

County Buildings Wellington Square AYR KA7 1DR Tel No: 01292 612189

17 August 2022

To:- Councillors Bell (Chair), Cavana, Clark, Connolly, Dixon, Kilbride, Kilpatrick, Mackay and Townson.

Dear Councillor

#### SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held on **Monday**, **29 August 2022 at 2.00 p.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis in County Hall for Elected Members, will be live-streamed and available to view at https://south-ayrshire.public-i.tv/

<u>Please note that a briefing meeting will take place for all Board Members at 1.15 p.m., online and in the Prestwick Room.</u>

Yours sincerely

**Catriona Caves Head of Legal, Human Resources and Regulatory Services** 

#### BUSINESS

- 1. Declarations of Interest.
- 2. Minutes of previous meeting of 21 June 2022.
- 3. New Case for Review 21/00853/APP Application for Planning Permission for erection of a Holiday Let at 27 Nether Auchendrane B7024 from High Maybole Road Ayr to Alloway Road Maybole South from Ayr, Ayr South Ayrshire, KA7 4EE.

**Application Summary** 

4. New Case for Review – 22/00074/APP – Application for Planning Permission for erection of a Dwellinghouse, Garage and Associated Outbuildings at MacNairston Farm C74 from B742 North East of Bowmanston at A70 at Old Toll Ayr, South Ayrshire, KA6 6EN.

**Application Summary** 

5. New Case for Review - 21/01021/APP – Application for Planning Permission for erection of two Dwellinghouses at Shalloch Farm C21 from B742 West of Low Coylton South to Council Boundary West of Kerse Park West of Drongan, Coylton, Ayr, South Ayrshire, KA6 7EE,

#### **Application Summary**

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#### SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held on 21 June 2022 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Mark

Dixon, Brian McGinley and Duncan Townson.

Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Attending: L. McChristie, Solicitor (Legal Adviser) (attending remotely), C. Iles, Service Lead

(Planning and Building Standards); C. Buchanan, Committee Services Officer; A.

Gibson, Committee Services Officer and C. McCallum, Clerical Assistant.

#### Opening Remarks.

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

#### 1. <u>Declarations of Interest</u>.

There were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. New Case for Review – 21/00776/APP - Application for Planning Permission for the erection of two Dwellinghouses at Land to the North of the Pottery C13 from Assel Road Pinmore via Tormitchel and Penwhapple Glen to B734 Junction at Penkill North from Pinmore, Girvan, South Ayrshire.

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission for the erection of two Dwellinghouses at Land to the North of the Pottery C13 from Assel Road Pinmore via Tormitchel and Penwhapple Glen to B734 Junction at Penkill North from Pinmore, Girvan, South Ayrshire.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

<u>Decided:</u> to overturn the decision of the Appointed Officer and grant planning permission, subject to the following conditions:-

- 1) That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained.
- 2) That at the Approval of Matters Specified in Conditions stage full details of the proposed development comprising the dwellinghouses, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission.

- 3) That at the Approval of Matters Specified in Conditions stage details shall be submitted of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.
- 4) That the dwellings shall not exceed one and a half storeys in height with the wall-head not extending above ground level ceiling level.
- 5) That at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground for the new dwellings which shall be in accordance with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas.
- 6) That at the Approval of Matters Specified in Conditions stage details shall be submitted of; the proposed new access arrangements and visibility sightline splays which shall meet with the specification of the Roads Development Guide, the surfacing arrangements, and parking and turning arrangements for the proposed houses, and drainage details which shall prevent the discharge of water onto the public road carriageway, which shall be to the satisfaction of the Ayrshire Roads Alliance.
- 7) That at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the Council's supplementary guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing.
- 8) That at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval.
- 9) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed water supply and drainage arrangements which shall meet the requirements of the Council's Environmental Health Service, Scottish Water and the Scottish Environment Protection Agency.
- 10) That at the Approval of Matters Specified in Conditions stage, details and specifications shall be submitted of the protective measures necessary, which accord with BS5837:2005 Trees in relation to Construction (or as subsequently updated) to safeguard the trees on the site during operations.
- 11) That at the Approval of Matters Specified in Conditions stage, details and specifications shall be submitted of a scheme of landscaping indicating the timescale for implementation, siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority.
- 12) That at the Approval of Matters Specified in Conditions stage the detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finished floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

#### Reason for Decision:

The LRB concluded that the proposal was acceptable in the context of the application site and surrounding area. The LRB acknowledged that the Report of Handling did not raise issues with the principle of erecting a new dwellinghouse, as the labour justification demonstrated that additional accommodation for farm workers was necessary for the farm unit. The LRB concluded that the location of the new farm houses adjacent to the hamlet of Pinmore was appropriate given the historic evidence of development on the site, the provision of mains water, the sustainable location near to public transport and was acceptable in landscape capacity terms.

The LRB therefore considered the proposals to be consistent with the policies of the adopted South Ayrshire Local Development Plan, in particular LDP Policy: Sustainable Development and LDP Policy: Rural Housing.

The LRB has reviewed the determination and has decided to overturn the decision made by the appointed officer, and approve Planning Permission with conditions for the reasons listed below.

#### Reasons:

- 1) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.
- 2) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.
- 3) In the interest of visual amenity.
- 4) To accord with the Council's supplementary planning guidance in relation to Rural Housing.
- 5) To comply with the Council's supplementary planning policy guidance in relation to open space, and to ensure that the extent of land to be used as garden ground is commensurate with the locality.
- 6) In the interest of road safety.
- 7) In order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing.
- 8) In order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing.
- 9) To ensure the development can be adequately serviced.
- 10) In order to ensure that no damage is caused to the existing trees.
- 11) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 12) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding.

#### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused PP01

Drawing - Reference No (or Description): Refused Ownership plan

# 3. New Case for Review – 21/01026/APP – Application for Alterations and Extension to Dwellinghouse at 5 Clochranhill Road, Ayr, South Ayrshire, KA7 4PZ.

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission in principle for the alterations and extension to Dwellinghouse at 5 Clochranhill Road, Ayr, South Ayrshire, KA7 4PZ.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to uphold the decision of the Appointed Officer and refuse the Review.

The meeting ended at 15:25 p.m.

# SOUTH AYRSHIRE COUNCIL LOCAL REVIEW BODY NOTE of CURRENT POSITION

Site Address:	21/00853/APP NETHER AUCHENDRANE B7024 FROM HIGH MAYBOLE ROAD AYR TO ALLOWAY ROAD MAYBOLE SOUTH FROM AYR, AYR SOUTH AYRSHIRE, KA7 4EE	
Application:	ERECTION OF A HOLIDAY LET	

Appointed Officer's Decision:	Refused
Date Notice of Review Received:	26 <sup>th</sup> January 2022

Current Position:	New Case For Review	
Documentation:	The following documents in relation to the review are attached: Pages 1 to 6 – Report of Handling Pages 7 to 20 – Notice of Review and Supporting Documentation Pages 21 to 31 – Planning Application and Supporting Plans Pages 32 to 33 – Decision Notice Pages 34 to 38 – Site Photographs Page 39 to 40 – Interested Parties Correspondence	
New Material:	No	
Additional Material:	N/A	
Dated:	17th August 2022	

#### **South Ayrshire Council**

#### **Place Directorate**

## Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received. The Council's Scheme of Delegation can be viewed at http://www.south-ayrshire.gov.uk/committees/

Reference No:	21/00853/APP
Site Address:	27 Nether Auchendrane B7024 From High Maybole Road Ayr To Alloway Road Maybole South From Ayr Ayr South Ayrshire KA7 4EE
Proposal:	Erection of a holiday let
Recommendation:	Refusal

#### **REASON FOR REPORT**

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### 1. **Site Description:**

The application site lies within a rural area and comprises of an area of woodland to the south of a private access road adjacent to a residential dwellinghouse 27 Nether Auchendrane, Ayr. The site is situated approximately 1 mile south of Alloway and 0.5 miles along an access road to the B7024. The development is proposed within land situated approximately 30 metres to the south east of the dwellinghouse. The site contains a woodland clearing, bound by mature trees, and slopes with an incline heading towards the rear southeast corner. In terms of the wider area, the site is bound by an activities hall to the east, an outdoor activity centre playing field to the south and a neighbouring residential property lies to the west. Vehicular and pedestrian access is proposed via the adjacent access road which services Nether Auchendrane and connects to the B7024.

The site lies within the greenbelt and the River Doon Provisional Wildlife Site.

#### 2. **Planning History:**

There is no relevant planning history in the assessment of the application.

#### 3. **Description of Proposal:**

Planning permission is sought for the erection of a holiday let and associated access. The proposed accommodation takes the form of a single storey bungalow with three bedrooms. Further details of the development proposal are set out within the drawings which accompany the application submission.

#### 4. **Consultations:**

Ayrshire Roads Alliance - Offer no objections.

Environmental Health - Offer no objections, subject to conditions regarding noise limits and advisory notes in respect of contaminated land.

Scottish Wildlife Trust - Offers no objections, subject to conditions safeguarding existing trees during construction.

Sustainable Development (landscaping) - Offers no objections, subject to conditions safeguarding existing trees during construction and requiring further detail in respect of proposed additional trees to be planted.

#### 5. Submitted Assessments/Reports:

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The application has been accompanied by a supporting statement outlining in detail the nature of the proposed development and consideration of this in reference to the policies contained within the South Ayrshire Local Development. The statement also confirms that the applicant and owner of 27 Nether Auchendrane shall manage the operation of the holiday accommodation proposed.

#### 6. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. None.

#### 7. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

#### 8. Representations:

No representations were received.

## 9. <u>Development Plan:</u>

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The following policies are relevant in the assessment of the application and can be viewed in full online at <a href="http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-developm

LDP Policy: Spatial Strategy – Greenbelt LDP Policy: Sustainable Development

LDP Policy: Rural Housing LDP Policy: Tourism

LDP Policy: Landscape Quality

LDP Policy: Protecting the Landscape

LDP Policy: Preserving Trees

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains

the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

The provisions of the Proposed Replacement South Ayrshire Local Development Plan (PLDP2) looks favourably on proposals which provide or improve tourist and leisure facilities. With regard to tourist accommodation, the PLDP2 encourages proposals which improve the standards and appearance of selfcatering or touring caravan and camping sites, and will allow new sites and accommodation to be developed, subject to the following criteria;

- a. all new accommodation is for holiday use;
- b. the development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

The development proposal has been assessed against the above policies and is considered not to be in accordance with the provisions of the development plan, as outlined in detail below.

#### Other Relevant Policy Considerations (including Government Guidance):

#### Scottish Planning Policy

Scottish Planning Policy forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The above SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions. In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification, including tourism and leisure uses. Notwithstanding, the SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments.

#### Assessment (including other material considerations):

Planning permission is sought for the erection of a three-bedroom bungalow to operate as a holiday lodge and associated access. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that, in making any determination under the Planning Acts, regard is to be had to the development plan, unless material considerations indicate otherwise. The primacy of the development plan is noted. The following provisions of the development plan are considered to be relevant in the consideration of the current application.

## **Spatial Strategy**

The Spatial Strategy of the Local Development plan sets out that development will not be supported outwith the boundaries of settlements (towns and villages), except where it is considered it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. In this instance, the proposed site is located outwith a defined settlement, and specifically identified in the Adopted South Ayrshire Local Development Plan as part of a much larger rural area to the south of Ayr, as greenbelt. The greenbelt was designated to direct planned development to appropriate locations, and to support regeneration, protect and enhance the quality, character, landscape setting and identity of towns and to protect and provide access to open space within and around towns. The greenbelt policy of the LDP states that;

"We will only support development within the green belt if it is of a high design quality and a suitable scale and form, and it:

- contributes to the economic and environmental sustainability of existing green belt uses;
- is associated with agriculture, including the reuse of historic buildings;
- · has horticultural (or directly related) uses;
- has recreational use that needs a green-belt setting;
- is required at the proposed location to provide essential infrastructure; and
- protects, promotes and develops green networks and opportunities for access to the countryside.

We will not support proposals for housing development within the green belt, except where in compliance with LDP Policy: rural housing."

The Greenbelt policy forms part of the overall Spatial Strategy and therefore carries significant weight in the consideration of the development proposals and the current development proposals have been considered in this context. Any development proposals therefore require to be considered not only, against the strategic objectives of the greenbelt, but also against the six categories noted above, and any related policy and supplementary guidance. In consideration of the development proposals against both the strategic objectives of the greenbelt and the six categories noted above, it is not considered that the proposals contribute towards those strategic objectives, or align with any of the six categories and therefore, there the development is not considered to be in accordance with the Spatial Strategy of the Local Development Plan.

#### Rural Housing

While it is noted that the proposal is for accommodation to be utilised as a holiday unit, the building takes the form of residential accommodation, as opposed to e.g a caravan and as such, the proposal requires to be considered against the provisions of the Council's Rural Housing. Additionally, it is noted that there has been no supporting information provided in the application submission which evidences that the applicant is already involved with the operation of holiday accommodation business, and therefore the proposals are considered to be speculative in nature.

With regards to the rural housing policies, as outlined above, the LDP greenbelt policy states that proposals for housing development within the greenbelt will not be supported, except where in compliance with LDP Policy: rural housing. The LDP rural housing policy allows for the following types of rural housing;

- a. the replacement of an existing house,
- b. the extension of an existing house,
- c. the conversion and re-use of the redundant building of traditional or local character (where the building is largely intact, structurally sound or can be repaired or restored), and
- d. a new home which is essential to a rural business.

The development proposal for the erection of new build development does not align with criteria a. – d. above, and therefore, the development proposals are not considered to align with the LDP or related Rural Housing policy, in this instance.

Additionally, the Rural Housing Supplementary Guidance permits limited additions to existing clusters of two or more house in rural areas. One such instance where additions to clusters will not be acceptable is when the cluster is locale within the greenbelt. Therefore, as the application site is located within the greenbelt, the cluster policy is not applicable to the proposals in this instance.

#### Sustainable Development

The Sustainable Development Policy of the LDP sets out criteria which development proposals are expected to accord with so as to be considered sustainable development. Of particular note in this instance is the need for proposals to:

- Be appropriate in terms of amenity impact, layout, scale, massing, design and materials in relation to its surroundings:
- Respect, protect and where possible enhance the natural, built, and cultural resources;

For the reasons noted elsewhere in this report, there are concerns in relation to the development proposal which is not considered to accord with the LDP policy in relation to Sustainable Development.

#### Tourism

The LDP Tourism policy allows for the development of new sites, subject to the following criteria;

- All new accommodation being for holiday use only:
- The development being suitably screened and appropriate in terms of the landscape setting and design, and;
- The development not being isolated or scattered.

