

## **EAST AYRSHIRE COUNCIL**

### **SOUTHERN LOCAL PLANNING : 05 OCTOBER 2001 01/0515/OL : PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT KERSE JUNCTION, POLNESSAN, PATNA**

#### **APPLICATION BY MR FRANCIS ROONEY**

#### **EXECUTIVE SUMMARY SHEET**

### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the development of the land for residential purposes. The applicant has indicated that the site may accommodate three single storey dwellinghouses, although, as the application is in outline, the applicant is not required to give further details at this stage.

### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons given on the attached sheets.**

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

3.1 As is indicated at Paragraphs 5.3 to 5.5 in the report, the application is considered to be contrary to the development 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 at Paragraphs 6.2 to 6.6 in the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple 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. As indicated at Paragraphs 6.3 and 6.4 in the report, the proposal is considered to be contrary to the policy provisions of the EALP.

3.3 Whilst previous applications for planning permission in respect of the site have been granted (although now lapsed), the Committee should note that the EALP is now a prime material consideration. Should the Committee be minded to approve this application, it would require to be referred to the Development Services Committee for consideration as this would represent a significant departure from policy.

3.4 No adverse consultation replies or representations have been received in respect of the application.

**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 : 05 OCTOBER 2001  
01/0515/OL : PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL  
PURPOSES AT KERSE JUNCTION, POLNESSAN, PATNA

APPLICATION BY MR FRANCIS ROONEY

### 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 application for planning permission 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 adjacent to the east side of the A713 Ayr to Patna road, some 200 metres north of Polnessan, near Patna. The site measures 0.3 hectare in area and is bounded to the west by the A713, and to the north and east by the B730 and its slip road. The application site comprises a triangular area of scrub land that slopes gently upwards from the A713 towards the B730. It is open in character and contributes to the general rural nature of the locality.

2.2 **Proposed Development:** Outline planning permission is sought for the development of the land for residential purposes. The applicant has indicated that the site may accommodate three single storey dwellinghouses, although, as the application is in outline, the applicant is not required to give further details at this stage.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposals, subject to conditions in respect of the maintenance of existing visibility splays at the junction of the A713 with the B730, the standard and construction of the access to the site and to each plot, and the provision of a service lay-by, parking and turning areas and a pedestrian refuge along the frontage of the site.

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

3.2 The West of Scotland Water Authority has no objection to the proposal subject to operational requirements being met.

***Conditions could be attached to any consent granted for the proposed development to meet the requirements of WOSWA.***

3.3 Scottish Environment Protection Agency has no objection to the proposal, provided drainage arrangements are to its satisfaction.

***Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.***

3.4 Scottish Power and British Gas Transco have no objection to the proposal, provided their apparatus is safeguarded during construction.

***Should the application be approved, appropriate notes in respect of the above can be attached to the planning permission.***

3.5 The Coal Authority has stated that the property lies within the likely zone of influence on the surface from the workings in 2 seams of coal, last worked in 1965. It adds, however, that ground movements should, by now, have ceased.

***Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.***

3.6 Patna Community Council has not responded to the consultation letter.

***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 Dalmellington/Patna/Dalrymple Local Plan (1989). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies within the Remoter Rural Area and within a Regional Scenic Area. The application therefore requires to be considered against Policy 6.7B of the Adopted Local Plan. Policy 6.7B states that:-

In the areas designated as Remoter Rural Areas, there shall be a presumption in favour of single or small scale residential development in the countryside except:-

- (i) where there would be unreasonable infrastructural costs not carried by the developer;
- (ii) in the areas of special scientific interest, listed wildlife sites and other resources of importance for nature conservation;
- (iii) where there would be an adverse impact on heritage resources requiring conservation.

***It is considered that the proposal complies with the provisions of Policy 6.7B.***

5.3 Policy 6.32A of the Adopted Local Plan is also of relevance. Policy 6.32A states:-

In the countryside there will be a presumption against any housing, industrial or other development which would have an adverse environmental impact or detrimental effect on the Regional Scenic Area.

***It is considered that the proposed development, which would be visually prominent when viewed from the A713, would be detrimental to the appearance and character of the Regional Scenic Area and to the open and rural nature of the locality. As such, it is considered that the application is contrary to the provisions of Policy 6.32A.***

5.4 Policy 6.32I is also of relevance. This policy provides that proposals for all development within the Regional Scenic Area will require to be justified in terms of economic benefit and site specific locational need.

***The applicant has not indicated that the development would result in any economic benefit for the wider community, nor has the applicant provided a justification in terms of a site specific locational need. It is therefore considered that the proposal is contrary to the provisions of Policy 6.32I.***

5.5 The application also requires to be considered with regard to Policy G5 of the Approved Ayrshire Joint Structure Plan. Policy G5 states that:-

“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:-

- (i) has a demonstrated site specific locational need;

- (ii) can be justified in terms of social and economic benefit to the community;
- (iii) contributes to the rural land diversification; or
- (iv) provides for the operational needs of agriculture and forestry”.

