

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 SEPTEMBER 2003**

**02/0888/FL: PROPOSED REHABILITATION OF REDUNDANT FARM  
STORE TO FORM DWELLINGHOUSE AT SITE ADJACENT TO  
DALRICKET, NEW CUMNOCK**

**APPLICATION BY MR & MRS YOUNG**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for rehabilitation of the existing farm store on the site to form a one and a half storey dwellinghouse. The applicant proposes the formation of a new roof with full gable ends and the incorporation of dormers on both the eastern and western elevations. The applicant also proposes to rebuild parts of the structure, heighten the existing wall heads by 850mm to facilitate accommodation within the roof space and extend the existing building. The applicant has not provided any details regarding the external finishes of the proposed dwellinghouse.

#### **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 material considerations relevant to this application. These considerations have been assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

3.2 Due to the scale and extent of rebuilding works required, the proposed development is tantamount to the erection of a new dwellinghouse in the countryside without agricultural justification, and is therefore contrary to development plan policy. The building is incapable of rehabilitation without major external alterations and reconstruction which would serve to damage the original

character of the original building. In this instance there are no circumstances to justify approval.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee because there would be a significant departure from Council policy as a result of approving a new house in the countryside.

**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 MR & MRS YOUNG

### 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 application site lies to the immediate west of the U720 public road, approximately 7 km to the south of Cumnock adjacent to the former Dalricket landfill site. The site comprises of a wooded area of land partially occupied by a disused former farm store. The former store is in a generally dilapidated state of repair and is of a random rubble construction.

2.2 **Proposed Development:** Full planning permission is sought for rehabilitation of the existing farm store on the site to form a one and a half storey dwellinghouse. The applicant proposes the formation of a new roof with full gable ends and the incorporation of dormers on both the eastern and western elevations. The applicant also proposes to rebuild parts of the structure, heighten the existing wall heads by 850mm to facilitate accommodation within the roof space and extend the existing building. The applicant has not provided any details regarding the external finishes of the proposed dwellinghouse.

#### 3. CONSULTATIONS AND ISSUES RAISED

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

***Noted.***

3.2 East Ayrshire Council's Environmental Health Division advises that the site is directly adjacent to the former Council landfill site at Dalricket Mill.

Although the landfill is no longer operational the site was used for the disposal of domestic and other miscellaneous wastes for many years and is still the subject of monitoring and remediation works. Although the primary responsibility for the condition of the landfill site lies with East Ayrshire Council, there is a general presumption against development (such as is proposed) in immediate proximity to such sites because of fears of the potential impact of such sites on other properties. The site is still in the process of natural bio-degradation and is producing gas, albeit within the confines of the site (so far as known). The Environmental Health Division would not be in favour of this development proposal at this point in time.

***Planning Advice Note 33 (Development of Contaminated Land) advises that where planning permission is granted for a site on which the presence of contamination is known or suspected, an advisory note may be attached to the planning permission informing the applicant that the responsibility for the safe development of the site rests with the developer. Should the application be approved, an appropriate note in respect of the above can be included on the planning permission.***

3.3 Scottish Water has no objection to the proposal provide its operational requirements are met and the relevant consents are secured.

***Should the application be approved, appropriate notes in respect of the above can be included on the planning permission.***

3.4 The Coal Authority advises that the property is in an area where coal is believed to exist at or close to the surface that may have been worked at some time in the past. Reserves of coal exist in the locality which could be worked at some time in the future subject to feasibility licences and planning consents. The Coal Authority further advises that a prudent developer should seek appropriate technical advice prior to works being undertaken on site.

***Should the application be approved, a note in respect of the above matters can be attached to the planning permission.***

3.5 The Scottish Environment Protection Agency has no objection to the proposed development provided drainage arrangements are to its satisfaction.

***Should the application be approved, an appropriate note in respect of the drainage arrangements can be attached to the planning permission.***

#### **4. REPRESENTATIONS**

4.1 No representations have been received in respect of the application.

***Noted.***

## **5. ASSESSMENT AGAINST THE 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 G6 of the Ayrshire Joint Structure Plan states that development proposals in the Rural Diversification Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the Structure Plan where the development:

- (i) comprises an acceptable form of residential use as defined by the local plan;
- (ii) provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- (iii) can be justified in terms of social and economic benefit to the community;
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture and forestry.

***It is considered that the proposed development fails to comply with points (ii), (iii), (iv) and (v) of this policy. The proposed development must therefore be assessed in terms of relevant local plan policy, if the proposed development is to conform to Structure Plan Policy G6, part (i).***

### East Ayrshire Local Plan

5.3 The site lies within the Rural Diversification Area, as defined by the EALP. Policy RES 7 is of relevance and states:

“The rehabilitation or conversion to residential use of existing, and traditionally designed and constructed buildings, both within settlements and the rural area, will be encouraged. The proposed development will require to meet all of the following criteria:

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;
- (ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall

be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the completed conversion/rehabilitation shall be formed from the external walls of the original building;

- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;
- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;
- (v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and
- (vi) the proposal does not damage the architectural integrity of the building and reuses wherever possible, any existing traditional building materials found on site.