Additionally, it is noted that the PLDP2 Tourism policy (noted above) no longer requires consideration of whether proposals are considered to be isolated or scattered. The application has been considered in this context. It is noted that the accommodation proposed is intended for use as a holiday lodge and that the tourism policies of both the Adopted and Proposed Local Development Plans offer support for new holiday accommodation, subject to the limitations outlined. However, the provisions of both the Adopted and Proposed Local Development Plans must be read and applied as a whole, and as such, no single policy should be read in isolation. It is also noted that there has been no supporting information provided in the application submission which evidences that the applicant is already involved with the operation of holiday accommodation business.

In considering the proposals against the current and emerging policies of the LDP, the Greenbelt policy due to its strategic nature, carries significant weight in the consideration of the development proposals, and therefore out-weighs the policy considerations of the Tourism policies of the LDP and the MPLDP2. As outlined above, the proposals are not considered to contribute towards the strategic objectives of the greenbelt, the above noted criteria, or the related policies and supplementary guidance and are therefore considered to not be in accordance with the provisions of the Local Development Plan.

Landscape Quality, Protecting the Landscape and Preserving Trees

The site is noted as being a small clearing within the existing woodland area. Trees and shrubbery are present along all edges of the application site. The site is also within the bounds of the Provisional Doon Valley Wildlife Site and is situated in close proximity to an area of ancient woodland to the north west. The application submission outlines that no existing trees shall be required to be felled within the application site and that additional planting is proposed to enhance the setting of the site. However, the application has not been accompanied by a tree survey or other supporting documents/details which evidence that no tree felling will be required to implement the development proposals or that the existing trees will not be damaged during construction. It is also noted that the application site level will be required to be modified as part of the development proposals which is likely impact upon the roots of the existing trees on and adjacent to the site. It is therefore considered that insufficient evidence has been provided to evidence the existing trees would be preserved and thus the application submission has not demonstrated that the development proposals will not adversely impact on the landscape setting of the character and appearance of the site. As such, the development is not considered to accord with LDP polices: Landscape Quality, Protecting the Landscape and Preserving Trees.

Additionally, in terms of the amenity of the proposed accommodation, it is noted that the proposed accommodation lies approximately 30 metres south east of the dwellinghouse at 27 Nether Auchendrane, which is within the ownership and control of the applicant, and a neighbouring residential dwellinghouse, 29 Nether Auchendrane, to the west. In this context, there is potential for any activity at, and movements to and from the adjacent buildings to disrupt the amenity of the accommodation to an extent, however, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation, and that a separate vehicular access is proposed for the holiday accommodation, any disruption, should it occur, will be on a temporary and limited basis during the holiday occupation of the units. It is therefore considered that the proposed accommodation would not raise any amenity concerns, subject to the attachment of conditions in respect of the use and operation of the accommodation.

However, for the reasons noted above, it is considered that the development proposal does not accord with the above noted policy provisions of the Adopted South Avrshire Local Development Plan Policies. and there are no material planning considerations that would out-weigh these policy provisions. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

#### **Recommendation:**

It is recommended that the application is refused.

#### Reasons:

(1) That the development proposal is contrary to the policy provisions the South Ayrshire Local

- Development Plan, specifically LDP Policies: Spatial Strategy (Greenbelt), Rural Housing and Tourism, by virtue that proposals do not contribute towards the strategic objectives of the Greenbelt policy, nor do they align with any of the six categories of acceptable development within the Greenbelt or the criteria for the erection of housing outlined by the Rural Housing policy.
- (2) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP Policies: Landscape Quality, Protecting the Landscape and Preserving Trees, by virtue that insufficient evidence has been provided to evidence that existing trees would be preserved within and adjacent to the application and thus it has not been demonstrated that the development proposals will not adversely impact on the landscape setting of the character and appearance of the site.

#### **List of Plans Determined:**

Drawing - Reference No (or Description): **Refused** 01 Drawing - Reference No (or Description): **Refused** 02 Drawing - Reference No (or Description): **Refused** 03

#### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics

Decision Agreed By:	Appointed Officer
Date:	28 October 2021



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100456077-002				
The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.				
Applicant or A	Agent Details			
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)				
<b>Agent Details</b>				
Please enter Agent details	S			
Company/Organisation:	Stairhill Architecture Ltd			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Stairhill	
Last Name: *	Mair	Building Number:		
Telephone Number: *	01292591500	Address 1 (Street): *	Stair	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Mauchline	
Fax Number:		Country: *	United Kingdom	
		Postcode: *	KA5 5HN	
Email Address: *	alistair@stairhill.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organisation/Corporate entity				

Applicant Details				
Please enter Applicant details				
Title:	Mr	You must enter a Building Name or Number, or both: *		
Other Title:		Building Name:		
First Name: *	М	Building Number:	27	
Last Name: *	Doherty	Address 1 (Street): *	Nether Auchendrane	
Company/Organisation		Address 2:	Alloway	
Telephone Number: *		Town/City: *	Ayr	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	KA7 4EE	
Fax Number:				
Email Address: *	michaeldeaga@aol.com			
Site Address	s Details			
Planning Authority:	South Ayrshire Council			
Full postal address of th	ne site (including postcode where available)	):		
Address 1:				
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:				
Post Code:				
Please identify/describe the location of the site or sites				
Land adjacent to 27 Nether Auchendrane				
Northing	616572	Easting	233679	

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of a holiday let
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).  Application for planning permission in principle.  Further application.  Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Notice of review attached in supporting documents.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the 0722 PP 01 - Proposals, 0722 PP 02 - Proposed Site Plan, 0722 PP 03 - Existing Site Plan Projected Business costings, 21-00853-APP delegated report, 0722 LRB Appeal Statement	ns, 0722 Supporting sta	haracters)	d intend	
Application Details				
Please provide the application reference no. given to you by your planning authority for your previous application.	21/00853/APP			
What date was the application submitted to the planning authority? *	12/08/2021			
What date was the decision issued by the planning authority? *	28/10/2021			
Review Procedure  The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.  Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *				
Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.  Please select a further procedure *				
By means of inspection of the land to which the review relates  Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)  Site inspection shall allow the panel to view the proposed development in context of the surrounding area and landscape setting.				
In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:  Can the site be clearly seen from a road or public land? *  Is it possible for the site to be accessed safely and without barriers to entry? *  Yes No				

Checklist – Application for Notice of Review				
Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failuto submit all this information may result in your appeal being deemed invalid.				
Have you provided the name	and address of the applicant?. *	▼ Yes □ No		
Have you provided the date a review? *	and reference number of the application which is the subject of this	⊠ Yes □ No		
, , , , ,	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A		
, ,	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	⊠ Yes □ No		
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.				
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	⊠ Yes □ No		
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.				
Declare - Notice	e of Review			
I/We the applicant/agent certi	fy that this is an application for review on the grounds stated.			
Declaration Name:	Mr Alistair Mair			
Declaration Date:	25/01/2022			



# NOTICE OF REVIEW STATEMENT

App 21/00853/APP

'Proposed erection of a holiday let'

at

27 Nether Auchendrane Ayr Ayrshire KA7 4EE

## Client

Mr M Doherty.



Prepared by Mr Alistair J Mair

**Client:** Mr M Doherty

27 Nether Auchendrane

Ayr Ayrshire KA7 4EE

**Agent:** Stairhill Architecture Ltd

Stairhill Mauchline Ayrshire KA5 5HN

#### **Planning History**

21/00853/APP - Planning permission for the erection of a holiday let.

**Application Refused** 

## **Reasons For Refusal**

That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP Policies: Landscape Quality, Protecting the Landscape and Preserving Trees, by virtue that insufficient evidence has been provided to evidence that existing trees would be preserved within and adjacent to the application and thus it has not been demonstrated that the development proposals will not adversely impact on the landscape setting of the character and appearance of the site.

That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP Policies: Spatial Strategy (Greenbelt), Rural Housing and Tourism, by virtue that proposals do not contribute towards the strategic objectives of the Greenbelt policy, nor do they align with any of the six categories of acceptable development within the Greenbelt or the criteria for the erection of housing outlined by the Rural Housing policy.

#### **Reasons for Review**

We have studied and reviewed the planning officers report of handling and make note as follows.

No objections were received from any public members.

Our client has spoken directly to immediate neighbours including the girl guides and all have enthusiastically expressed support for the project.

No objections were received from any consultees.

The application has been assessed against five main policies being;

Spatial strategy Rural Housing Sustainable development Tourism Landscape Quality

#### **Spatial Strategy**

This policy will only support development within the green belt if it is of high design quality and a suitable scale and form, and it;

Contributes to the economic and environmental sustainability of existing green belt uses; Is associated with agriculture, including the reuse of historic buildings;

Has horticultural (or directly related) uses;

Has recreational use that needs a green-belt setting;

Is required at the proposed location to provide essential infrastructure; and

Protects, promotes and develops green networks and opportunities for access to the countryside

We will not support proposals for housing development within the green belt, except where in compliance with LDP Policy: Rural Housing.

The proposed development is for a single holiday let unit in the form of a single storey bungalow. The design aesthetic of a simple stone building with large glazed fenestrations to maximise solar gains and views across the surrounding countryside.

Gardens shall be professionally landscaped to both protect the existing woodland and compliment the modesty of the build with an emphasis on integrating a wide variety of native plants to seamlessly blend the building into its natural surroundings.

Profits from the business will also be used to purchase indigenous plants, restock woodland, and create wild habitats in order to restore natural biodiversity of the area which will continually improve guests' experience year by year.



Internally the finishes, furnishings and textiles shall be of exceptionally high quality to achieve a 5-star luxury, sustainable accommodation. Timeless natural materials including stone and hardwood cladding with bespoke fabricated metalwork will feature on the exterior.

The proposals will contribute to the economic and environmental sustainability of the existing greenbelt setting of Nether Auchedrane.

Supplies for the holiday guests along with additional services provided will help and support the local economy, proposed welcome packs to include fresh farm milk and breakfast packs will include a selection of local produce from local sustainable businesses such as;

'The Coo Shed', 'The Ayrshire Soap Company', 'Dalduff Farm', 'Corriemains Eggs' 'Arran Cheese', 'Battlefield Bakery'

The new (holiday let) business venture will subsidise the applicants existing business as a tree surgeon. He is currently contracted under a woodland management plan to care for the existing estate woodland within Nether Auchendrane including the Girl Guides site.

The holiday let will be marketed to families to explore the Ayrshire countryside and greenbelt setting which offers many outdoor activities including cycling, walking and horse riding. This will provide additional ways to enjoy the existing greenbelt uses and afford guests the opportunity to immerse themselves in country pursuits that they would not otherwise have within an urban setting. Children can take the opportunity to sign up to the Girl Guides next door to take part in such activities as ziplining, camping etc. In addition, currently in Nether Auchenrdrane there resides a luxury B&B accommodation called 'Ayrs and Graces'. The holiday let will also be of similar quality to this luxury B&B and can provide extra accommodation to support the surplus of wedding guests from the 'Brig O'Doon Hotel'.

Furthermore the LDP Spatial Strategy will support development out with set boundaries if there is an economic benefit and "a need for it". With current economic situation, resulting from COVID 19, there has never been more of a necessity for high quality 5 star staycation options to accommodate the vast influx of 'holidays at home'. My clients who are born and bred in Ayrshire will use their local knowledge to enhance their guests stay and are eager to provide this luxury experience with additional rural experiences and courses, further employing the services of local businesses should their clients request these.

The holiday let will also be used to encourage various horticultural experiences. For example, the clients work closely with the local Nether Auchendrane apiary to ensure an abundance of native plants to benefit the neighbouring bees, insects, birds and animals. In addition, they intend to provide outdoor experiences, woodland walks; plant, insect and bird identification, relaxation therapies and various mental health activities, etc

It is for these reasons outlined that in our opinion, the proposals are in accordance with the LDP Spatial Strategy.



Lanuary 2022

#### **Rural Housing**

The LDP rural housing policy allows for the following types of rural housing;

The replacement of an existing house.

The extension of an existing house.

The conversion and re-use of the redundant building of traditional or local character (where the building is largely intact, structurally sound or can be repaired or restored.

A new home which is essential to a rural business.

The proposed new dwelling (holiday let) is in accordance with the rural housing policy in terms of it being essential to the rural business.

Without the new property the holiday let would not be possible.

Our client's brief was to create a modern holiday let property that was befitting of the natural setting and that it must not take the appearance of a temporary log cabin or caravan so as to fit within the rural woodland landscape in line with South Ayrshire Rural Design Guidance.

The planning officer has made specific note that no evidence has been provided that the applicant is already involved with the operation of holiday accommodation business and the application is speculative in nature. This has no bearing on any planning policy and need not be part of any consideration in terms of complying with relevant policies. That being said our client's family has historically owned and run hospitality, rental and catering businesses. Additionally my client currently maintains and manages several rental accommodation for one of his clients in Ayr.

#### South Ayrshire Rural Design Guidance states;

d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

The dwelling has been sited within the existing estate adjacent existing grouping of dwellings and guides hall.



#### Sustainable Development

The Sustainable Development Policy of the LDP sets out criteria which development proposals are expected to accord with so as to be considered sustainable development. Of particular note in this instance is the need for proposals to;

Be appropriate in terms of amenity impact, layout, scale, massing, design and materials in relation to its surroundings;

Respect, protect and where possible enhance the natural, built, and cultural resources;

The proposals have been designed to fit within the landscape, the design takes account of neighbouring properties and has little to no impact on surrounding amenity. The layout, scale massing and design have been carefully considered, the footprint is approx. 50% smaller than the neighbouring properties. The design reflects traditional rural stone buildings with large fenestrations balanced against solid walls. The clients will actively seek locally sourced high-quality furnishings and textiles, to achieve a luxury sustainable accommodation. Locally purchased, timeless natural materials including stone and hardwood cladding with bespoke locally fabricated metalwork will surround the exterior.

#### **Tourism**

The LDP Tourism policy allows for the development of new sites, subject to the following criteria;

All new accommodation being for holiday use only;

The development being suitably screened and appropriate in terms of the landscape setting and design, and;

The development not being isolated or scattered.

Additionally, it is noted that the PLDP2 Tourism policy (noted above) no longer requires consideration of whether proposals are considered to be isolated or scattered.

PLDP2 looks to support new holiday accommodation that is appropriately designed in terms of landscape setting and design. The proposed site is idyllic in nature being set within mature woodlands a stone's throw from the Ayrshire coastline on the outskirts of Ayr town.

PLDP2 states that all accommodation must be for holiday use only and no longer requires consideration of whether proposals are isolated or scattered.

