

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE – 07 SEPTEMBER 2001**

**01/0421/FL: ERECTION OF ONE AND A HALF STOREY  
DWELLINGHOUSE AND CHANGE OF USE FROM AGRICULTURAL TO  
DOMESTIC USE AT BELLOW MILL, MUIRKIRK ROAD, LUGAR**

**APPLICATION BY MRS ROBERTSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a single dwellinghouse within the site. The proposed house would be set back 18 metres from the rear of the footway and would have a frontage to Muirkirk Road.

The dwellinghouse would be one and half storey in height and have a pitched roof clad in natural slate. The walls would be white roughcast with a smooth cement base. The dwellinghouse would have a small porch and two traditional dormers on the front elevation. It is proposed to install timber windows. Given the sloping nature of the site, it is proposed to undertake works to reduce the existing ground levels.

**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 As is indicated at paragraph 5.1 above, the application is considered to be generally in accordance with the development plan. Therefore, give the terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 The proposal would result in unacceptable sporadic development with no locational justification within the rural area and is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP.

3.3 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

**Alan Neish**  
**Head of Planning & 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 ROBERTSON**

### **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 proposed development is contrary to policy and is recommended for refusal.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site lies to the east of Lugar, on the north side of the A70 Muirkirk Road and extends to 0.33 hectares in area. The site comprises part of an agricultural field which is used for grazing purposes. The site is bound by this field to the east and west, by Braehead Plantation to the north and by the A70, Muirkirk Road to the south. The field slopes upwards from the A70 towards the trees to the north. The Lugar Water Listed Wildlife Site lies directly to the north of the site. Furthermore, the site is located within Lugar Conservation Area.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single dwellinghouse within the site. The proposed house would be set back 18 metres from the rear of the footway and would have a frontage to Muirkirk Road.

2.3 The dwellinghouse would be one and half storey in height and have a pitched roof clad in natural slate. The walls would be white roughcast with a smooth cement base. The dwellinghouse would have a small porch and two traditional dormers on the front elevation. It is proposed to install timber windows. Given the sloping nature of the site, it is proposed to undertake works to reduce the existing ground levels.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Lugar and Logan Community Council has not responded to the consultation letter.

***Noted.***

3.2 Scottish Power, West of Scotland Water and the Coal Authority have no adverse comments to make on the proposed development.

***Noted.***

3.4 East Ayrshire Council, Roads and Transportation Division has no objections to the proposed development subject to conditions. Visibility splays of 2.5 metres by 90 metres would require to be formed at the access, with no obstruction greater in height than 1 metre allowed within these areas. Furthermore, it is recommended that conditions are attached regarding parking provision, the siting of future garages and the surfacing of the access.

***The requirements of the Roads Division can be met by attaching conditions to any planning consent granted for the proposed development.***

3.5 The Architectural Heritage Society of Scotland has no objections to the proposal but would prefer the more contextual finish of smooth wet dash render. The windows should be of timber construction.

***Noted.***

3.6 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their satisfaction. In this regard the plans to connect the foul drainage to a septic tank will require to meet the requirements of the current code of practice. The applicant will have to carry out percolation tests to assess the suitability of the soil for effluent disposal. Should this soil prove unsuitable for a total soakaway then their consent will be required to discharge to a watercourse via an extensive partial soakaway.

***A note can be attached to any planning consent, advising the applicant to contact SEPA with regard to the above.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received with regard to the proposed development.

#### **5. DEVELOPMENT PLAN STATUS**

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 Cumnock and

Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 78 which states that there shall be a presumption against development in or having an adverse affect on sites of nature conservation, prime quality agricultural land, locally important albeit poorer grade agricultural land and heritage resources.

***The site falls adjacent to but not within the Lugar Water Listed Wildlife Site. Furthermore, the site is not located within an area of prime quality or locally important agricultural land. The proposed development is therefore consistent with the policy provisions of the Adopted Plan.***

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

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2001) and the Council's Design Guidance.

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 East Ayrshire Local Plan, (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. The site lies within the Rural Diversification Area, as defined by the EALP, and is affected by Strategic, Residential and Environment Policies.

6.3 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.

***The applicant has not provided any site specific locational justification for the development nor fully justified it in terms of social and economic benefit to the community. The proposal is therefore contrary to the provisions of this policy. Policy RES14 is addressed below.***

6.4 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. 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.

***The proposed dwellinghouse would be located within an agricultural field, where the nearest residential property lies 60 metres to the south. The proposed development does not therefore constitute an addition to an existing group of houses.***

- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES17.

***The proposed development would not have a dual residential or workplace function.***

***The proposed development does not meet any of the criteria outlined above and is therefore contrary to the provisions of Policy RES14.***

6.5 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:

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and

- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

In all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

***The site currently forms part of Bellow Mill Farm, which lies to the south of the site on the opposite side of the A70. There are areas of pasture land on either side of the farm, both of which are located within the settlement boundary of Lugar. It is considered that the development of either of these sites would be more acceptable and the applicant was advised of this during pre-application discussions. The proposed dwelling would constitute isolated development in an area where there is opportunity for development which would compliment an existing farm steading. The proposed development is not therefore consistent with the policy provisions of the EALP.***

6.6 Policy RES17 states that residential development in the countryside will not be permitted:

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

***The proposed siting of the dwellinghouse would result in sporadic development within a rural area. The proposal is therefore contrary to the provisions of the above policy. Furthermore the development, if approved, would set a precedent for similar development within the area.***

6.7 As the site is also located within Lugar Conservation Area, the proposal requires to be determined against Environmental Policies. Policy ENV4 states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***The dwellinghouse, in terms of design and finishes, is considered generally acceptable.***

6.8 The Councils Design Guidance for new built development in Conservation Areas states that the proposed building will require to reflect the character of adjoining buildings in terms of building line, height, massing, scale, choice of materials, colour, fenestration and solid/void proportions. When determining an appropriate building height for any new proposals, the

height of surrounding buildings and the impact of the proposal on the skyline must be taken into account. All materials used should be of a sympathetic and suitable colour and finish.

***Although the design of the dwellinghouse is generally acceptable it is considered that the windows of the front elevation are of modern appearance. The introduction of solid mullions between the windows would be appropriate within the rural conservation area.***

## **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 paragraph 5.1 above, the application is considered to be generally in accordance with the development plan. Therefore, give the terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 The proposal would result in unacceptable sporadic development with no locational justification within the rural area and is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP.

8.3 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

## **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

29 August 2001  
VE/VE/FGD

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Cumnock and Auchinleck Local Plan.
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
7. Approved Strathclyde Structure Plan

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

**Implementation Officer: Dave Morris**

Application no: 01/0421/FL

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Location	Bellow Mill Muirkirk Road Lugar KA18 3LN
Nature of Proposal:	Erection of one and half storey dwellinghouse and change of use from agricultural to domestic use
Name and Address of Applicant:	Mrs Robertson Netherbraco Farm Cottage Airdrie Road Caldercruix AIRDRIE ML6 8NY
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

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DPO's Ref: Vivien Emery ]  
PPO's Ref; [ ]

The above FULL 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 dwellinghouse would constitute isolated and inappropriate development and would not consolidate or compliment an existing farm steading or small groups of houses and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version with Modifications.

- (3) The proposed development would set an undesirable precedent for isolated residential development within the Rural Diversification Area.

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**AGENDA**