

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 08 SEPTEMBER 2000

**00/0471/OL: OUTLINE PLANNING PERMISSION FOR ERECTION OF
DWELLINGHOUSE AT GLAISNOCK BELT, OVER GLAISNOCK,
CUMNOCK**

APPLICATION BY MR R GILLILAND

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a single dwellinghouse on the site. No details of the design of the proposal have been submitted at this outline stage. The applicant has submitted a layout plan, outlining the proposed position of the house (to the north west of the site), and the proposed access.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no specific locational need has been proven by the applicant. Furthermore, the proposal would result in an unacceptable loss of trees which currently contribute to the character of the rural area. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the above Plan.

3.2 There are no consultee or other objections to the proposed development of a dwellinghouse. The proposed development if approved would set an unacceptable precedent for new housing within the Rural Diversification Area where there is no locational need.

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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DWELLINGHOUSE AT GLAISNOCK BELT, OVER GLAISNOCK,
CUMNOCK****APPLICATION BY MR R GILLILAND****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 The site lies on the west side of Benston Road, Cumnock and extends to 0.144 hectares in area. The site forms part of an existing shelter belt which consists of a number of mature and semi-mature trees and shrubs. The site is bounded to the north by Benston Road and agricultural land, to the east by two dwellinghouses, to the south by agricultural land and to the west by a wooded shelter belt.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a single dwellinghouse on the site. No details of the design of the proposal have been submitted at this outline stage. The applicant has submitted a layout plan, outlining the proposed position of the house (to the north west of the site), and the proposed access.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council has not responded to the consultation letter.

Noted.

3.2 British Gas Transco, Scottish Power and the Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Water advise that there are no known sewers to which a connection may be made. If a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker.

A condition could be attached to any planning consent with regard to the above.

3.4 East Ayrshire Roads and Transportation Division have deferred their decision pending the submission of satisfactory details of piping the watercourse below the proposed new access point. If this can be done then it is recommended that conditions regarding the access, surfacing, visibility splays and parking are attached to any planning consent.

As the proposed development is recommended for refusal, the applicant was not requested to submit such details due to the additional costs involved. If the Committee are minded to approve the application, it would require referral to the Development Services Committee, (see Paragraph 6.1); however the submission of satisfactory watercourse piping details could be the subject of a condition to be discharged prior to the commencement of development.

3.5 The Scottish Environment Protection Agency advise that they have no objections in principle to the proposed development provided the drainage arrangements are to their satisfaction. In this regard the proposed septic tank and soakaway must be designed and constructed to meet with the relevant code of practice. This will require the applicant to carry out percolation tests to assess the suitability of the soil for effluent disposal. However, should the soil prove unsuitable for effluent disposal there are no water courses in the area suitable to receive the effluent from the septic tank. It is therefore recommended that the applicant must demonstrate a viable means of effluent disposal before planning permission is granted. Their consent is required for discharges of sewage effluent to a watercourse.

As the proposed development is recommended for refusal, the applicant was not requested to carry out percolation tests due to the additional costs involved. If the Committee are minded to approve the application, referral to the Development Services Committee would be required; however a condition could be applied preventing any development prior to their being agreed satisfactory effluent disposal.

3.6 East Ayrshire Council Department of Community Services, Environmental Health advise that they have no objection in principle to the proposal. In view of the proximity of the two existing houses adjacent to the site, it is hoped that the drainage/outfall arrangements can be designed and installed to take due cognisance of the existing drainage systems serving the aforementioned houses in order to avoid any potential drainage nuisance problems arising from the various properties.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received with regard 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 Diversification Area, and is affected by strategic development and residential policies.

5.2 Strategic Development Policy SD4 states that within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES14 of the Local Plan;
- (ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the economy.

Policy RES14 is addressed below.

5.3 Policy RES14 states that the Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:-

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13.

There is no site specific locational justification for the development.

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 16.

The proposed site is located north westwards of two existing dwellings. Two dwellings is not considered to be a clearly defined "group" of houses within the meaning of this policy. The

proposed development would therefore be contrary to the provisions of the above policy.

(iii) Any development would require to be appropriate in terms of design, to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned.