The site is located within an existing estate originally allocated for many more houses that originally built. It is located adjacent the Girl Guides camping ground and is ideally situated to explore the Ayrshire coastline together with all of Ayr's tourist attractions that require support including golf courses, Burns cottage and museum, Ayr beach, Ayr racecourse, Rozelle Estate, Ayr Farm Park along with an abundance of first-class restaurants.

Approving this application will create a high-quality holiday accommodation that will not only support all above facilities but will also help to market them by increasing their footfall and presence with more visitors.



January 2022

#### **Landscape Quality**

The site is noted as being a small clearing within the existing woodland area. Trees and shrubbery are present along all edges of the application site. The site is also within the bounds of the Provisional Doon Valley Wildlife Site and is situated in close proximity to an area of ancient woodland to the north west. The application submission outlines that no existing trees shall be required to be felled within the application site and that additional planting is proposed to enhance the setting of the site. However, the application has not been accompanied by a tree survey or other supporting documents/details which evidence that no tree felling will be required to implement the development proposals or that the existing trees will not be damaged during construction.

It is also noted that the application site level will be required to be modified as part of the development proposals which is likely impact upon the roots of the existing trees on and adjacent to the site. It is therefore considered that insufficient evidence has been provided to evidence the existing trees would be preserved and thus the application submission has not demonstrated that the development proposals will not adversely impact on the landscape setting of the character and appearance of the site. As such, the development is not considered to accord with LDP polices: Landscape Quality, Protecting the Landscape and Preserving Trees.

Additionally, in terms of the amenity of the proposed accommodation, it is noted that the proposed accommodation lies approximately 30 metres south east of the dwellinghouse at 27 Nether Auchendrane, which is within the ownership and control of the applicant, and a neighbouring residential dwellinghouse, 29 Nether Auchendrane, to the west. In this context, there is potential for any activity at, and movements to and from the adjacent buildings to disrupt the amenity of the accommodation to an extent, however, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation, and that a separate vehicular access is proposed for the holiday accommodation, any disruption, should it occur, will be on a temporary and limited basis during the holiday occupation of the units. It is therefore considered that the proposed accommodation would not raise any amenity concerns, subject to the attachment of conditions in respect of the use and operation of the accommodation.

Carefully considered felling of 4 trees shall be compensated with new additional planting to protect and enhance the woodland setting. Proposed trees to be retained to the south of the site have potential for some root damage, however this has been thought through with the design.

Any potential for small amounts of damage is to the northern side of the root balls, with prevailing winds coming from the south and west the trees will not be susceptible to wind blow and shall quickly recover from any minor damage that may occur. It is our clients' intentions with his nature of work being a tree surgeon, to make sure trees are protected from any potential damage during construction works on site in line with BS5837:2012 Trees in relation to design, demolition and construction — Recommendations



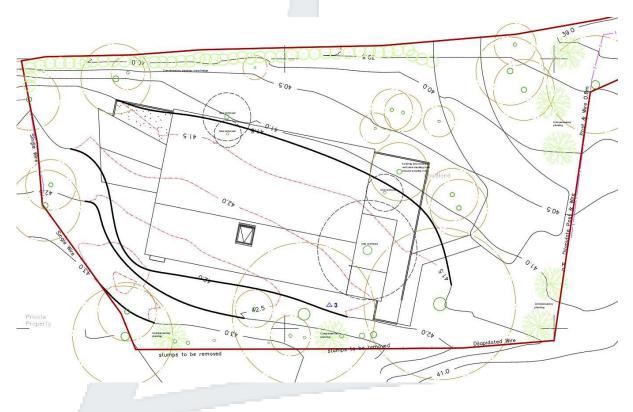
January 2022

My clients are contracted to replace some of the 7,500 trees within the estate that are due to be felled under Tree Felling Licences FPA-294 and FPA-8167 recently granted by Scottish Forestry. They also intend to continue to enhance current wildlife corridors through the estate to increase biodiversity by further planting of native plant species.

The planning officer has demonstrated that there will be no impact on adjoining properties amenity.

The below plan shows the proposed trees to be felled with root protection zones shown dashed, 4 no in total. Additional compensatory planting is proposed with a minimum of 130% of trees felled shall be planted. We are happy for a full landscape proposal to be conditioned to satisfy the council prior to commencement of works.

Trees to be removed are shown with RPZ in dashed black line.



Proposed paths crossing root plates shall be constructed from Cellweb TRP or similar, to spread loading and prevent compaction and or damage to root plates.



Fallbarrow Park, Windermere. Prior to CellWeb TRP® Installation



CellWeb TRP® Installation



Fallbarrow Park, Windermere: Completed CellWeb TRP\* Installation



January 2022

#### **Conclusion**

The accommodation unit is designed around a sound business plan for luxury holiday accommodation which is fully compliant with South Ayrshire LDP2

The proposed business will benefit the local economy both in terms of its construction and continued benefit through supporting local independent retailers and local tourist attractions and events in Ayr.

The application is for a well thought out proposal of high design quality that fits within the woodland landscape and wider rural setting in full compliance with SAC Rural Design Guidance.

Compensatory planting shall be undertaken, our client is happy for a landscape design to be conditioned as part of the approval.

It is of our professional opinion that the proposals are in full accordance with all relevant SAC LDP policies and supporting guidance and that the LRB should overturn the decision to approve the application for the proposed holiday accommodation unit.





County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100456077-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application			
What is this application for? Please select one of the following: *			
Application for planning permission (including changes of use and surface mineral working).  Application for planning permission in principle.  Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)  Application for Approval of Matters specified in conditions.			
Description of Proposal			
Please describe the proposal including any change of use: * (Max 500 characters)			
Proposed Holiday Let			
Is this a temporary permission? <sup>★</sup>			
If a change of use is to be included in the proposal has it already taken place?  (Answer 'No' if there is no change of use.) *			
Has the work already been started and/or completed? *			
No ☐ Yes – Started ☐ Yes - Completed			
Applicant or Agent Details			
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)			

Agent Details				
Please enter Agent details				
Company/Organisation:	n: Stairhill Architecture Ltd			
Ref. Number:	You must enter a Building Name or Number, or both: *			
First Name: *	Alistair	Building Name:	Stairhill	
Last Name: *	Mair	Building Number:		
Telephone Number: *	01292591500	Address 1 (Street): *	Stair	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Mauchline	
Fax Number:		Country: *	United Kingdom	
		Postcode: *	KA5 5HN	
Email Address: *	alistair@stairhill.co.uk			
Is the applicant an individual or an organisation/corporate entity? *  Individual Organisation/Corporate entity				
Applicant Det	ails			
Please enter Applicant de	etails	1		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:		
First Name: *	М	Building Number:	27	
Last Name: *	Doherty	Address 1 (Street): *	Nether Auchendrane	
Company/Organisation		Address 2:	Alloway	
Telephone Number: *		Town/City: *	Ayr	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	KA7 4EE	
Fax Number:				
Email Address: *				

Site Address Details					
Planning Authority:	South Ayrshire Cou	ncil			
Full postal address of the	site (including postcode	where available	):		
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe t	he location of the site or	sites			
Land adjacent to 27 No	ether Auchendrane				
Northing	616572		Easting	233679	
			Lasting		
Pre-Application	on Discussio	n			
Have you discussed your	proposal with the plann	ing authority? *			☐ Yes ☒ No
Site Area					
Please state the site area	ı:	808.00			
Please state the measure	Please state the measurement type used:				
Existing Use					
Please describe the current or most recent use: * (Max 500 characters)					
Scrub Land					
Access and Parking					
Are you proposing a new altered vehicle access to or from a public road? *			X Yes □ No		
If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.					

Are you proposing any change to public paths, public rights of way or affecting any public right of access	s? * Yes 🗵 No		
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.			
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0		
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	2		
Please show on your drawings the position of existing and proposed parking spaces and identify if these types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular		
Water Supply and Drainage Arrangements			
Will your proposal require new or altered water supply or drainage arrangements? *	X Yes □ No		
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *			
Yes – connecting to public drainage network			
No – proposing to make private drainage arrangements			
☐ Not Applicable – only arrangements for water supply required			
As you have indicated that you are proposing to make private drainage arrangements, please provide fu	ırther details.		
What private arrangements are you proposing? *			
☐ New/Altered septic tank.			
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage tre	atment such as a reed hed)		
Other private drainage arrangement (such as chemical toilets or composting toilets).	atment such as a recu bea).		
Please explain your private drainage arrangements briefly here and show more details on your plans an	d supporting information: *		
Modulous OM6 treatment plant to filter drain.			
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	X Yes No		
Note:-			
Please include details of SUDS arrangements on your plans			
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.			
Are you proposing to connect to the public water supply network? *			
X Yes			
☐ No, using a private water supply			
☐ No connection required			
If No, using a private water supply, please show on plans the supply and all works needed to provide it (	(on or off site).		

Assessment of Flood Risk			
Is the site within an area of known risk of flooding? *			
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.			
Do you think your proposal may increase the flood risk elsewhere? *			
Trees			
Are there any trees on or adjacent to the application site? *			
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.			
Waste Storage and Collection			
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *   Yes  No			
If Yes or No, please provide further details: * (Max 500 characters)			
Bin store illustrated on plans.			
Residential Units Including Conversion			
Does your proposal include new or additional houses and/or flats? *			
How many units do you propose in total? * 1			
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.			
All Types of Non Housing Development – Proposed New Floorspace			
Does your proposal alter or create non-residential floorspace? *			
Schedule 3 Development			
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *			
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.			
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.			
Planning Service Employee/Elected Member Interest			
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *			

Certificate	es and Notices			
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013				
	One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.			
Are you/the applica	Are you/the applicant the sole owner of ALL the land? *			
Is any of the land p	part of an agricultural holding? *	☐ Yes ☒ No		
Certificate	Required			
The following Land	Ownership Certificate is required to complete this section of the proposal:			
Certificate A				
Land Ov	wnership Certificate			
Certificate and Not Regulations 2013	ice under Regulation 15 of the Town and Country Planning (Development Management Prod	cedure) (Scotland)		
Certificate A				
I hereby certify tha	t –			
lessee under a lea	er than myself/the applicant was an owner (Any person who, in respect of any part of the lar se thereof of which not less than 7 years remain unexpired.) of any part of the land to which e period of 21 days ending with the date of the accompanying application.			
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding			
Signed:	Alistair Mair			
On behalf of:	Mr M Doherty			
Date:	13/08/2021			
	☑ Please tick here to certify this Certificate. *			
Checklist	<ul> <li>Application for Planning Permission</li> </ul>			
Town and Country	Planning (Scotland) Act 1997			
The Town and Cou	untry Planning (Development Management Procedure) (Scotland) Regulations 2013			
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.				
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *				
Yes No No Not applicable to this application				
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *  Yes No Not applicable to this application				
development belor you provided a Pre	cation for planning permission, planning permission in principle or a further application and t liging to the categories of national or major development (other than one under Section 42 of Application Consultation Report? *  Not applicable to this application			

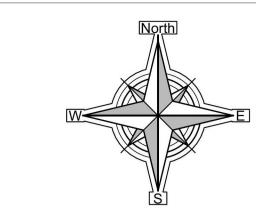
Town and Country Planning (Scotland) Act 1997			
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013			
d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *  Yes No Not applicable to this application			
e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *  Yes No Not applicable to this application			
f) If your application relates to installation of an antenna to be employed in an electronic communication network ICNIRP Declaration? *  Yes No No Not applicable to this application	rk, have you provided an		
g) If this is an application for planning permission, planning permission in principle, an application for approval conditions or an application for mineral development, have you provided any other plans or drawings as neces			
<ul> <li>X Site Layout Plan or Block plan.</li> <li>X Elevations.</li> <li>X Floor plans.</li> <li>Cross sections.</li> <li>Roof plan.</li> <li>Master Plan/Framework Plan.</li> <li>X Landscape plan.</li> <li>X Photographs and/or photomontages.</li> <li>Other.</li> </ul>			
If Other, please specify: * (Max 500 characters)			
Provide copies of the following documents if applicable:			
A copy of an Environmental Statement. *  A Design Statement or Design and Access Statement. *  A Flood Risk Assessment. *  A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *  Drainage/SUDS layout. *  A Transport Assessment or Travel Plan  Contaminated Land Assessment. *  Habitat Survey. *  A Processing Agreement. *  Other Statements (please specify). (Max 500 characters)	Yes N/A		

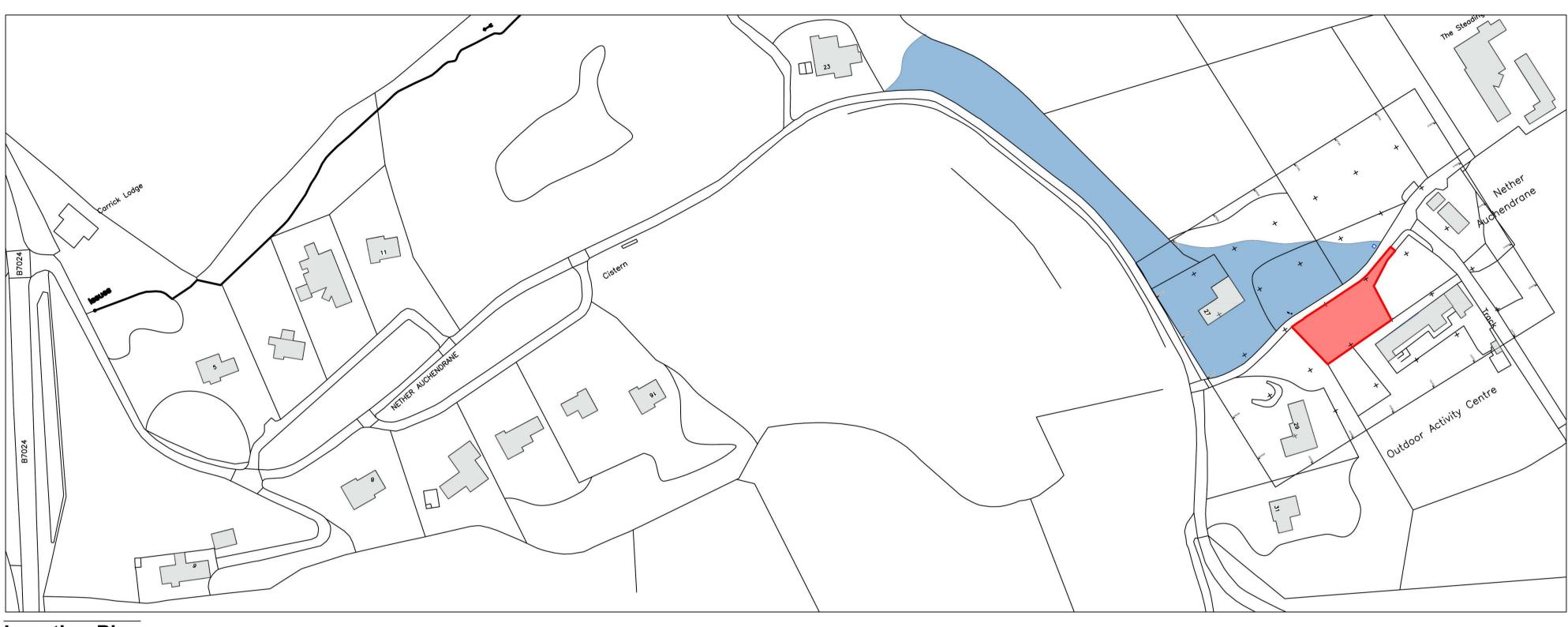
# **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

