

**EAST AYRSHIRE COUNCIL**

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

**01/0518/FL: ERECTION OF DWELLINGHOUSE  
AT PLOT 2, MOTE TOLL, OCHILTREE**

**APPLICATION BY MR PATERSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a single dwellinghouse within the site. Although the submitted plans show the development of two houses on a larger site, the application is for the erection of a single dwellinghouse on the site identified as Plot 2. The applicant may consider submitting an application for a further dwellinghouse in the future on the site identified as Plot 1.

The proposed house would be set back six metres from the road and would have a frontage to the C123. The dwellinghouse would be single storey and have a pitched roof clad in reconstituted slate. The majority of the walls would have a white dry dash render, however part of the front elevation and the basecourse would be finished in red facing brick. Given the sloping nature of the site, it is likely that some underbuilding would be required. No site levels were submitted as part of the application.

**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, given 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, and in respect of the policy provisions of the EALP, it is considered that these are of sufficient weight to overcome the presumption in favour of the development plan.

3.2 The proposal would result in unacceptable isolated 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. Furthermore, the design of the proposed dwelling is not consistent with advice outlined in the Council Design Guidance for new residential development in the countryside.

3.3 In terms of the letter of objection, it is agreed that the proposal is contrary to policies contained within the Ayrshire Joint Structure Plan.

3.4 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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### 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, is subject to objection and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site lies approximately 1 kilometre west of Ochiltree at Mote Toll, some 45 metres north of the A70. The site extends to 0.08 hectares and comprises an area of overgrown land. The site is bounded to the south by an existing dwellinghouse (Mote Toll Cottage) and associated buildings and the A70, to the east by agricultural land, to the north by the C124 and agricultural land and to the west by the C123 and agricultural land.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single dwellinghouse within the site. Although the submitted plans show the development of two houses on a larger site, the application is for the erection of a single dwellinghouse on the site identified as Plot 2. The applicant may consider submitting an application for a further dwellinghouse in the future on the site identified as Plot 1.

2.3 The proposed house would be set back six metres from the road and would have a frontage to the C123. The dwellinghouse would be single storey and have a pitched roof clad in reconstituted slate. The majority of the walls would have a white dry dash render, however part of the front elevation and the basecourse would be finished in red facing brick. Given the sloping nature of the site, it is likely that some underbuilding would be required. No site levels were submitted as part of the application.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council has objected to the proposal on the following grounds:

- (i) The proposed development is contrary to policies ADS3 and ADS5 of the Ayrshire Joint Structure Plan (AJSP).

***The above policies state that new residential development should be located within settlements and that Councils should protect the countryside for its own sake.***

***It is acknowledged that the proposed site lies within the rural area, outside the settlement boundary of Ochiltree, and would be contrary to the above policies.***

- (ii) The proposed development would be contrary to policy E1 of the AJSP.

***Policy E1 of the AJSP states that the quality of Ayrshire's landscape and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness.***

***It is proposed to locate the dwelling within a brownfield site. It is not therefore considered that the proposed development would be contrary to the above policy.***

- (iii) The proposed development would be contrary to policy G1 of the AJSP.

***Policy G1 of the AJSP indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except:***

- (a) where it specifically accords with other policies in the structure plan;***
- (b) in locations identified in local plans for that specific development purpose; and***
- (c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.***

***The proposed development does not specifically accord with other policies in the structure plan. Furthermore, the site is not identified within the EALP for residential development purposes and does not meet appropriate development criteria outlined in the AJSP and the EALP. The proposed development is therefore contrary to the provisions of Policy G1.***

- (iv) The proposed development is contrary to Policy G6 of the AJSP.

***Policy G6 outlines criteria where development outwith settlements is considered acceptable. The proposal does not meet any of***

***these criteria and is therefore contrary to the provisions of Policy G6 of the AJSP.***

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

***Noted.***

3.3 East Ayrshire Council, Roads and Transportation Division recommends refusal of the application as submitted, however further roads comments will be made if amended plans are received. The access shown for the proposed dwellinghouse is too close to the junction of the C124 for safety. As the average traffic speed in this vicinity is 20 mph, due to the junctions with the C124 and A70, they would be prepared to accept a twinned access serving both the proposed plot, and any future development of Plot 1. The applicant should submit amended plans outlining the above. In order to service the plots, the applicant would be required to provide a kerbed lay-by for refuse/post/delivery vehicles, across the frontage of the site, in addition to the footway shown. Two car parking spaces would also require to be provided within the curtilage of the plot.