Details of the design and finishes of the proposed dwelling have not been submitted at this outline stage. The proposed development, which would result in a row of three dwellinghouses, would not consolidate the existing dwellings and would represent a linear expansion.

5.4 Policy RES15 states that where a new residential development in the countryside is considered acceptable within the terms of Policies RES13 and RES14, the Council will require applicants in the first instance, to utilise areas of derelict or degraded land in preference to the development of greenfield land, and to consolidate and complement existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

It is proposed to site the dwellinghouse within an existing shelter belt. The proposed development would not therefore be consistent with the provisions of the above policy.

5.5 Policy RES16 states that residential development in the countryside will not be permitted:

(iii) where the development would result in the loss of land planted for forestry, areas of ancient or semi-natural woodland, mature shelter belts or in the loss of mature trees;

It is proposed to site the dwellinghouse within a mature shelter belt, and a large number of trees (both mature and semi-mature) would require to be felled. The proposal is therefore contrary to the provisions of the above policy.

(vi) where the development would constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

The proposed development would result in a row of three dwellings along the adjacent public road. It is considered that the proposal would be contrary to the above policy as it would constitute the ribboning of development along a public road in a

rural location and as such would be a precedent for further development at this location.

- (viii) where, in the opinion of the Council, the development would be unduly visually prominent, break the skyline when viewed from a public road, adversely affect the amenity and appearance or remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality and character of the area;

Due to the number of trees that would require to be felled within a dense shelter belt, it is considered that the natural landscape quality of the rural area would be adversely affected.

- (ix) where the development would not meet the service requirements of the Council as Roads Authority or the standards of all appropriate statutory undertakers and other service providers.

No objections have been received from the Roads Division or statutory undertakers.

5.6 Within the Cumnock-Auchinleck Local Plan, the proposed development is affected by Policy RES17 which presumes in favour of single small scale, especially high amenity residential development in the countryside. In terms of the Cumnock and Doon Valley District Wide Local Plan, the site lies within the Remoter Rural Area where there will be a general presumption in favour of single, small scale, especially high quality residential development.

Although the proposed development would be consistent with the Adopted Local Plan and the Finalised Cumnock and Doon Valley District Wide Local Plan, the Council has agreed for determination purposes that the greatest weight should now be attached to the policies of the East Ayrshire Local Plan Finalised Version; and that these policies should be the prime material consideration.

6. OTHER PLANNING CONSIDERATIONS

6.1 If the Committee are minded to approve this application, then it would require to be submitted for determination by the Development Services Committee under the scheme of delegation, as it constitutes a significant departure from the development plan.

6.2 Planning History : Outline planning permission for the two adjacent dwellinghouses (Plot 1 and Plot 2, Overglaisnock Belt) were approved by the former Cumnock and Doon Valley District Council in 1993. Full planning permission was subsequently approved in 1994 for Plot 1 and in 1995 for Plot 2; these consents in accordance with the policy base at that time.

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 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no specific locational need has been proven by the applicant. Furthermore, the proposal would result in an unacceptable loss of trees which currently contribute to the character of the rural area. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the above Plan.

8.2 There are no consultee or other objections to the proposed development of a dwellinghouse. The proposed development if approved would set an unacceptable precedent for new housing within the Rural Diversification Area where there is no locational need.

9. RECOMMENDATIONS

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

Alan Neish
Head of Planning and Building Control
30 August 2000
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan Finalised Version.

5. Mauchline-Drongan, Ochiltree Local Plan.

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

Implementation Officer Pamela Clifford

Location	Glaisnock Belt, Skares Road SKARES KA18 3RF
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	R & R Weir, Anchorfield Cumnock Road, MAUCHLINE KA5 5AW
Name and Address of Agent	Mr Robert Gilliland, Anchorfield Cumnock Road, MAUCHLINE KA5 5AW

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

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

- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside which:-
 - a) does not have a specific locational need;
 - b) is not an addition to a defined group of houses, and
 - c) does not form part of a group of houses with a dual residential and workplace function.

The proposal would therefore not be in accordance with Policies SD4 and RES14 of the East Ayrshire Local Plan Finalised Version.

- (2) The proposed development would result in the loss of mature trees and would therefore not be in accordance with Policy RES16 of the East Ayrshire Local Plan, Finalised Version.

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AGENDA