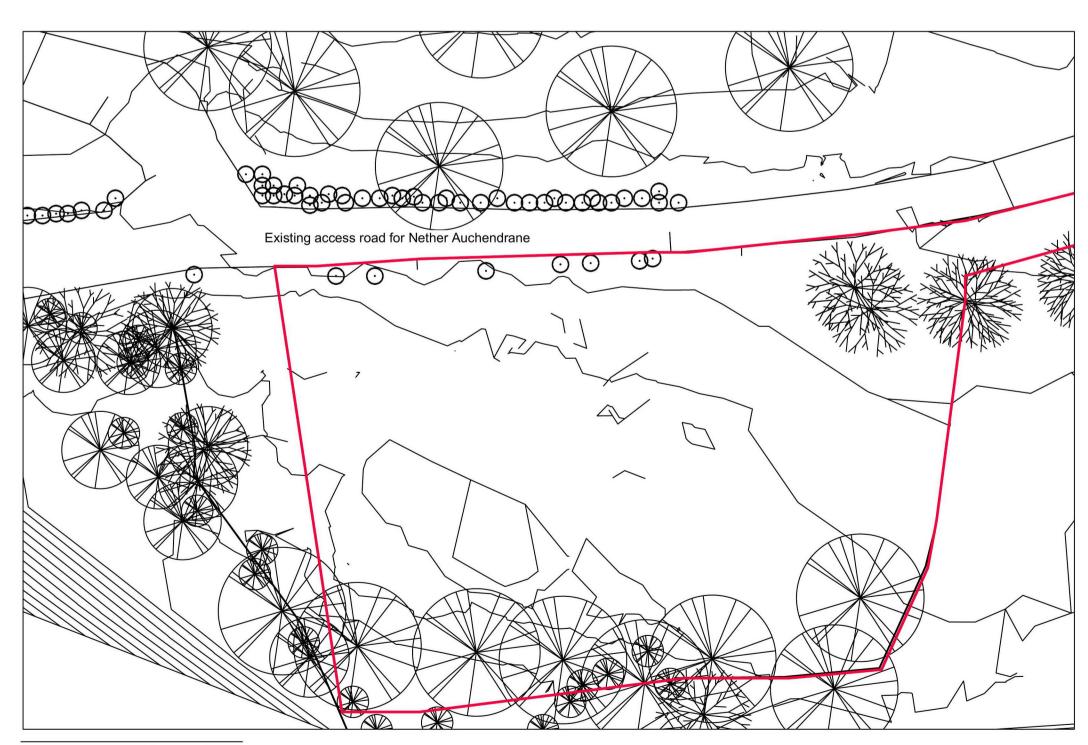
Declaration Name: Mr Alistair Mair

Declaration Date: 12/08/2021

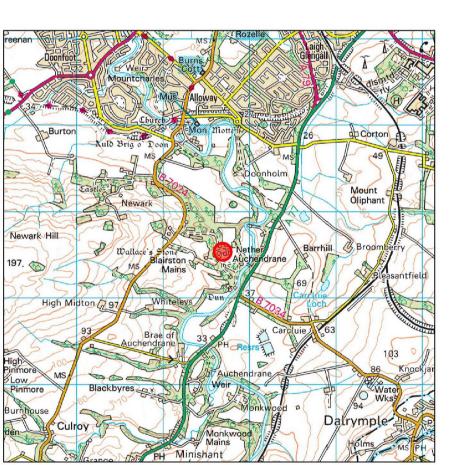




**Location Plan** 



Existing Site Plan



Rural Location Plan

SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

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REVISION SCHEDULE			
SKETCH DWG	BUILDING WARRANT DWG		
PLANNING DWG	TENDER DWG		
PRESENTATION AS BUILT DWG		DWG	
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ARCHITECTURE	LTD
STAIRHILL, MAUCHLINE AYRSHIRE WWW.STAIRHILL.CO.UK e: INFO@STAIRHILL.CO.UK	KA5 5HI t: 01292 591500
CLIENT Doherty	
Land adjacent to 27 Nether Auchendrane Alloway	

P	PROJECT Proposed Holiday Let	
S	Nether Auchendrane	

TITLE Plans		
<sup>DWG NO.</sup> 0722 - F	PP - 03	
SHEET SIZE A1	SCALE 1:200	REVISI
DRAWN BY	DATE	1

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Stairhill Architecture Ltd.

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### LOCAL DEVELOPMENT

# REFUSAL OF APPLICATION FOR PLANNING PERMISSION (Delegated)

Ref No: 21/00853/APP

# **SOUTH AYRSHIRE COUNCIL**

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by the PLANNING ETC. (SCOTLAND) ACT 2006

### TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Mr M Doherty

per Stairhill Architecture Ltd

Alistair Mair Stairhill Stair KA5 5HN

With reference to your application dated **31st August 2021** for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

### Erection of a holiday let

at: 27 Nether Auchendrane B7024 From High Maybole Road Ayr To Alloway Road Maybole South From Ayr Ayr South Ayrshire KA7 4EE

The Council in exercise of their powers under the above-mentioned Acts and Orders hereby **refuse** planning permission for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/planning/.

The reasons for the Council's decision are:

- (1) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP Policies: Landscape Quality, Protecting the Landscape and Preserving Trees, by virtue that insufficient evidence has been provided to evidence that existing trees would be preserved within and adjacent to the application and thus it has not been demonstrated that the development proposals will not adversely impact on the landscape setting of the character and appearance of the site.
- (1) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP Policies: Spatial Strategy (Greenbelt), Rural Housing and Tourism, by virtue that proposals do not contribute towards the strategic objectives of the Greenbelt policy, nor do they align with any of the six categories of acceptable development within the Greenbelt or the criteria for the erection of housing outlined by the Rural Housing policy.

# **List of Plans Determined:**

Drawing - Reference No (or Description): Refused 01

Drawing - Reference No (or Description): Refused 02

Drawing - Reference No (or Description): Refused 03

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Dated: 28th October 2021

.....

**Louise Reid** 

**Assistant Director - Place Directorate** 

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

View of access road towards site. 27 Nether Auchendrane is to the left side of the photograph.



View of application site and adjacent access road continuing east



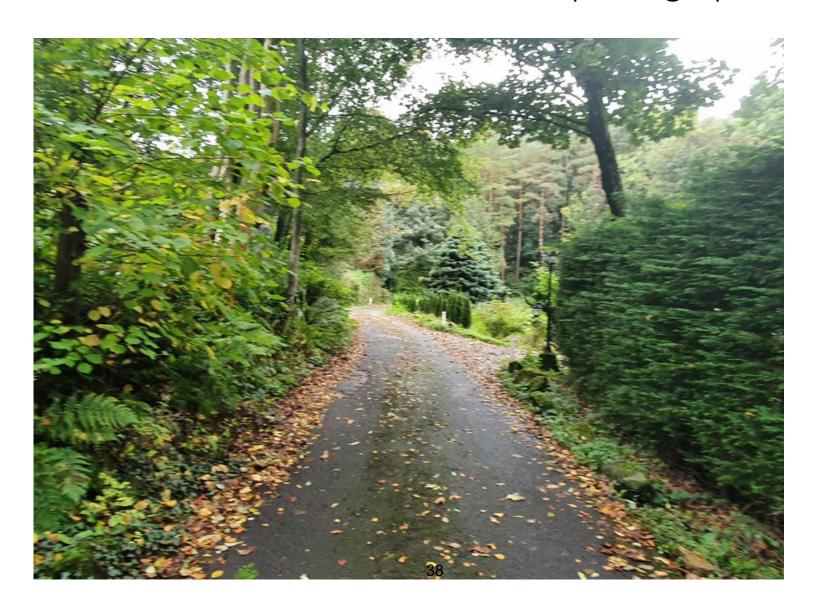
# View of application site looking southwards



View of application site to left of image and adjacent access lane continuing west



View of access road continuing west. Vehicular access for 27 Nether Auchendrane is visible to the centre of the photograph.





On Behalf of South Ayrshire Council
Roads and Transportation Services
Observations on Planning Application

Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org

ARA Case Officer: AP

Planning Case Officer: E McKie

Planning Application No: 21/00853/APP

Location: 27 Nether Auchendrane B7024 From High Maybole Road, Ayr

Date Received: 14/09/2021 Date Returned: 27/09/2021 Recommendation: No Objection

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

# **Expository Statement (if applicable):**

Required for Major applications, or where the recommendation is for refusal or deferral.

# **Protecting Scotland's wildlife for the future**

16, Kilburn Water, Largs. KA30 8ST

Tel: 01475 672568

Email: rhissett@hotmail.com



16<sup>th</sup> September 2021

Ms E. McKie Planning Service, South Ayrshire Council.

Dear Ms McKie

# Your Ref: 21/00853/APP. Erection of holiday let at Nether Auchendrane.

Thank you for consulting the Scottish Wildlife Trust about this proposal.

The site is within the River Doon (Cambusdoon to Brae of Auchendrain) provisional Wildlife Site; which was notified for the following reason:

"An area of valley woodlands and riverside habitats supporting several uncommon plants in addition to breeding birds and mammals."

On the Proposed Site Plan it is stated that existing trees around the site will be maintained. In view of this we suggest that if the application is approved, it should on condition that **all** surrounding trees are retained and that precautions are taken to protect their root systems from damage due to storage of building materials or movement of construction machinery.

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R. Hissett.

Patron HRH The Prince Charles, Duke of Rothesay Chairman Linda Rosborough Chief Executive Jo Pike

Scottish Wildlife Trust Harbourside House 110 Commercial Street Edinburgh EH6 6NF T 0131 312 7765 F 0131 312 8705 E enquiries@swt.org.uk W www.swt.org.uk

# SOUTH AYRSHIRE COUNCIL LOCAL REVIEW BODY NOTE of CURRENT POSITION

Site Address:	MACNAIRSTON FARM C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN
Application:	22/00074/APP ERECTION OF DWELLINGHOUSE GARAGE AND ASSOCIATED OUTBUILDINGS

Appointed Officer's Decision:	Refused
Date Notice of Review Received:	2 <sup>nd</sup> May 2022

Current Position:	New Case For Review
Documentation:	The following documents in relation to the review are attached:  Pages 1 to 7 – Report of Handling Pages 8 to 56 – Notice of Review and Supporting Documentation  Pages 57 to 68 – Planning Application and Supporting Plans  Pages 69 to 82 - Planning Application Supporting Statement  Pages 83 to 84 – Decision Notice Pages 85 to 86 – Site Officer Photographs Page 87 – Agent's Response to Site Photographs Page 88 to 89 – Interested Parties Correspondence
New Material:	No
Additional Material:	N/A
Dated:	17 <sup>th</sup> August 2022

# **South Ayrshire Council**

# **Place Directorate**

# Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received. The Council's Scheme of Delegation can be viewed at http://www.south-ayrshire.gov.uk/committees/

Reference No:	22/00074/APP
Site Address:	Macnairston Farm C74 From B742 North East Of Bowmanston To A70 At Old Toll Ayr South Ayrshire KA6 6EN
Proposal:	Erection of dwellinghouse garage and associated outbuildings
Recommendation:	Refusal

### **REASON FOR REPORT**

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### 1. **Site Description:**

The application site is located in the countryside, approximately 240 metres to the south of the dwellinghouse known as Little Macnairston. The application site comprises of rough grazing land which is located to the west of an unclassified road. Access to the site is taken directly from the unclassified road. Including the site access, the site extends to approximately 2483 sq metres.

The agricultural holding which the application site is associated with is the steading at Macnairston Farm, which forms the operational base of the farm being located to the north-west, and approximately three quarters of a kilometre from the site of the application. The steading at Macnairston Farm comprises of a farmhouse and a various out-buildings and larger agricultural buildings, which are grouped together so as to form a compact operational base.

#### 2. **Planning History:**

None.

#### 3. **Description of Proposal:**

Planning permission is sought for the erection of dwellinghouse garage and associated outbuilding. The proposed dwellinghouse is 2 storeys in height with an 'L' shaped footprint. The proposed dwellinghouse is finished in a combination of material comprising natural stone, render, timber cladding and slate roofs. The proposed outbuilding is sited to the south of the proposed dwellinghouse and is single storey in height. Full details of the development proposals are set out within the plans which accompany the planning application submission.

#### 4. **Consultations:**

Ayrshire Roads Alliance no objection subject to conditions.

#### 5. **Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The applicant/ agent has submitted a labour requirement report in support of the development proposal, which are summarised below as follows:

- The estimated annual labour requirement for the farming operations at Macnairston is currently 5.24 labour units. This type of unit and the stock carried therefore justifies five full time workers.
- It is considered highly desirable for welfare and security that there are suitably qualified personnel residing onsite at Macnairston at all times.
- The location of the proposed dwelling house at Macnairston is not prime agricultural land and does not pose any harmful threats or have a significant visual disturbance to the environment and surrounding landscape.
- There are no existing buildings on the farm that can be utilised for living guarters.

The application submission is also accompanied by a Design and Access Statement which sets out the design principles and rationale behind the application proposals.

#### 6. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

None.

#### 7. **Scottish Ministers Directions:**

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information). Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

#### 8. Representations:

No representations were received.

#### **Development Plan:** 9.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The following policies are relevant in the assessment of the application and can be viewed in full online at http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx

- Spatial Strategy;
- Core Investment Area: O
- Sustainable Development: 0
- Rural Housing:

The Spatial Strategy of the LDP sets out the settlement strategy for South Ayrshire and can be viewed as the foundation framework which provides the vision for how the Council wishes to see the towns and countryside areas develop over the duration of the plan.

