diversification: or

E provides for the operational needs of agriculture and forestry.

The proposal does not comprise a development which meets any of the above criteria. It is considered that, if a full agricultural justification for the development had been made, the proposal could have complied with points A and E of the policy. However, no such justification has been provided and the proposal is therefore considered to be contrary to the policy.

5.5 Policy E9 states that, in assessing the likely effects of development on the natural heritage value of sites which are not of national or international importance, the Council will have regard to the need to manage features of natural heritage which are of importance for habitats and species.

The Scottish Wildlife Trust has not raised any objections to the proposed development.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultation Responses

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

Planning History

6.3 A previous application (Ref. No. 02/0869/OL) for the erection of a dwellinghouse and stables for the purpose of breeding horses and ponies at Farden Farm was refused by the Southern Local Planning Committee at its meeting on 23 May 2003. The application site for this proposal lies some 50 metres south-west of the present application site.

The present application is in effect a resubmission of the previous application but on an amended location within the current land ownership of the applicant's parents. The previous application was refused on policy grounds and also road safety grounds. In refusing the application, the Southern Local Planning Committee in recognition of the particular requirements of the nature of the proposed activity, agreed to remit to the Head of Planning and Building Control to provide appropriate advice and information to the applicant to allow the opportunity to address the reasons for refusal.

Appropriate advice was subsequently given to the applicant although in policy terms the proposed development remains contrary to policy, as this would require the establishment of the stables and operation of the business for a period of two years prior to the construction of the proposed dwellinghouse.

However, the present application site has been relocated such that the previous reasons for refusal relative to road safety have now been adequately addressed, as confirmed by the consultation response from the Roads and Transportation Division.

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 while these are supportive of the application, they are not of sufficient weight to justify a departure from the development plan.

8.2 The establishment of a horse breeding business at this location is considered to be acceptable in policy terms. However, it is 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 full time worker. In terms of policy, it would be expected that the business element of the proposed development should be established for a period of time before justification for a dwellinghouse could be made.

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

30 October 2003
HM/HM/SMB
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).
6. Planning Application No. 03/0869/OL.

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

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0831/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 reason:-

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 Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan (2003).

**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.**