***As noted above, the applicant has not demonstrated a site specific locational need, nor are the proposed dwellinghouses required for the operational needs of agriculture or forestry. It has also been noted that the proposed development would not bring any social or economic benefit to the wider community. Furthermore, it is not considered that the development contributes to rural land diversification. It is therefore considered that the proposal fails to comply with the provisions of Policy G5 of the Approved Ayrshire Joint Structure Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, (EALP), and the planning history of the site.

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 EALP should be considered as a prime material consideration.

6.3 The application site lies within the Rural Protection Area and within a Sensitive Landscape Area as defined in the EALP. Policy SD3 is therefore relevant and states:-

“Within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or

***See response to 6.4 below.***

- (ii) can be fully justified in terms of the site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry”.

***The applicant has not demonstrated a site specific locational need for the proposed development and the proposed dwellinghouses are not required for the operational needs of agriculture or forestry. It has also been noted that the proposed development would not bring any social or economic benefit to the wider community. Furthermore, it is not considered that the development contributes to rural land diversification.***

***It is therefore considered that the proposal is contrary to the provisions of Policy SD3 of the EALP.***

6.4 Policy RES13 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 houses relates;

***The proposed development is not required to provide accommodation for full-time agriculture or forestry workers on the land to which the dwellinghouse would relate.***

- (ii) for a worker employed by a 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;

***The proposed development is not required for the stated purposes.***

- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

***The proposed development is not required for such an authorised purpose.***

- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

***The proposal is not an enabling development in respect of a larger scheme.***

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support”.

***It is therefore considered that the proposal does not comply with the provisions of Policy RES13 of the EALP.***

6.5 **Planning History:** The site has previously been the subject of a number of applications for planning permission. Of those, the two most recent are discussed below:-

(i) Outline planning permission (Ref. No. CD/91/375) for the erection of three dwellinghouses on the application site was granted, contrary to recommendation, on 9 April 1992.

***Whilst this application was granted as an exception to policy in 1992, the Committee should note, as stated above, that the East Ayrshire Local Plan (Finalised Version with Modifications) is considered as a prime material consideration and as also noted, the proposal is contrary to the policies contained therein.***

(ii) Full planning permission (Ref. No. CD/95/0065/FL) for the erection of 3 dwellinghouses on the application site, was granted on 26 May 1995.

***See response to 6.5 above. This detailed planning permission expired on 26 May 2000.***

## **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 at Paragraphs 5.3 to 5.5 above, the application is considered to be contrary to the development 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 at Paragraphs 6.2 to 6.6 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Dalmellington/Patna/Dalrymple 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. As indicated at Paragraphs 6.3 and 6.4 above, the proposal is considered to be contrary to the policy provisions of the EALP.

8.3 Whilst previous applications for planning permission in respect of the site have been granted (although now lapsed), the Committee should note that the EALP is now a prime material consideration. Should the Committee be minded to approve this application, it would require to be referred to the Development Services Committee for consideration as this would represent a significant departure from policy.

8.4 No adverse consultation replies or representations have been received in respect of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons given on the attached sheets.**

Alan Neish  
Head of Planning and Building Control

20 September 2001  
DS/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

- 1) Application form and plans.
- 2) Statutory notices and certificates.
- 3) Consultation replies.
- 4) East Ayrshire Local Plan (Finalised Version with Modifications).
- 5) Adopted Dalmellington/Patna/Dalrymple Local Plan.
- 6) Approved Ayrshire Joint Structure Plan.
- 7) Previous planning applications CD/91/0375 and CD/95/0065/FL.
- 8) 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**

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Location	Kerse Junction Polnessan, PATNA KA6 7EX
Nature of Proposal:	Proposed development of land for residential purposes
Name and Address of Applicant:	Mr Francis Rooney Ronayne, Burnfoot PATNA KA6 7JW
Name and Address of Agent	

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

The above **OUTLINE** application should be refused on the following grounds:-

- (1) The proposal is contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan as the development cannot be justified in terms of a site specific locational need, does not provide social or economic benefit to the community, does not contribute to rural land diversification and does not provide for the operational needs of agriculture or forestry.
- (2) The proposal is contrary to Policy 6.32A of the Adopted Dalmellington/Patna/Dalrymple Local Plan as the development, being visually prominent when viewed from the A713, would have a detrimental impact on the open and rural character and appearance of the Regional Scenic Area.
- (3) The proposal is contrary to Policy 6.32A of the Adopted Dalmellington/Patna/Dalrymple Local Plan as it cannot be justified either in terms of economic benefit for the wider community or as having a site specific locational need.
- (4) The proposal is contrary to Policy SD3 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it cannot be justified in terms of a site specific locational need, social or economic benefit to the community, rural land diversification, or as providing for the operational needs of agricultural or forestry.
- (5) The proposal is contrary to Policy RES13 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it cannot be justified in terms of agriculture or forestry, tourism or rural enterprise, in terms of relating to an authorised proposal which necessitates on-site staff accommodation or as an enabling development for a larger scheme.

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**AGENDA**