The Spatial Strategy of the LDP states that; we will not support development outwith the boundaries of settlements (towns and villages), except where we believe it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. Notwithstanding the provisions of the Spatial Strategy, the LDP Core Investment Area and Rural Housing Policies allow for housing to be built within rural areas, in accordance with their provisions, and the related provisions of the Council's supplementary planning guidance entitled Rural Housing. The

Sustainable Development policy of the LDP seeks to consider the details of development proposals.

Of particular relevance in the consideration of the proposal are the terms of the LDP Rural Housing Policy. Criterion d. of this policy requires that where a home is essential to a rural business, the developer, must satisfy (the Council) through the submission of a sound business plan, that the business is economically viable and could not be run without residential accommodation. The accompanying text relating to limited extensions to existing and clearly defined nucleated housing clusters is also considered to be relevant in the assessment of the current application. In all instances, the LDP policy confirms that proposals for rural housing must comply with the policy guidance as set out in the associated Rural Housing Planning Guidance note in terms of being appropriately sited and designed.

For the reasons noted elsewhere within this report there are policy concerns in relation to the development proposal, in so far as it is not considered that the proposal is in accordance with the provisions of the LDP and in particular the supplementary policy in relation to Rural Housing. Further consideration of the proposal against the provisions of the Council's Rural Housing SPG, and also site specific aspects relating to the proposal are considered further below.

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP2 but referred to as LDP2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP2 now forms a substantial material consideration in the determination of planning applications. Within the context of the current planning application assessment, the provisions of the Proposed Replacement South Ayrshire Local Development Plan (PLDP2) remain largely unchanged from the Adopted South Ayrshire Local Development Plan and therefore does not raise any further or new considerations that should be afforded weight with regards this case.

### 10. Other Relevant Policy Considerations (including Government Guidance):

South Ayrshire Council Supplementary Planning Guidance - Adopted Rural Housing Policy;

South Ayrshire Council's Guidance on Rural Housing indicates that the Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, providing that:

- a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
- b) There is no other existing accommodation that could be used to serve the business; and
- c) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
- d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

The requirement for on-site accommodation may be either as a result of the continuous operation of the existing business, or due to proposed extension or diversification of that business.

In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.

Guidance on Business Plans: Business plans will be required to demonstrate that by the third year of operation, the business will employ at least one essential worker per dwelling on a full time basis at a wage of at least 50% of the South Ayrshire average and that the remaining income from the business would support the total equivalent borrowing cost of creating the business, together with its land, property and residential accommodation assets.

Design Policy 1 of the Council's Guidance on Rural Housing states that houses should be designed to fit a site, not the other way around. Design solutions that do not consider the landscape setting of the site will often be ill-suited for the site, detracting from the surrounding landscape. This can represent a lost opportunity to allow the good quality design to be inspired by the site. New houses in the countryside must comply with the following criteria: -

- a) There will be a presumption against rural housing being located on ridge lines and hill tops, or where the building will disrupt a skyline. Other locations where the building interrupts and conflicts with the flow of the landform will also be resisted.
- b) Existing landscape features such as treebelts, rising ground or natural hollows should be used as a setting to help reduce the prominence of the building(s).
- c) Advantage should be taken of sunlight and aspect; and the landform and landscape features should be used to provide natural shelter from winter exposure.
- d) Changes to the existing topography of a site should be minimised in order that the house fits into the landform naturally, rather than giving the appearance of being engineered into the site.
- e) New housing in close proximity to existing traditional vernacular building(s) should respect and relate to the pattern and design of the existing building(s), and should integrate into the existing layout.
- f) Where the floor area of a proposed dwelling is in excess of 200 square metres, accommodation should be grouped in a courtyard form. Traditional rural domestic scale should be preserved. Generally, houses should not exceed 1 1/2 storeys in height.

Design Policy 2 of the Rural Housing SG indicates that new housing in the countryside should take cognisance of the design guidance in Table 1. This provides detailed (though not exhaustive) advice as to what is acceptable in the countryside in respect of design, proportions and materials.

It is accepted that the farming enterprise could benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations, however, under criterion d. above, "any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive." Where a dwelling house is required in connection with the operation of an existing rural based business, then it is reasonable to expect that, any new dwelling should be sited adjacent to the existing steading so as to reinforce the building grouping and operational base at Macnairston Farm. The application submission intimates that the steading at Macnairston Farm provides residential accommodation for a farm worker in addition to various out-buildings ranging from traditional out-buildings sited adjacent to the farmhouses, and also large modern agricultural buildings to meet operational and storage requirements of the farming enterprise. The existing steading and the associated operational buildings are considered form a compact and self- contained building grouping which forms the operational hub which is the focus of the farming enterprise.

In contrast, rather than any new dwellinghouse being located so as to concentrate the building grouping and operational base of the existing steading, the proposed new house is not located within or adjacent to the existing steading and operational base at Macnairston Farm, but is located approximately 0.75 km to the south-east of Macnairston Farm, and in a location where no agricultural buildings are currently present.

The application submission indicates that the applicant's criteria for the proposed dwelling and shed are as follows;

Improve overall farm security and management.

As noted above, the existing steading at Macnairston is the operational base for the farming enterprise, and is the locus of the associated operational buildings. The location of the associated operational buildings and infrastructure is considered to reinforce the need for any additional new dwellings to be located at the existing steading. It should also be noted that proposed location of the dwellinghouse remote from the existing steading would also likely result in the occurrence of vehicle trips to and from the steading to run and manage the daily operations of the business. The occurrence of daily and potentially numerous trips to, and from the steading from the application site, would not otherwise occur where a dwellinghouse was sited at the existing steading.

As noted above, the applicant/ agent consider that the house in the location proposed is justified on the basis of providing further security and management of the farm. However, the submission does not demonstrate, to the satisfaction of the planning authority that farming operations could not continue to be managed in the current manner, with the addition of a dwellinghouse and agricultural shed at the existing steading. The applicant's supporting information also sets out locational criteria for the siting of a new dwellinghouse. It is considered that the criteria noted by the applicant/ agent could be equally fulfilled by locating an additional dwelling and shed around the vicinity of Macnairston Farm in terms of; providing

accommodation with the ability to further improve overall farm security and management.

Therefore, for the purposes of assessing this application, it is not considered that the proposal is justified on the basis of the need for a dwelling house and shed to be provided in the location proposed. In this regard, it is considered that there is sufficient land around the existing steadings and operational buildings at Macnairston Farm so as to enable the applicant to provide for an additional dwelling and any additional operational buildings, as required. The application has been considered in this context.

Furthermore, the proposed dwellinghouse is 2 storeys in height and therefore does not meet with criterion (f) of the Rural Housing Supplementary Guidance. Within South Ayrshire, one-and-a-half storey dwellinghouses generally comprise of the single-storey form, with the eaves of the roof immediately above the lintels of the ground-floor windows, and the first-floor living accommodation wholly contained within the attic space.

Additionally, it is considered that the existing steading at Macnairston Farm is less visually obtrusive than the application site, which comprises of a portion of a larger field where there are currently no services or buildings, and therefore the positioning of additional buildings at, or in close proximity of the steading, offers the best opportunity to consolidate and reinforce the existing building grouping at the steading as the operational locus of farming activities. In this context, a revised application with an alternatively sited and designed dwelling house and agricultural shed at Macnairston Farm steading is also considered to be preferential from a landscape setting perspective.

## 11. Assessment (including other material considerations):

A site visit has not been undertaken as it is considered that sufficient information is available to determine the application; in accordance with the Council's agreed protocol and the advice of the Scottish Government in containing the spread of Coronavirus. It is considered that sufficient information has been provided with which to undertake an assessment of the application.

The application seeks planning permission for the erection of a dwellinghouse and associated outbuilding to support the existing farming enterprise. As noted above, the applicant/ agent has submitted a supporting labour requirement report, which considers that the need for an additional dwellinghouse is derived from the labour requirement associated with the farming activities, and the applicant/ agent has submitted a supporting labour requirement report and supplementary information on this basis.

It is accepted that the farming enterprise could benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations, however, under criterion d. above, "any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive." Where a dwelling house is required in connection with the operation of an existing rural based business, then it is reasonable to expect that, any new dwelling should be sited adjacent to the existing steading so as to reinforce the building grouping and operational base at Macnairston Farm. The steading at Macnairston provides residential accommodation for a person employed in the farming enterprise at Macnairston in addition to various out-buildings ranging from traditional out-buildings sited adjacent to the farmhouse, and also large modern agricultural buildings to meet operational and storage requirements of the farming enterprise. The existing steading and the associated operational buildings are considered form a compact and self- contained building grouping which forms the operational hub which is the focus of the farming enterprise.

In contrast, rather than any new dwellinghouse being located so as to concentrate the building grouping and operational base of the existing steading, the proposed new house is not located within or adjacent to the existing steading and operational base at Macnairston Farm, but is located approximately 0.75 km to the south-east of Macnairston Farm, and in a location where no agricultural buildings are currently present. Therefore, there are concerns in relation to the proposed siting of the dwellinghouse/ shed due to the proposals not being located so as to consolidate and reinforce the existing steadings and building groupings at Macnairston Farm, and also in terms of the visibility of the site. Furthermore, the proposed dwellinghouse is 2 storeys in height and therefore does not meet with criterion (f) of the Rural Housing Supplementary Guidance. Within South Ayrshire, one-and-a-half storey dwellinghouses generally comprise of the single-storey form, with the eaves of the roof immediately above the lintels of the ground-floor windows, and the first-floor living accommodation wholly contained within the attic space.

For the reasons noted in this report, it is considered that, as the operational hub and locus of farm buildings and farm activities, the existing steading at Macnairston Farm forms a centrally located, and compact building grouping which is well-located to meet the operational needs of the farming enterprise, as well as being less visually sensitive; this approach is in accordance with the policy provisions of the Local Development Plan and the related supplementary guidance. Therefore, it is considered that the

applicants' business needs could be equally, if not better, fulfilled by locating an additional dwelling around the vicinity of Macnairston Farm. The application has been considered in this context.

For completeness, the proposals have also been considered against the Council's policies in relation to extensions to a cluster of existing residential properties. In this regard it is noted that, the application site stands in isolation, is bound by agricultural land on three sides, and by a public road/ woodland to the east. Given the afore-mentioned, the proposed development does not represent the sensitive in-filling of an existing cluster. Therefore, it is not considered that the proposed site could be considered to represent a cluster for the purposes of considering this application.

For the reasons noted above, there are policy concerns in relation to the proposal, and the proposed erection of a dwelling house on this site is not considered to meet with the provisions of the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development and Rural Housing, or the provisions of the Council's Supplementary Planning Guidance in relation to Rural Housing. The primacy of the development plan is noted above. An assessment of the development proposal is set out in this report, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Local Development Plan, and also the Council's Supplementary Guidance in relation to Rural Housing which supplements formal policy, and that there are no material planning considerations that would out-weigh these provisions. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019) is to manage the development and use of land in the long term public interest.

Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

### 12. Recommendation:

It is recommended that the application is refused for the following reasons: -

### Reasons:

- (1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to any proposed buildings or structures not forming or complementing a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and not being visually intrusive, and no satisfactory justification having been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no satisfactory justification having been provided for a departure from the Rural Housing planning guidance.
- (3) That the proposals are contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the scale and height of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.

### **Advisory Notes:**

N/A.

### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused ADNR-638-001a

Drawing - Reference No (or Description): Refused ADNR-638-002b

Drawing - Reference No (or Description): Refused ADNR-638-004a

Drawing - Reference No (or Description): Refused ADNR-638-005a

# **Equalities Impact Assessment:**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Decision Agreed By:	Appointed Officer
Date:	22 March 2022



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100556997-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or A	Agent Details				
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)  Applicant Applicant					
Agent Details					
Please enter Agent details	3				
Company/Organisation:	Derek Scott Planning				
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *		
First Name: *	Derek	Building Name:			
Last Name: *	Scott	Building Number:	21		
Telephone Number: *	0131 535 1103	Address 1 (Street): *	Lansdowne Crescent		
Extension Number:		Address 2:			
Mobile Number:		Town/City: *	Edinburgh		
Fax Number:		Country: *	Scotland		
		Postcode: *	EH12 5EH		
Email Address: *	scott.planning@btconnect.com				
	ual or an organisation/corporate entity? *				

Applicant De	etails		
Please enter Applicant	details		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	Macnairston Farm
First Name: *	Robin	Building Number:	
Last Name: *	Stirling	Address 1 (Street): *	Nr. Coylton
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Ayr
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA6 6EN
Fax Number:			
Email Address: *	enquiries@derekscottplanning.com		
Site Address	s Details		
Planning Authority:	South Ayrshire Council		
Full postal address of the	ne site (including postcode where available	e):	
Address 1:			
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:			
Post Code:			
Please identify/describe	e the location of the site or sites		
MACNAIRSTON FAI AYRSHIRE KA6 6E	RM C74 FROM B742 NORTH EAST OF E N	BOWMANSTON TO A70 A	AT OLD TOLL COYLTON AYR SOUTH
Northing	618898	Easting	238352

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE, GARAGE AND ASSOCIATED OUTBUILDINGS AT MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, COYLTON, AYR, SOUTH AYRSHIRE KA6 6EN
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).
Application for planning permission in principle.
Further application.
Application for approval of matters specified in conditions.
What does your review relate to? *
⊠ Refusal Notice.
Grant of permission with Conditions imposed.
No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Please refer to attached Review Request Statement
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			nd
Please refer to attached Review Request Statement			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00074/APP		
What date was the application submitted to the planning authority? *	25/01/2022		
What date was the decision issued by the planning authority? *	22/03/2022		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding or inspecting the land which is the subject of the review case.	nine the review. Further	information may b	е
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sess X Yes No		yourself and other	
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:	
Can the site be clearly seen from a road or public land? *	an the site be clearly seen from a road or public land? *		
Is it possible for the site to be accessed safely and without barriers to entry? *			
Checklist – Application for Notice of Review			
Please complete the following checklist to make sure you have provided all the necessary ir to submit all this information may result in your appeal being deemed invalid.	formation in support of	your appeal. Failur	re
Have you provided the name and address of the applicant?. *	ĭ Yes ☐ 1		
Have you provided the date and reference number of the application which is the subject of review? $^{\star}$	his 🛚 X Yes 📙 N	No	
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *		No 🗌 N/A	
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	⊠ Yes □ N	No	
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.			
Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	⊠ Yes □ N	No	