***As the application is being recommended for refusal, the applicant's agent was not requested to submit amended plans with regard to the above. A suitable access could however be provided to the south west of the plot. If the Committee is 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 the means of a suitable access being agreed.***

3.4 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 proposed septic tank should discharge to a soakaway arrangement with both tank and soakaway designed and constructed to meet with the requirements of the current code of practice. This will require the applicant to carry out percolation tests on site to assess the suitability of the soil for effluent disposal and area of soakaway required. However should the soil prove unsuitable for effluent disposal there are no watercourses in the area suitable to accept a discharge of sewage effluent. It is therefore recommended that planning permission be delayed until the applicant can demonstrate a viable means of effluent disposal. Surface water should be kept separate from the foul drainage. SEPA's 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 is 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 a satisfactory effluent disposal method being agreed for the site.***

3.5 West of Scotland Water Authority advises that there are no known sewers to which a connection can 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 development of the type and size proposed can be serviced from an existing public water main located in the road adjacent.

***A condition can be attached to any planning consent regarding the siting of the septic tank.***

#### **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 and the Adopted Mauchline/Drongan/Ochiltree Local Plan, (1993). 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 RES17 which states that there will be presumption in favour of single, small scale, especially high amenity, residential development in the countryside in areas designated as remoter rural areas.

***The application site falls within the Remoter Rural Area and the proposed development is consistent with the above policy.***

#### **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 Protection Area, as

defined by the EALP, and is affected by Strategic, Residential and Environment Policies.

6.3 Strategic Development Policy SD3 states that 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
- (ii) can be fully justified in terms of 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 development does not contribute to rural diversification and the applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.***

6.4 Policy RES 13 states that the Council will be supportive of residential development of single houses in the countryside where it can be demonstrated that the houses are required on a permanent basis:-

- (i) for an agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (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;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property.

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

***The applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.***

6.5 The Council has specific design guidance with regard to new residential in the countryside. Those parts of the guidance which are relevant to the proposal are summarised below:

- (a) Wall Materials: Applicants should use traditional wall finishes in the design of new houses in the rural area, these being sandstone, dressed or random stonework, painted wet dash harl or painted smooth cement render.

Dry dash renders may be acceptable depending on the type and colour proposed and the characteristics of the immediate area. The use of facing brick is not generally considered acceptable.

***The extent of facing brick proposed on the front elevation is not considered to be in keeping with the rural character of the area .***

(b) Roof Finishes: Roofs should be symmetrically pitched and gable ended with the roof pitch being no less than 35 degrees for single dwellings.

***The roof pitch of the proposed dwelling is only 30 degrees which is contrary to the advice given in the above guidance.***

(c) Windows: Window openings shall be traditional to the local area and have a vertical emphasis to their proportion and design. All windows should incorporate natural stone or smooth cement band surrounds and windows with glazing bars which replicate glazing proportions traditional to Ayrshire will be preferred to large single pane designs. Windows shall be of traditional style, timber framed, double hung sash and case type with astragals. PVCu will be acceptable only if the applicant can demonstrate to the satisfaction of the Council that they replicate traditional sash and case windows in terms of appearance and proportion.

***Not all of the proposed uPVC windows on the front elevation are of vertical emphasis and band surrounds are not shown. The windows proposed are therefore contrary to the above guidance.***

(d) General Building Form: The proportion and scale of building elements, such as the proportion of door and window area to the area of wall, the proportion of walls to roofs, and the arrangement of windows and doors shall be in keeping with those found on traditional dwellings located elsewhere within the area.

***The plans show the windows installed up to eaves level of the dwellinghouse. This is an element of modern construction and is not considered appropriate within the rural area.***

***Overall, the design of the house is not of a standard expected within the rural area. As the application is recommended for refusal the applicant was not requested to make amendments to the house design as this would result in additional costs being incurred.***

## **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, given 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, and in respect of the policy provisions of the EALP, it is considered that these are of sufficient weight to overcome the presumption in favour of the development plan.

8.2 The proposal would result in unacceptable isolated 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. Furthermore, the design of the proposed dwelling is not consistent with advice outlined in the Council Design Guidance for new residential development in the countryside.

8.3. In terms of the letter of objection, it is agreed that the proposal is contrary to policies contained within the Ayrshire Joint Structure Plan.

8.4 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. RECOMMENDATION**

**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/SMB/FGD

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Mauchline/Drongan/Ochiltree Local Plan (1993)
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: 01/0518/FL

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Location	Plot 2 Mote Toll Ochiltree
Nature of Proposal:	Erection of one dwellinghouse
Name and Address of Applicant:	Mr Charles Paterson Gallowlee Avenue OCHILTREE KA18 2PQ
Name and Address of Agent	Mr John Lind 99 Pathead NEW CUMNOCK KA18 4DQ

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

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

1. The proposed development would constitute the erection of a new dwelling in the countryside without a site specific locational need and would therefore be contrary to Policies SD3 and RES13 of the East Ayrshire Local Plan, Finalised Version with Modifications..
2. The proposed development would set an undesirable precedent for isolated residential development within the Rural Protection Area.
3. The proposed development would constitute the erection of a new dwelling which would not be appropriate, in terms of design, to the particular location in which it is proposed, and would therefore not be in accordance with the Council's Design Guidance.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**