

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

**03/0666/FL: PROPOSED ERECTION OF CHICKEN RUN AT DUBBS
COTTAGE, 5 MAIN STREET, DALRYMPLE**

APPLICATION BY MS JENNIFER HOGG

EXECUTIVE SUMMARY SHEET

1.1 DEVELOPMENT DESCRIPTION

1.1 The application has been submitted on a retrospective basis for a structure to be used as a chicken run which has been erected in the rear garden and was brought to the attention of the Planning Division by a letter of complaint from the neighbouring property. The applicant has advised that the chickens are kept on a domestic basis only to provide eggs for consumption by the applicant's family.

1.2 The structure is formed with timber posts and wire mesh which extends over the roof; it is located some 17 metres from the house and has a floor area of 15.8 square metres.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is 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 approved 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 have been adequately addressed and do not carry sufficient weight to merit refusal of the application.

3.2 The development which has taken place and for which planning permission has been applied is a chicken run in the rear garden area of a private dwellinghouse. The applicant has confirmed that the chicken run is for domestic

purposes only and there is no intention to introduce a cockerel for breeding purposes. They have also stated that one of the main reasons for having hens is for their eggs for private consumption.

3.3 The structure has no impact on the character of the Conservation Area and it is not considered that the development is of significant detriment to the amenity of the area and therefore the recommendation is one of approval.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be 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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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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a traditional two storey (dormer) cottage along the main road through the settlement of Dalrymple and is located in the Conservation Area. It has an enclosed rear garden which stretches to some 65 metres in length where the rear boundary adjoins open agricultural land. A similar dwellinghouse is immediately south of the site and guest studios pertaining to the Kirkton Inn are adjacent to the north.

2.2 The rear garden is well enclosed with a mature hedge forming the boundary to the hotel property. There is a pedestrian gate in the hedge which provides access from the site to the car park at the rear of the hotel. The garden is mature with an abundance of various trees, shrubs and hedges.

2.3 **Proposed Development:** The application has been submitted on a retrospective basis for a structure to be used as a chicken run which has been erected in the rear garden and was brought to the attention of the Planning Division by a letter of complaint from the neighbouring property. The applicant has advised that the chickens are kept on a domestic basis only to provide eggs for consumption by the applicant's family.

2.4 The structure is formed with timber posts and wire mesh which extends over the roof; it is located some 17 metres from the house and has a floor area of 15.8 square metres.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Environmental Health & Waste Management Division has advised they have no objection to the development provided that no cockerel is introduced to the chicken run, the area is kept clean to prevent odours, feed is stored in pest proof lidded containers and waste is disposed of appropriately.

Noted. Appropriate conditions attached to any planning consent can secure these requirements.

3.2 Dalrymple Community Council had not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 The application has attracted one letter of representation. The concerns raised are summarised as follows:-

4.2 Due to the possibility of noise, especially as there is a large garden, why is the run near hotel bedrooms?

The run has been applied for as erected and is located immediately adjacent to the boundary on the opposite side of the garden from the hotel at a distance of 15metres from the hotel rooms. While it is inevitable that there will be some noise emanating from the chickens there are no cockerels which would indeed create extraneous noise to the detriment of the residential amenity in the area. The Environmental Health Division is not of the view that the noise is of a level likely to constitute a nuisance and at the time of the planning official's site visit this was not a notable concern. Thus, it is not considered that this is a material consideration which would carry sufficient weight to merit refusal of the application.

4.3 As there is a problem with rats in the area a hen run is an added rat attraction.

The introduction of chickens as domestic pets does certainly create an added potential for vermin such as rats. However, provided that the run is kept clean and waste disposed of appropriately as well as keeping the feed stored in suitable containers it is not considered that the chicken run will inevitably create or add to the existing problem of rats. At the time of the site visit there did not seem to be any issue of cleanliness or odour and there was no evidence of any

feed being left open. It is considered that with the imposition of a suitable condition this matter does not raise any material planning considerations which would indicate the application should be refused.

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 E20 states that development proposals considered to have an adverse effect on designated Conservation Areas shall not conform to the structure plan.

The development is not visible from the main street and is well screened and it is not considered to have a detrimental impact on the character of the Conservation Area in any respect, hence it complies with Policy E20.

East Ayrshire Local Plan

5.3 Policy ENV4 advises that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area concerned in terms of its layout, size, scale, design, siting, materials and colour of finish.

For the reasons stated above in Para 5.2 it is not considered that the proposed development has an adverse impact on the designated Conservation Area and it therefore complies with Policy ENV4.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The relevant technical consultees have no objections to the proposed development which would indicate that the development is unacceptable.

Representations

6.3 The letter of representation does raise valid concerns regarding pollution, both by noise and vermin. However, Environmental Health have not raised any concerns pertinent to this and it is therefore not considered that it is an issue which would be of significant weight in the determination of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications may arise for the Council in the event of the application being refused and there being a need to pursue enforcement action.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 approved 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 have been adequately addressed and do not carry sufficient weight to merit refusal of the application.

8.2 The development which has taken place and for which planning permission has been applied is a chicken run in the rear garden area of a private dwellinghouse. The applicant has confirmed that the chicken run is for domestic purposes only and there is no intention to introduce a cockerel for breeding purposes. They have also stated that one of the main reasons for having hens is for their eggs for private consumption.

8.3 The structure has no impact on the character of the Conservation Area and it is not considered that the development is of significant detriment to the amenity of the area and therefore the recommendation is one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

1 October 2003
NM/NM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. 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: 03/0666/FL

Location	Dubbs Cottage 5 Main Street DALRYMPLE KA6 6DF
Nature of Proposal:	Proposed erection of chicken run
Name and Address of Applicant:	Ms Jennifer Hogg Dubbs Cottage 5 Main Street DALRYMPLE KA6 6DF
Name and Address of Agent	As Above

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

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

1. The chicken run hereby approved shall be for a temporary period of five years only and shall be completely removed from the site and the ground reinstated to its former condition no later than one month from the date it is removed unless further prior approval is received from the Planning Authority in writing.

REASON – To enable the Planning Authority to review the condition of the structure after an appropriate period.

2. The chicken run hereby approved is for domestic use only and shall not be used for breeding or any other commercial use.

REASON – The site is not suitable for the breeding of or any other commercial use associated with the chicken run.

3. The applicant shall ensure that all feed stuffs and waste products are stored and disposed of appropriately to the satisfaction of the Planning Authority in consultation with Environmental Health.

REASON – In the interests of public health and safety.

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