# **Declare - Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Scott

Declaration Date: 29/04/2022

# REVIEW REQUEST STATEMENT

22/00074/APP – Erection of Agricultural Worker's Dwelling House, Garage and Associated Outbuildings

at

MACNAIRSTON FARM
C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL
COYLTON
AYR
SOUTH AYRSHIRE
KA6 6EN

Prepared by

# Derek Scott Planning Planning and Development Consultants



21 Lansdowne Crescent
Edinburgh
EH12 5EH
Tel No: 0131 535 1103
E-Mail: enquiries@derekscottplanning.com

On behalf of

# Mr. Robin Stirling

1

# **Executive Summary**

REVIEW REQUEST - 22/00074/APP – ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE, GARAGE AND ASSOCIATED OUTBUILDINGS AT MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, COYLTON, AYR, SOUTH AYRSHIRE KA6 6EN

- Macnairston Farm, which is located between Ayr and Coylton, extends to some 133.55 hectares (330 acres) positioned on either side of the C74 which runs between the A70 and B742. The agricultural holding is presently serviced by a single farmhouse and agricultural buildings located on the northern side of the C74. The farm is a specialist dairy unit milking Holstein cross Friesian dairy cows with milk sold to First Milk on a specialist Nestle contract. With associated breeding activities there can be up to 520 cattle retained on the farm at any one time generating a labour requirement for some 5.24 workers.
- The application site, which measures c. 0.3483 hectares (0.86 acres) comprises part of an agricultural field presently used for grazing purposes, is located on the eastern side of the farm approximately 0.75km to the south east of the existing farmhouse and on the western side of an unclassified road running to the south of the C74. An area of coniferous plantation exists on the opposite side of the unclassified road referred to and acts as a backdrop to the site which otherwise offers extensive views over the surrounding agricultural holding and beyond.
- The planning application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house, garage and outbuildings on the western side of the unclassified public road. The proposed dwelling house, which is unashamedly contemporary in appearance, is two storey in height with an L shaped footprint and accommodates, on the ground floor; an open plan living/dining/kitchen, lounge, utility, w/c shower room, bedroom/study and double garage; and on the first floor; 5 no. bedrooms (2 en-suite) and 2 no. bathrooms. The outbuilding, although single storey in height, also has two storeys with the ground floor proposed for vehicle storage/ maintenance and the upper floor (within roof space) proposed for storage. The area to the north of the dwelling house will be fenced off and used as a calving area.
- The site has been chosen as the preferred location for the dwelling house as it offers extensive views over large parts of the agricultural holding not visible from the existing farmhouse. These are vitally important considerations from the perspectives of both animal husbandry and security in the further development of the enterprise. Our clients will reside, with their four children, in the dwelling house proposed with the existing farmhouse being used by an agricultural worker. Our clients intend, at some

stage in the future and once their children have 'flown from the nest,' to offer bed and breakfast accommodation within the dwelling house as a further diversification initiative on the farm.

- Whilst accepting that there is a justification for the erection of an additional dwelling house on the farm in terms of labour requirements, the application was refused by the Appointed Planning Officer as it was considered to be in conflict with various policies in the South Ayrshire Local Development Plan and the associated Supplementary Guidance on Rural Housing for three reasons as noted below:
  - (i) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to any proposed buildings or structures not forming or complementing a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and not being visually intrusive, and no satisfactory justification having been provided for a departure from this policy.
  - (ii) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no satisfactory justification having been provided for a departure from the Rural Housing planning guidance.
  - (iii) That the proposals are contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the scale and height of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.
- The reasons for the refusal of the application are contested and the following points put forward in response to them:
  - (i) The dwelling house has been proposed in a location which offers panoramic views over large parts of the agricultural holding not available from the existing farm house and/or group of buildings on the farm. This results in substantial improvements to farm security and management critical to the future development of the enterprise. Unfortunately due, in part, to the Planning Officer's failure to visit the application site in advance of determining the application, he erroneously concluded that a site in the vicinity of the existing buildings on the farm would offer greater improvements to farm security and management. That is, quite unequivocally, not the case.

Neither the Local Development Plan nor the Supplementary Guidance on Rural Housing supports the Planning Officer's view, that where there is an established farmhouse and agricultural buildings, that an additional house (agricultural workers) must be located on a site that complements or reinforces that group of buildings. The policy as worded clearly supports the formation of a separate coherent group of buildings as well as reinforcing it. We are of the view that the dwelling house, garage and outbuildings proposed form such a coherent group of buildings appropriately sited against a wooded backdrop and supplemented with additional tree and hedge planting to ensure its satisfactory integration in the landscape.

- (ii) The Supplementary Guidance defines a 'cluster' as a 'building group consisting of 2 or more houses forming a clearly identifiable 'group' with strong visual cohesion and sense of place. Whilst a 'gap site' is not specifically defined in the Supplementary Guidance it would appear to constitute an undeveloped or previously developed site in a recognisable gap between two dwelling houses within a cluster. Neither the application site nor the existing building group on the farm contain more than one dwelling house and as such the policy on 'cluster' development should be of no relevance whatsoever to the determination of the application. This application requires to be assessed against policy on 'Rural Business Related Houses' in which respect the Planning Officer accepts that there is support, in principle, for the erection of an additional house on the farm.
- (iii) The Supplementary Guidance states that 'Generally, houses should not exceed 1½ storeys in height,' thus implying that there can be exceptions to such a rule. Indeed, there are a significant number of two storey houses within close proximity to the application site and others have been granted planning permission. The dwelling house proposed by our client, whilst contemporary in nature takes many of its design queues from the local rural vernacular and as such will result in the creation of a dwelling befitting of the current age but reflecting the best of what has been developed in the past.
- In further support of the Review Request made, the Local Review Body's attention is respectfully drawn to the fact that it has granted planning permission for the erection of 20 no. dwelling houses in countryside locations which had been refused by the Council's Planning Department since 2017. The decisions referred to suggest that members of the Local Review Body have regularly disagreed with Officer's interpretation of policies applicable to the development of rural housing or alternatively that they have fundamental misgivings of the policy as applied.

•	In view of the considerations outlined it is respectfully suggested that this request to
	review the Planning Officer's decision be upheld and that planning permission is
	granted for the proposal as applied for.

# REVIEW REQUEST

REVIEW REQUEST - 22/00074/APP – ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE, GARAGE AND ASSOCIATED OUTBUILDINGS AT MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, COYLTON, AYR, SOUTH AYRSHIRE KA6 6EN

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# LIST OF DOCUMENTS

REVIEW REQUEST - 22/00074/APP – ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE, GARAGE AND ASSOCIATED OUTBUILDINGS AT MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, COYLTON, AYR, SOUTH AYRSHIRE KA6 6EN

**RS Document 1 -** Review Request Forms

**RS Document 2 -** Planning Application Documents Relating to Planning Application

Reference Number 22/00074/APP

2(a) – Planning Application Forms

2(b) – Location Plan

2(c) – Proposed Site Plan

2(d) – Proposed Drawings – Elevations, Floor Plans & Site Plan

2(e) – Macnairston Farm Land Areas

2(f) – Design & Access Statement

2(g) - Planning Justification Report

**RS Document 3** – Report of Handling – 22/00074/APP

**RS Document 4** – Decision Notice – 22/00074/APP

# REVIEW REQUEST

REVIEW REQUEST - 22/00074/APP – ERECTION OF AGRICULTURAL WORKER'S DWELLING HOUSE, GARAGE AND ASSOCIATED OUTBUILDINGS AT MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, COYLTON, AYR, SOUTH AYRSHIRE KA6 6EN

# 1. Introduction

1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants (Edinburgh and Dunfermline) in association with ADNR

Architecture and Design (Saltcoats) and is in support of a request to review the decision of the Appointed Planning



Officer in relation to a planning application which had sought detailed planning permission for the erection of an agricultural worker's dwelling house, garage and associated outbuildings on Macnairston Farm, near Coylton, South Ayrshire. The application was refused permission by the Appointed Planning Officer under delegated powers on 22<sup>nd</sup> March 2022 (Planning Application Reference Number 22/00074/APP). Refer to **RS Documents 3 & 4** for Report of Handling and Decision Notice.



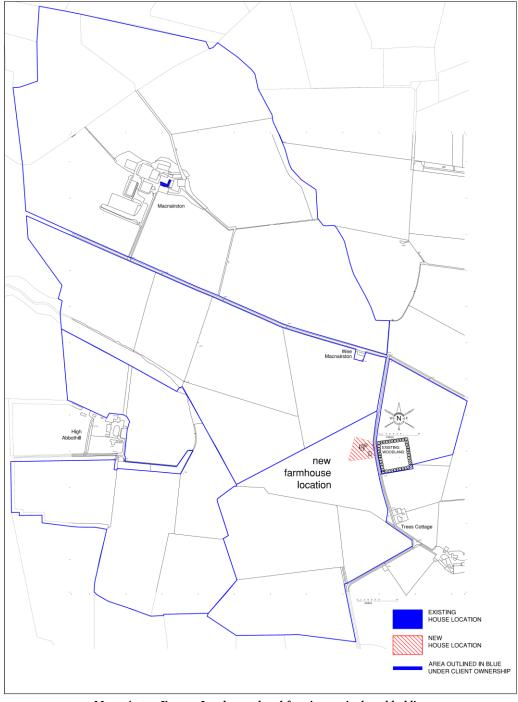
Location Plan (Application Site identified with red circle)

# The applicant

1.2 The Review Request has been prepared on behalf of our clients, Mr. Robin and Mrs. Heather Stirling. Robin and Heather acquired Macnairston Farm in March 2018 and whilst they continue to reside on a farm in Northern Ireland, they and their family of four children are intending to relocate to Scotland (Macnairston Farm) by March 2023. Whilst the farm is currently let on a short-term basis, Robin spends most weekends at Macnairston undertaking improvements to the existing infrastructure and facilities in preparation for takeover and occupation.

# 2. Site Location and Description

2.1 Macnairston Farm, which is located between Ayr and Coylton, extends to some 133.55 hectares (330 acres) positioned on either side of the C74 which runs between the A70 and B742. The large agricultural holding is presently serviced by a single farmhouse and agricultural buildings located on the northern side of the C74. The farm is a specialist dairy unit milking 200 Holstein cross Friesian dairy cows with milk sold to First Milk on a specialist Nestle contract. Sexed semen is used on the best cows and heifers in the herd with the remainder of the herd mated to beef sires. Beef animals and dairy males are sold store with dairy heifers retained for breeding. Any surplus dairy females are sold for breeding purposes to other dairy farmers.



Macnairston Farm - Land owned and forming agricultural holding

2.2 The accompanying Justification Report prepared by Caroline McMillan - Agricultural Consultant (Refer to **RS Document 2g**) details that there can be up to 520 cattle retained on the farm at any time generating a labour requirement for some 5.24 workers.



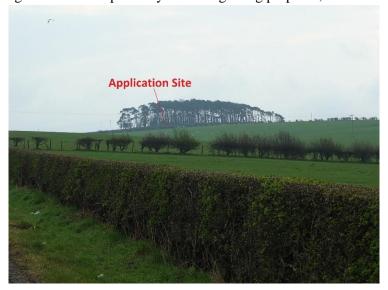






Macnairston Farm

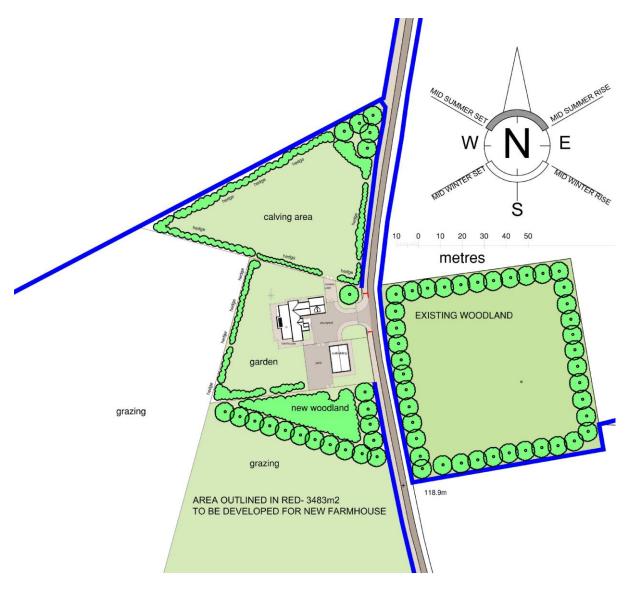
2.3 The application site, which measures c. 0.3483 hectares (0.86 acres) comprises part of an agricultural field presently used for grazing purposes, is located on the eastern side of the farm



approximately 0.75km to the south east of the existing farmhouse and on the side western of an unclassified road running to the south of the C74. An area coniferous plantation exists on the opposite side of the unclassified road referred to and acts as a backdrop to it. The site offers extensive views over the surrounding agricultural holding beyond.

# 3. Description of Proposed Development

3.1 The application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house, garage and outbuildings on the western side of the public road. The proposed dwelling house, which is unashamedly contemporary in appearance, is two storey in height with an L shaped footprint, accommodates, on the ground floor; an open plan living/dining/kitchen, lounge, utility, w/c shower room, bedroom/study and double garage; and on the first floor; 5 no. bedrooms (2 en-suite) and 2 no. bathrooms. The outbuilding, although single storey in height, also has two storeys with the ground floor proposed for vehicle storage/maintenance and the upper floor (within roof space) proposed for storage. The area to the north of the dwelling house will be fenced off and used as a calving area. Full details of the proposed buildings and the design rationale influence them are contained in the accompanying Design and Access Statement (See **RS Document 2f**).



