

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

**03/0076/FL: PROPOSED ERECTION OF RESIDENTIAL DWELLINGHOUSE
TO FORM LIVING ACCOMMODATION FOR FISHERY MANAGER AT COYLE
WATER FISHERY, A70, COALHALL**

APPLICATION BY MRS P M STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for a two storey dwellinghouse to be erected on a hillside on land pertaining to the Coyle Water Fishery. The proposed unit is to provide living accommodation for a fishery manager in order that they may reside at the fishery for security and supervisory purposes.

1.2 The proposed unit is a very large two storey house which displays some traditional features but is more akin to a ranch style dwelling with a first floor balcony on the front elevation. The house incorporates two single storey wings, one of which is an integral double garage and a large conservatory protrudes from the other wing. Marley Marquess tiles are proposed as the roof finish with white dry dash render for the external wall finish and buff sandstone for stonework features. The accommodation comprises three public rooms, a kitchen, a large games room, conservatory and attached double garage at ground floor level. The first floor accommodation comprises four bedrooms, three of which have en-suite facilities.

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 other material considerations relevant to this application, however it is considered that these do

not carry as much weight in the determination of this application as the assessment against the development plan.

3.2 The site has an extant outline planning permission for the erection of a dwellinghouse to provide accommodation for a fishery manager to provide some security at Coyle Water Fishery. No details of the house itself were required or made available at that time. At the time of considering that application it was agreed that an acceptable justification in terms of the relevant development plan policy could be made for accommodation for a person employed full time as a manager of the fishery. However, the current application for full planning permission has been made subsequent to the management of the fishery changing hands so that it is now managed by the Sorn Angling Club albeit that it remains in the ownership of the same party. Hence there is no apparent link between the applicant and the actual management of the fishery. It is not the applicant who manages the fishery, rather in the current circumstances it is Sorn Angling Club. No statement to support the application has been made to demonstrate that there is still a need case.

3.3 The proposed unit is a large house which can reasonably be described as over generous for the purpose of providing accommodation for a fishery manager with a family. It would not be unreasonable in the current circumstances and given the scale of the house relative to the fishery enterprise to query who exactly is intended to occupy the dwelling.

3.4 In addition to the lack of a demonstrable need case the scale of the proposed unit on a hillside within a Sensitive Landscape Area is not acceptable for the reason that it would detrimentally affect the natural character of the topography which surrounds the fishery. If approved the ranch style unit would have a significant adverse affect on the landscape which is protected from such development and therefore it is not considered to be acceptable. The earlier extant consent being in outline, contained no indication of any intention to build a dwelling of such scale and indeed by condition required that any subsequent detailed proposals be consistent with the Council's Design Guidance for new houses in the countryside.

3.5 To conclude, albeit that there is an extant outline planning permission which could be translated into approval of reserved matters this does not provide a basis upon which a separate full planning permission should automatically be granted. If the reserved matters were to be submitted the issue of who the house is intended for would require to be revisited in the knowledge that the precise circumstances have changed since the outline permission was granted. In any case if this outline permission was to be implemented the occupancy condition would require that only a person whose full time employment is as the fishery manager could reside in the dwelling. Given that the Sorn Angling Club now operate the facility it is an unlikely scenario that the applicant could reside in the dwelling, either under the extant permission or if permission was granted under

the current application. In addition to the lack of a demonstrable need case, the current application is for full permission and the proposed design scheme is not of an appropriate scale or proportion to be considered acceptable on this site. Therefore the Division is unable to offer support to the proposed development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, and noting the absence of any credible need case the application will require to be referred to the Development Services Committee because it would 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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APPLICATION BY MRS P M STEVENSON

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 the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in a Sensitive Landscape Area in the Rural Protection Area just outside the hamlet of Coalhall. It lies on the south side of the A70 road to Ayr and is positioned on a south west facing slope overlooking the loch at Coyle Water Fishery. There is an existing access track which serves the fishery and this would provide vehicular access to the proposed dwelling.

2.2 Approximately 166 metres to the north east of the site is a recently completed dwelling which was granted planning permission (Ref : 01/0535/OL and 02/0332/RM) with an occupancy condition tied to the farm unit and animal feed business. Immediately to the west of the site is the access track which wraps around the back of the site to the farm unit, known as Shield Mains Farm, at the rear. There is a heavily treed embankment beyond this track to the west. The fishing pond itself was granted full planning permission in 1998 (Ref : 98/0007/FL) and is situated in a hollow immediately in front of and below the level of the site. Beyond it is a steep bank with dense tree cover which rises to meet the A70 public road.

2.3 The application had been prepared for consideration by the Committee at a meeting on 23 May 2003 however a letter was submitted from the applicant to request that it was withdrawn from the agenda as a revised design scheme was to be submitted. Subsequent to this no further correspondence from either the applicant or the agent has been received and it was therefore considered appropriate to have the application determined.

2.4 **Proposed Development:** Full permission is sought for a two storey dwellinghouse to be erected on a hillside on land pertaining to the Coyle Water Fishery. The proposed unit is to provide living accommodation for a fishery manager in order that they may reside at the fishery for security and supervisory purposes.

2.5 The proposed unit is a very large two storey house which displays some traditional features but is more akin to a ranch style dwelling with a first floor balcony on the front elevation. The house incorporates two single storey wings, one of which is an integral double garage and a large conservatory protrudes from the other wing. Marley Marquess tiles are proposed as the roof finish with white dry dash render for the external wall finish and buff sandstone for stonework features. The accommodation comprises three public rooms, a kitchen, a large games room, conservatory and attached double garage at ground floor level. The first floor accommodation comprises four bedrooms, three of which have en-suite facilities.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads & Transportation Division has no objection to the proposed development.