The Council may consider a relaxation of criteria (ii) above with regard to the conversion of traditionally designed and constructed outbuildings forming an integral part of an existing farm courtyard grouping where the proposal would preserve and enhance the integrity of the group of buildings concerned.”

***The proposed development would involve substantial alterations to the existing structure, including raising the wall heads to accommodate upper storey accommodation and dormers. From the information submitted, it is clear that the proposal is not capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Whilst the applicant’s engineer has submitted information which concludes that the proposed development can be implemented using marginally over 50% of the existing wall area, the proposed dormer additions have not been taken into account in this calculation. It is therefore considered that the proposed development does not meet the terms of Policy RES 7 as it fails to comply with parts (i) and (ii) of this policy.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultations received, National Planning Policy Guidance 3: Land for Housing, and Planning Advice Note 36: Housing in the Countryside, issued by the Scottish Executive.

### Consultation Responses

6.2 A note can be attached to the planning permission, should the application be approved, to address the concerns of the Environmental Health Department. The other consultation replies do not indicate that the application should be refused.

### National Planning Policy Guideline 3: Land for Housing

6.3 Paragraph 52 of National Planning Policy Guideline (NPPG) 3 states that traditional buildings including farm buildings which no longer meet their original purpose can be converted and reused to provide homes with modern standards of amenity and fittings. Even where Planning Authorities operate a policy which seeks to resist isolated new housing development, they should look sympathetically at proposals for the sensitive re-use, conversion or rehabilitation of traditional buildings which are structurally sound and largely intact, can be accessed safely, and readily provided with water, drainage and other services. The addition of limited new housing to converted or rehabilitated buildings may in appropriate circumstances lead to the creation of a cohesive and satisfactory group of new houses in the countryside. But redevelopment should not automatically extend to the replacement of wholly derelict or totally dilapidated buildings, or where the proposed housing is of a different scale, or character to what had existed previously.

***Due to the dilapidated condition of the building, and the substantial alterations proposed impacting on the original scale and character of the building, it is considered that the proposed development would be tantamount to the erection of a new dwellinghouse in the countryside.***

### Planning Advice Note 36: Siting and Design of New Housing in the Countryside

6.4 Planning Advice Note 36 states, in relation to rehabilitation and conversion proposals, that Planning Authorities should continue to look sympathetically at proposals for the sensitive re-use, conversion or rehabilitation of traditional buildings which are structurally sound and largely intact, can be accessed safely and readily provided with water, drainage and other services. There should, however, be no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to what had existed previously.

***It is considered that the building is neither structurally sound nor largely intact. Additionally, the inclusion of an extra storey would serve to alter the character of the building from its original form.***

## **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 material considerations relevant to this application. These considerations have been assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

8.2 Due to the scale and extent of rebuilding works required, the proposed development is tantamount to the erection of a new dwellinghouse in the countryside without agricultural justification, and is therefore contrary to development plan policy. The building is incapable of rehabilitation without major external alterations and reconstruction which would serve to damage the original character of the original building. In this instance there are no circumstances to justify approval.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.**

### **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee because there would be a significant departure from Council policy as a result of approving a new house in the countryside.

Alan Neish  
Head of Planning and Building Control  
27 August 2003  
RD/RD  
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. National Planning Policy Guideline 3: Land for Housing (1996)
7. Planning Advice Note 36: Siting and Design of New Housing in the Countryside (1991)

Any person wishing to inspect the background papers listed above should contact Mr Robert Duncan on 01563 576769.

**Implementation Officer: Dave Morris**



Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0888/FL

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Location	Site adjacent to Dalricket New Cumnock
Nature of Proposal:	Proposed rehabilitation of redundant farm store to form dwellinghouse
Name and Address of Applicant:	Mr & Mrs Young Straid Farm Dalleagles New Cumnock Cumnock KA18 4QW
Name and Address of Agent	Nicoll Design 184 Main Street Prestwick KA9 1PG

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DPO's Ref:	[Robert Duncan	]
PPO's Ref;	[Hugh Melvin	]

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

1. The building is incapable of rehabilitation without major external alterations or reconstruction and the proposal would therefore constitute the erection of a new dwelling in the countryside and in the terms of NPPG 3, Land for Housing and, on the merits of the case, there are no circumstances to justify approval.
2. The proposed development is contrary to Policy RES7 of the adopted East Ayrshire Local Plan as the proposal is not capable of being implemented while retaining, to at least eaves level, the existing external walls of the building.

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