Proposed Contextual Site Plan





Elevations



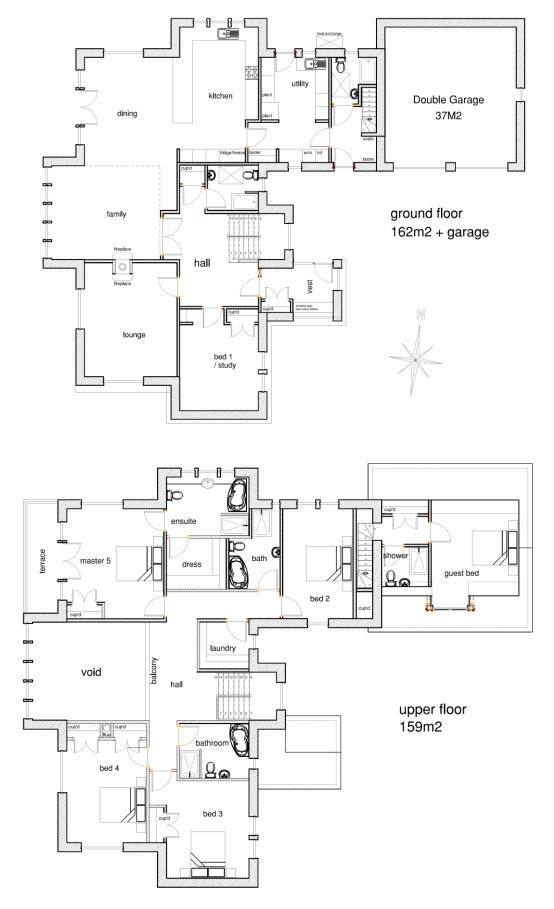
View from west looking east



View from east looking west



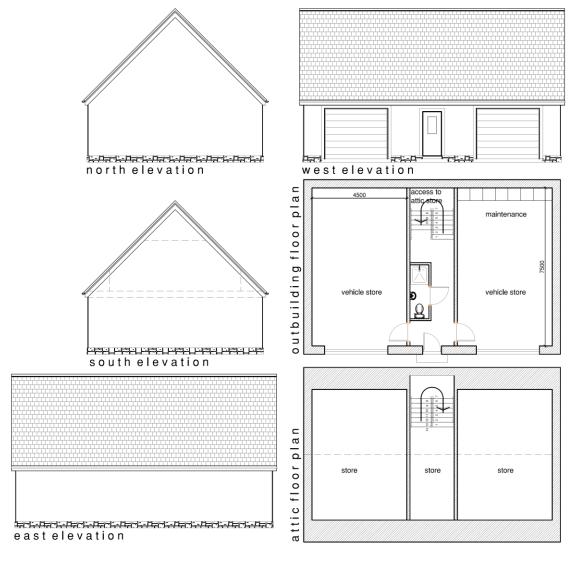
View from north west towards south east



Floor Plans



View from south east to north west



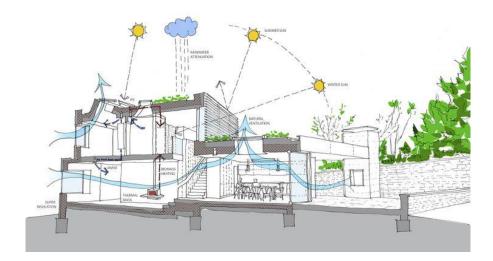
Outbuilding – Elevations and Floor Plans

- 3.2 The site has been chosen as the preferred location for the dwelling house as it offers extensive views over large parts of the agricultural holding not visible from the existing farmhouse. These are vitally important considerations from the perspectives of both animal husbandry and security in the further development of the enterprise. Our clients will reside, with their four children, in the dwelling house proposed with the existing farmhouse being used by an agricultural worker. They intend, at some stage in the future, once their children have 'flown from the nest,' to offer bed and breakfast accommodation within the dwelling house as a further diversification initiative on the farm. Two bedrooms can be used for such purposes under the terms of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without a requirement for a separate grant of planning permission.
- 3.3 The proposed dwelling house is to be finished in a combination of materials including the following:
  - Natural Stone
  - Rendered Walls rural in nature, rough textured walls painted/coloured off white to reflect Ayrshire's approach to rendered walls on rural properties.
  - Timber details Oak/Douglas Fir.



- Masonry copes to break the line of the elevation, the wall treatments shall be terminated by masonry copes.
- Stone details stone panels will be natural stone built in random courses.
- Timber cladding Cedar vertical timber panels or Cedral Cladding.
- Windows Grey finish double glazed units.
- Doors Timber doors set within a grey frame.
- Roof Grey Natural slate
- Timber details Oak/Douglas Fir.
- 3.4 The dwelling house proposed will be energy efficient in every respect. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls, roofs and windows with energy requirements being met through a combination of an air or ground sourced heat pumps and mechanical ventilation. The dwelling will be constructed to achieve an air tightness of at least 5(Pa). Rainwater harvesting will be employed with surplus surface water discharging to the surrounding field drainage system following attenuation. Foul water

will be treated in either a septic tank or mechanical treatment system prior to the treated waters being similarly discharged. Full design details are contained within the supporting architectural drawings and Design and Access Statement which accompanied the application.





Sustainable and Energy Efficent Design

# 4. Assessment of Development Proposals

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), hereinafter referred to as '*The Act*,' states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

- 4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:
  - identify any provisions of the development plan which are relevant to the decision;
  - interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - consider whether or not the proposal accords with the development plan;
  - identify and consider relevant material considerations, for and against the proposal; and
  - assess whether these considerations warrant a departure from the development plan.
- 4.3 The relevant development plan for the area comprises the South Ayrshire Local Development Plan 2014 and its associated Supplementary Guidance as well as the Town Centre and Retail Local Development Plan adopted in 2017. The latter is of no relevance to the application proposals. Other material considerations which should be considered in the determination of the appeal include the Modified Proposed Replacement South Ayrshire Local Development Plan, Scottish Planning Policy, Consultation Responses and Third-Party Representations.

# South Ayrshire Local Development Plan

4.4 The South Ayrshire Local Development Plan was adopted by South Ayrshire Council in October 2014 and is the main policy-based consideration against which the application must be assessed. The Local Development Plan's Spatial Strategy states that the Council

'will support development that encourages sustainable economic growth, improves the quality of the environment and creates sustainable communities. It will direct development to the most environmentally suitable places with the best infrastructure. It will assess all development against the priorities set out in the spatial strategy (as below) and LDP policy: sustainable development. It will not support development outwith the boundaries of settlements (towns and villages), except



where it believes it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy.'

Key polices relevant to the determination of the application include the following:

LDP Policy – Spatial Strategy (Core Investment Area)

LDP Policy – Rural Housing

LDP Policy – Landscape Quality

LDP Policy – Tourism

LDP Policy – Sustainable Development

4.5 The application site lies within the 'Core Investment Area' in respect of which the Plan states the following:

'We will encourage development within the core investment area, if:

- it results in new housing at allocated housing sites (shown in the settlement maps);
- it promotes the sustainable economic growth of Glasgow Prestwick Airport, the Enterprise Zone, other airport- related industry and *infrastructure*;
- it promotes rural diversification and tourism;
- it results in the non-residential reuse of a substantially intact building, which will benefit the local environment; and
- it promotes and improves the environmental quality and range of amenities within town centres.



LDP Spatial Strategy Map

Core Investment Toy

We will not support proposals for residential development outwith existing town and village

boundaries, except where in compliance with LDP policy: rural housing.'

- 4.6 As demonstrated below, the proposed dwelling house is considered to be compliant with the terms of the Council's Policy on the development of rural housing and also gains support from the plan's positive disposition towards the promotion of rural diversification and tourism projects.
- 4.7 The Local Development Plan's Policy on 'Rural Housing' which should be read in tandem and in conjunction with the Council's Supplementary Guidance on Rural Housing states the following:

'In countryside areas, including green belt, we may accept the following proposals for new housing.

- a. The replacement of an existing house, as long as the development is sympathetic to the scale and character of the local area.
- b. An extension to an existing house, as long as it is sympathetic to the scale, character and proportions of the original house, which should remain the main feature.
- c. The conversion and reuse of a genuinely redundant building of traditional or local character and domestic scale for residential use if the building is largely intact, structurally sound or can be repaired or restored. The original building must remain the main feature.
- d. A home that is essential to a rural business. The developer must satisfy us, through a sound business plan, that the business is economically viable and could not be run without residential accommodation.

In countryside areas, outwith the greenbelt, we may accept proposals for new housing that are a limited extension to: an existing clearly defined and nucleated housing cluster, group of four or more houses, or small settlement, subject to an acceptable impact on the existing form and character of the cluster. We would particularly encourage the sensitive infilling of gap sites that would consolidate existing dwellings within the group.

All proposals must comply with the policy guidance set out in the rural housing supplementary guidance.

We will aim to make sure that gardens at new or converted properties are in proportion to the size of the property.'

The Planning Justification Report submitted in support of the application (Refer to **RS Document 2g**) has identified a labour requirement of 5.24 persons in undertaking all activities associated with the farming enterprise. Given the scale of the enterprise and the nature of activities undertaken thereon, it is essential, from animal husbandry and security perspectives that there is more than one agricultural worker able to reside permanently on the farm. As a consequence of the operational requirements outlined it is therefore considered and accepted that the principle of erecting a dwelling house on the farm complies with Criterion (d) on the Local Development Plan's Policy on Rural Housing. This has been accepted by the Planning Officer who has stated the following in Section 11 (Page 5) of his Report of Handling (Refer to **RS Document 3**)

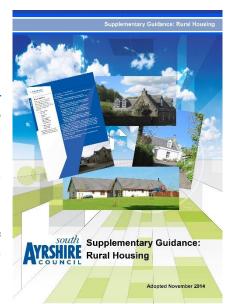
'It is accepted that the farming enterprise could benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwelling house to serve the farming operations.'

4.9 Part 1 of the Rural Housing Supplementary Guidance on the subject of 'Guidance on Assessing Proposals for New Rural Housing' states the following:

'In line with the LDP Policy 'Rural Housing' the following types of rural housing development may be acceptable in rural areas:

- 1. additions to 'clusters' i.e., where there are existing groups of houses and extensions to small settlements
- 2. rehabilitation of vacant rural buildings
- 3. replacement of existing houses
- 4. houses related to rural businesses
- 5. house extensions.'
- 4.10 Significantly the document also states that 'Guidance for new houses in rural areas is not intended to ensure only traditional design solutions will be acceptable.

  Contemporary design solutions will also be acceptable, where they can demonstrate the principles of good design set out in the design guidance.' (highlighting added)
- 4.11 Insofar as 'Rural Business Related Houses' are concerned, the Supplementary Guidance states the following:



'The Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, providing that:

- (a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
- (b) There is no other existing accommodation that could be used to serve the business; and
- (c) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
- (d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

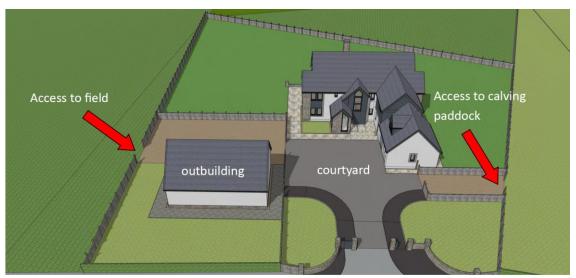
Note: the requirement for on-site accommodation may be either as a result of the continuous operation of the existing business, or due to proposed expansion or diversification of that business.

The Council may give favourable consideration to the provision of temporary on-site residential accommodation for a worker employed in a proposed new rural business for a period of two years, providing that it is in full compliance with criteria a-d, inclusive, above, and that a business plan is submitted for the proposed business, which demonstrates the economic viability of the business and associated buildings/property.

In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.

Guidance on Business Plans: Business plans will be required to demonstrate that by the third year of operation, the business will employ at least one essential worker per dwelling on a full time basis at a wage of at least 50% of the South Ayrshire average and that the remaining income from the business would support the total equivalent borrowing cost of creating the business, together with its land, property and residential accommodation assets.'

- 4.12 Insofar as the criteria within the Guidance on '*Rural Business Related Houses*' are concerned we would respond as follows:
  - (a) As noted in Paragraph 4.8 above it has been demonstrated to the satisfaction of the Appointed Planning Officer that there is a proven justification in terms of labour requirements for the erection of an additional dwelling house on the farm.
  - (b) The existing farm is served by a single farmhouse and there are no other buildings on the farm capable of conversion to residential use. The only means to provide the additional accommodation required is through the erection of a new dwelling house.
  - (c) No other dwelling connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years.
  - (d) The application proposals are considered to form a coherent group of buildings comprising a L shaped dwelling house with attached garage and associated outbuilding set around a common courtyard. The buildings referred to will be viewed and set against an established woodland which will act as an appropriate backdrop with integration into the setting further facilitated through hedge and tree planting.



Coherent Group of buildings comprising dwelling, garage and outbuilding

4.13 Part 2 of the Supplementary Guidance on Rural Housing deals with the 'Design of New Houses in the Countryside.' Design Policy 1 on the 'Siting of New Housing,' states the following:

'Houses should be designed to fit a site, not the other way around. Design solutions that do not consider the landscape setting of the site will often be ill-suited for the site, detracting from the

surrounding landscape. This can represent a lost opportunity to allow the good quality design to be inspired by the site.

New houses in the countryside must comply with the following criteria: -

a) There will be a presumption against rural housing being located on ridge lines and hill tops, or where the building will disrupt a skyline. Other locations where the building interrupts and conflicts with the flow of the landform will also be resisted.



Response – Whilst the proposed dwelling house is located on land commanding extensive views over the agricultural holding, it is set against a backcloth of mature trees to the east which create an appropriate setting for development. The

topographical considerations pertaining to the site itself will ensure that the dwelling will neither interrupt nor conflict in any materially adverse manner with the flow of the landform.

*Existing landscape features such as treebelts, rising ground or natural hollows should be used as a setting to help reduce the prominence of the building(s).* 

**Response** – The response to Criterion (a) above is equally applicable to Criterion (b).

c) Advantage should be taken of sunlight and aspect; and the landform and landscape features should be used to provide natural shelter from winter exposure.

**Response** – Careful consideration has been given to siting considerations in the design of the dwelling house proposed noting in particular the extensive use of glazing (solar gain) and the shelter benefits being derived from the surrounding landscaping.

d) Changes to the existing topography of a site should be minimised in order that the house fits into the landform naturally, rather than giving the appearance of being engineered into the site.

**Response** – The site provides a natural platform for the development of the dwelling house proposed and will require minimal, if any interventions, in the prevailing landform.

e) New housing in close proximity to existing traditional vernacular building(s) should respect and relate to the pattern and design of the existing building(s) and should integrate into the existing layout.

**Response** – Whilst the dwelling house proposed is not located in close proximity to an existing traditional vernacular building and is contemporary in its appearance it is nonetheless sympathetic to the established architectural vernacular and will result in the creation of a

building representative of the modern era and the best architectural traditions associated with it.

f) Where the floor area of a proposed dwelling is in excess of 200 square metres, accommodation should be grouped in a courtyard form. Traditional rural domestic scale should be preserved. Generally, houses should not exceed 1½ storeys in height.'

**Response** – The dwelling proposed by our client has a floor area (excluding garage) of some 321 sq. metres (162 sq. metres on ground floor and 159 sq. metres on first floor) and as such exceeds the 200 sq. sq metre threshold referred to in this criterion. The guidance further states that the traditional rural domestic scale should be preserved and that generally, houses should not exceed 1½ storeys in height. The following considerations are advanced in response to the Guidance outlined:

- (i) The application proposals are not traditional but contemporary in appearance and we might add unashamedly so. The Guidance acknowledges elsewhere that 'contemporary design solutions will also be acceptable.'
- (ii) The Guidance states that 'Generally, houses should not exceed 1½ storeys in height,' thus implying that there can be exceptions to that 'general rule.' As evidence in the photographs below there are a number of dwellings in the immediate area which are greater than 1½ storeys in height and as a consequence of that the 2-storey dwelling proposed by our client is not, in terms of its height and scale, out of character with the prevailing pattern of development.