Noted.

3.2 Scottish Water has advised that there is a public water main located in the street adjacent which may be suitable but that there are no known sewers to which a connection may be made.

Noted.

3.3 The Scottish Environment Protection Agency has no objection to the proposed development subject to the septic tank discharging to a blind soakaway and surface water runoff being kept separate from foul drainage.

Noted.

3.4 The Coal Authority has advised that the property is in an area where coal is believed to exist at or close to the surface and may have been worked at some time in the past and therefore the developer should seek appropriate technical advice.

A note can be attached to any consent granted for the proposed development advising the applicant of the comments of the Coal Authority.

3.5 Power Systems has no objection to the proposed development.

Noted.

3.6 Drongan, Rankinston & Stair Community Council had 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.

The proposed site is on a hillside and the natural topography would not accommodate a large house without a significant amount of earthworks to create a plateau for the house to be constructed on. This is not considered to be acceptable in a Sensitive Landscape Area as a dwelling, particularly one of this scale, would adversely affect the visual quality of the natural topography and hence is 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 provision of accommodation for a fishery manager. The applicant has not submitted any information to demonstrate a satisfactory need case and therefore it does not conform to the structure plan.

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.

No statement of need has been submitted in support of this application. The use of the accommodation is stated on the application form but no other supporting information to demonstrate a need case has been submitted. Therefore the need has not been demonstrated; that the house is required for someone working full-time at the fishery; and the policy is not complied with.

5.6 Policy ENV7 requires that developers comply fully with the Council's Design Guidance.

As a new house in the countryside the proposed development should comply with Design Guidance 3 on New Residential Development in the Countryside. It is not considered that the proposal does comply with this and it is therefore contrary to the policy.

5.7 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.

The proposed development of a large two storey house on a hillside which is visible to the A70 is considered to have a significant adverse affect on the quality of the landscape and this is contrary to the policy which aims at protecting the Sensitive Landscape Area.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 None of the consultation responses raise any pertinent issues that would suggest refusal of the application is appropriate.

Planning History

6.3 The site has an extant outline planning permission (Ref : 01/0023/OI) for a dwellinghouse for the accommodation of a fishery manager. This permission was granted subject to a condition restricting the occupancy to such a person being employed to manage, maintain and supervise the Coyle Water Fishery. The current application has been made by the same person. In 1997 temporary permission was granted for the storage of sand/stone/gravel (Ref : 97/0452/FL). Prior to this full planning permission had been sought for the change of use of agricultural land to form a leisure recreational park but this application (Ref : 96/0468/FL) was withdrawn.

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 other material considerations relevant to this application, however it is considered that these do not carry as much weight in the determination of this application as the assessment against the development plan.

8.2 The site has an extant outline planning permission for the erection of a dwellinghouse to provide accommodation for a fishery manager to provide some security at Coyle Water Fishery. No details of the house itself were required or made available at that time. At the time of considering that application it was agreed that an acceptable justification in terms of the relevant development plan policy could be made for accommodation for a person employed full time as a manager of the fishery. However, the current application for full planning permission has been made subsequent to the management of the fishery changing hands so that it is now managed by the Sorn Angling Club albeit that it remains in the ownership of the same party. Hence there is no apparent link between the applicant and the actual management of the fishery. It is not the

applicant who manages the fishery, rather in the current circumstances it is Sorn Angling Club. No statement to support the application has been made to demonstrate that there is still a need case.

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8.5 To conclude, albeit that there is an extant outline planning permission which could be translated into approval of reserved matters this does not provide a basis upon which a separate full planning permission should automatically be granted. If the reserved matters were to be submitted the issue of who the house is intended for would require to be revisited in the knowledge that the precise circumstances have changed since the outline permission was granted. In any case if this outline permission was to be implemented the occupancy condition would require that only a person whose full time employment is as the fishery manager could reside in the dwelling. Given that the Sorn Angling Club now operate the facility it is an unlikely scenario that the applicant could reside in the dwelling, either under the extant permission or if permission was granted under the current application. In addition to the lack of a demonstrable need case, the current application is for full permission and the proposed design scheme is not of an appropriate scale or proportion to be considered acceptable on this site. Therefore the Division is unable to offer support to the proposed development.

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, and noting the absence of any credible need case the application will require to be referred to the Development Services Committee because it would 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. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous applications – 01/0032/FL, 96/0468/FL, 97/0452/FL.

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: 03/0076/FL

Location	Coyle Water Fishery A70 COALHALL KA6 6LZ
Nature of Proposal:	Proposed full permission for erection of residential dwellinghouse to form living accommodation for fishery manager
Name and Address of Applicant:	Mrs P M Stevenson Coyle Water Fishery A70 COALHALL KA6 6LZ
Name and Address of Agent	Mr Alan J Law 40 St Leonards Road AYR KA7 2PT

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

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

1. The proposed development is a new dwellinghouse in the countryside for which no need case has been sufficiently demonstrated. This is contrary to Policies G5; SD3 and RES13 of the Ayrshire Joint Structure Plan and East Ayrshire Local Plan respectively. 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.
2. If approved the proposed development would adversely affect the character of the Sensitive Landscape Area and this would breach the provisions of Policies E2 and ENV11 of the Joint Ayrshire Structure Plan and East Ayrshire Local Plan respectively. These policies aim at protecting the character of the areas designated for their special landscape qualities from development which would be visually detrimental.
3. The proposed design scheme is not considered to be appropriate to the location in terms of its scale and proportions and this is therefore not compliant with the advice as set out in the Council's Design Guidance 3 (New Residential Development in the Countryside). Hence this

breaches the provisions of Policy ENV7 of the East Ayrshire Local Plan which requires developers to comply with this guidance.

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