Two-storey dwelling houses within vicinity of application site









Two-storey dwelling houses within vicinity of application site

We also note that the Local Review Body has recently granted planning permission for the erection of a two-storey dwelling house at Jellieston Farm which lies some 1.75 km to the south east of the application site under the terms of Planning Permission Reference Number 21/00705/APP, thus creating a precedent for this form and scale of development in the area.



Two storey contemporary designed dwelling house approved at Jellieston Farm under Planning Permission Reference Number 21/00705/APP

(iii) Whilst a courtyard form of development may be appropriate where the design solution involves the development of a traditionally designed dwelling house over 200 sq. metres in area, it does not and should not follow that houses designed in a contemporary form should adopt such a pattern of development. In saying that and as noted previously our client's proposal is sympathetic to such a form. Notwithstanding this and in contrast there is a property known as Martnaham located on the banks of Martnaham Loch approximately 1.75 km metres to the south east of the application site which has a footprint considerably greater than the footprint associated our client's proposed dwelling house and which is not in a courtyard form.





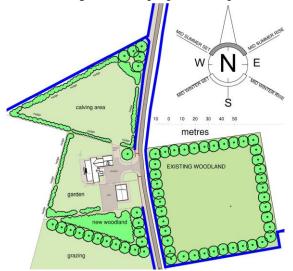
Martnaham substantially larger than dwelling proposed at Jellieston Farm

- (iv) Weight should also be given in the context of rural design considerations to the fact that it is now possible under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), albeit subject to prior notification arrangements, to erect an agricultural building with a floor area of 1,000 sq. metres to a maximum height of 12 metres. Such a building would occupy a footprint approximately six times that which would be occupied by our client's house and would also be significantly greater in height. This helps to put into context the scale of the dwelling house proposed.
- 4.14 Given all of the considerations outlined above we do not consider the proposal to be in conflict with any of the specific requirements of Design Policy 1 on the 'Siting of New Housing.'
- 4.15 Design Policy 2 within the Supplementary Guidance relates to the 'Design of New Housing' and states the following:
  - 'New housing in the countryside, which seeks to achieve a traditional appearance, should take cognisance of the design guidance in Table 1.'
- 4.16 As the dwelling house proposed by our client is **contemporary** in its appearance and does not seek to achieve a traditional appearance there is no overriding requirement to take cognisance of the design guidance in the table referred to.
- 4.17 The LDP's policy on 'Landscape Quality' states the following:

'We will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:

- (a) community settings, including the approaches to settlements, and buildings within the landscape;
- (b) patterns of woodland, fields, hedgerow and tree features;
- (c) special qualities of rivers, estuaries and coasts;
- (d) historic landscapes; and
- (e) skylines and hill features, including prominent views.'

4.18 The dwelling house is proposed on part of an existing agricultural field; it is set against a



wooded background; and when developed it will benefit from hedged boundaries supplemented with additional tree planting which will assist in its integration in the landscape. It is, in our minds, an entirely suitable site for the development of a dwelling house, which due to its striking contemporary design qualities befitting of the modern era will contribute to rather than detract from the character, appearance and ultimate quality and interest of the surrounding landscape.

# 4.19 The Local Development Plan's Policy on 'Tourism' states the following:

'We will look favourably on proposals which will provide or improve tourist and leisure facilities and we will support keeping and improving existing significant leisure, recreation and tourist facilities.

We would aim to keep large-scale commercial leisure developments to the town centres of Ayr, Prestwick, Troon, Girvan and Maybole. If there is no alternative site in or next to a town centre, we may accept developments outside existing centres but still within settlements if there is convenient and regular public transport and the developer can show that there would be no negative effect on the vitality or viability of a town centre.

We will encourage proposals for tourist accommodation which are in accordance with LDP policy: the coast and which would improve the standards and appearance of self-catering or touring caravan and camping sites, and we will normally allow new sites to be developed (or existing sites to be expanded) as long as:

a. all new accommodation is for holiday use only;

- b. the development has suitable screening and is appropriate in terms of the landscape setting and design; and
- c. the development is not isolated or scattered.

We will protect existing golf courses and will encourage the development and improvement of golf facilities. We will not usually allow development which we consider may negatively affect the status of Turnberry and Royal Troon as venues for the Open Championship.

When considering applications for planning permission, we will take account of the Ayrshire and Arran Tourism Strategy.'

- 4.20 Whilst the dwelling house proposed by our client is currently intended as a 'family' home and base from which to manage and run the highly successful dairy based agricultural enterprise existing, it is intended, at some stage in the future and once the children have 'flown from the nest' to operate a small-scale bed and breakfast enterprise from the property as a further diversification initiative. This will, in its own small way, contribute to the local tourist economy and increase the range of specialist accommodation for visiting tourists to the area.
- 4.21 The Council's Policy on 'Sustainable Development' within the Local Development Plan states the following:

'We will support the principles of sustainable development by making sure that all development meets the following standards.

• Is appropriate in terms of its amenity impact, layout, scale, massing, design and materials in relation to its surroundings.

**Response** – As noted previously the dwelling house and associated outbuildings proposed are considered to be compliant with the terms of the Council's Policy on Rural Housing particularly in respect of amenity impact, layout, scale, massing, design, materials and its relationship with its surroundings.

• Is designed to maximise energy efficiency through building siting, orientation and materials.

**Response** — As noted previously, the dwelling house proposed will be energy efficient in every respect. Orientated to benefit from solar gain, it will also adopt a fabric first approach in achieving standards of insulation in excess of those required by Scottish Building Regulations. These will be incorporated within the walls, roofs and windows with energy requirements being met through a combination of a ground sourced heat pump and mechanical ventilation. Surrounding woodland will also provide shelter, all with the aim of increasing energy efficiency.

• Respects the character of the landscape.

**Response** – As demonstrated in our consideration of and response to the Supplementary Guidance on Rural Housing, the dwelling proposed is considered to be entirely

respectful to the character and appearance of the landscape benefitting in particular from its topographical context and location next to the established woodland which will act as a backdrop to it from both short- and long-range views.

• Respects, protects, and where possible, enhances natural, built and cultural heritage resources.

**Response** – The dwelling house proposed will not result in an adverse effect on natural, built or cultural heritage resources

• Helps mitigate and adapt to the effects of climate change.

**Response** - Appropriate measures will be incorporated within the building to ensure that energy efficiency levels as set out in Scottish Building Standards are met and where possible exceeded.

Protects peat resources.

**Response** – The proposal does not impact on peat resources.

• Is appropriate to the local area in terms of road safety and effect on the transport network.

**Response** - The Ayrshire Roads Alliance, in its consultation response has advised that it has no objections to the application subject to the imposition of conditions on any permission granted.

• Contributes to an efficient use of public services, facilities and infrastructure.

**Response** – The proposed dwelling can be provided with all required services, facilities and infrastructure and as such does not result in an unreasonable burden to the public purse.

• Has sustainable urban drainage and avoids increasing (and where possible reduces) risks of or from all forms of flooding.

**Response** – The dwelling house will be serviced with an appropriate sustainable drainage system involving, in part, rainwater harvesting with surplus waters appropriately treated prior to discharge into the surrounding field drainage system.

• Supports, and, where possible, improves the Central Scotland Green Network.

**Response** – The proposal has no negative impacts on the Central Scotland Green Network.

• Does not have a negative effect on air and water quality.

**Response** – There are no impacts on air and water quality associated with the proposal.

• Is not within Health and Safety Executive safeguard zones if this would lead to increased risk or danger.

Response – The site is not located within a Health and Safety Safeguard Zone

• *Is designed in a way that helps prevent crime.* 

**Response** – Whilst this particular criterion is more applicable to larger scale housing developments involving the erection of multiple units, it is suffice, in the context of the current proposal, to outline that our client will introduce appropriate security measures to alleviate and prevent crime prevention. The siting of the house itself if notable in this regard as it offers panoramic views over large parts of the overall holding and increasing security as a result of that.

• Wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking.

**Response** – The application site is located, by necessity, within the countryside between Ayr and Coylton. Whilst not benefitting from regular public transport provision the site does provide good opportunities for walking and cycling.

• *Includes the use of micro-renewables, wherever appropriate and feasible.* 

**Response** – As noted previously the proposal involves the use of either an air or ground sourced heat pump (or both) in meeting the energy efficiency requirements of the Scottish Building Standards.

4.22 In light of all considerations outlined above we are firmly and unequivocally of the view that the application proposals do not materially conflict with the terms of the Council's policy on Sustainable Development.

#### **Other Material Considerations**

4.23 In addition to the development plan, due consideration must also be given to other material considerations when determining a planning application. Such considerations in this instance include Scottish Planning Policy, the Modified Proposed Replacement South Ayrshire Local Development Plan, Consultation Responses, Planning History and Third-Party Representations.

# Scottish Planning Policy

- 4.24 The Scottish Planning Policy Document (SPP) was published by the Scottish Government in June 2014 and sets out national planning policies reflecting Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - the preparation of development plans;

- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.



4.25 Paragraphs 81 and 83 of Scottish Planning Policy are of relevance to the application proposals and state the following:

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.' (Paragraph 81)

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.' (Paragraph 83)
- 4.26 The Policy on Rural Development within the Council's Local Development Plan is compliant with the terms of SPP though its introduction of opportunities for developing houses in rural locations such as the application site.
- 4.27 The SPP (Paragraph 27) also introduces a presumption in favour of development that contributes to sustainable development. The SPP states that 'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.' (Paragraph 28)
- 4.28 The SPP (Paragraph 29) states that policies and decisions should be guided by the following principles:
  - giving due weight to net economic benefit;
  - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
  - *supporting good design and the six qualities of successful places;*

- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;



- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 4.29 Paragraph 32 of the SPP advises that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.'
- 4.30 Paragraph 33 of the SPP advises that 'Where relevant policies in a development plan are outof-date or the plan does not contain policies relevant to the proposal, then the presumption in
  favour of development that contributes to sustainable development will be a significant material
  consideration. Decision-makers should also take into account any adverse impacts which
  would significantly and demonstrably outweigh the benefits when assessed against the wider
  policies in this SPP. The same principle should be applied where a development plan is more
  than five years old.'
- 4.31 Paragraph 34 of the SPP states that 'where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.'
- 4.32 Paragraph 35 of the SPP states the following:

'To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.'

- 4.33 Paragraph 37 of the SPP advises that 'Planning should take every opportunity to create high quality places by taking a design led approach.' It further emphasises that 'Planning should direct the right development to the right place' (Paragraph 39) and that 'Planning should support development that is deigned to a high-quality which demonstrates the six qualities of successful place' (Paragraph 40) namely Distinctive, Safe and Pleasant, Welcoming, Adaptable, Resource Efficient, Easy to Move Around and Beyond.
- 4.34 The proposed dwelling house is considered to contribute to sustainable development when assessed against the principles outlined in Paragraph 29 of the SPP for the reasons stated below:

Principles	REASONS FOR COMPLIANCE
<ul> <li>giving due weight to net economic benefit.</li> <li>responding to economic issues, challenges and opportunities, as outlined in local economic strategies;</li> </ul>	The proposed dwelling house will generate socio-economic benefits by providing residential choice, providing employment opportunities during construction and boosting investment in the rural economy.
• supporting good design and the six qualities of successful places.	The design proposals for the dwelling house are of an exceptionally high design quality and support the six qualities of successful places by being distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around.
<ul> <li>making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;</li> </ul>	The proposal involves the development of a new dwelling house to support an established agricultural enterprise in accordance with the Council's Policy on Rural Development contained within its local development plan.
supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will facilitate the development of a dwelling house on an established agricultural holding thus minimizing the need for those working on the farm to travel to their place of work (e.g., from a nearby settlement)

Principles	REASONS FOR COMPLIANCE
• supporting delivery of infrastructure, for example transport, education, energy, digital and water.	It is intended that the proposed dwelling house will maximise the use of innovative design technology to ensure that it is inherently sustainable and energy efficient.
• supporting climate change mitigation and adaptation including taking account of flood risk.	The proposed development will introduce a range of measures which will support climate change mitigation. This will be achieved through enhanced levels of insulation and efficient heating systems/low carbon energy sources. The site is not at risk of flooding.
• improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The site benefits from substantial areas of private amenity space within its curtilage.
• having regard to the principles for sustainable land use set out in the Land Use Strategy.	The application proposals have been developed in due cognisance of the principles of sustainable land use.
• protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The proposal will not result in an adverse effect on the area's cultural heritage.
reducing waste, facilitating its management and promoting resource recovery.	Recycling and refuse facilities will be incorporated into the proposal. Collection of waste will be undertaken in line with local authority procedures. Every effort will be made to ensure that waste is minimised on site and recycled in accordance with sound principles of sustainability where possible.

4.35 Paragraph 28 of SPP, as noted previously, states that 'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. In view of the considerations outlined within this statement, the application proposal clearly represents a sustainable form of development; a consideration to which significant weight should be given in the determination of this planning application.

# **Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2)**

4.36 On 10th March 2022, South Ayrshire Council considered and agreed to accept Modifications to the Proposed Local Development, as recommended by the Scottish Government's Planning

and Environmental Appeals Division (DPEA) following its consideration of the objections made to the plan. At the same meeting, the Council agreed to submit the Plan (including those recommended modifications) to Scottish Ministers as the Local Development Plan that it intends to adopt. The said plan and notification of intent to adopt were submitted to Scottish Ministers on 08<sup>th</sup> April 2022 and runs for the statutory 28-day period. As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a significant material consideration in the assessment of planning applications.

4.37 As the policies and proposals in the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2) mirror, to a large degree, those in the extant local development plan and as they have not been referred to in the Planning Officer's reasons for refusing the application, no further comments are offered on its contents. However, it is accepted that the MPLDP2 could constitute the adopted local development plan by the time this review request is considered by the Council's Local Review Body.

#### **Consultation Responses**

4.38 According to the Report of Handling on the application consultations have only taken place with the Ayrshire Roads Alliance who offered no objections to the application.

# **Third Party Representations**

4.39 There have been no objections to the application from third parties.

# **Planning History**

- 4.40 Whilst the application site itself is bereft of any planning history, the following decisions made by the Council's Local Review Body since 2017 are cited as precedents in support of the current application/review request. Each of the decisions referred to involved the erection of dwelling houses in countryside locations where the Local Review Body have disagreed with the Appointed Officers Decision and granted planning permission in some instances where: -
  - (a) the dwelling house proposed was not located adjacent to the existing farmhouse/steading; and
  - (b) it involved the erection of a two-storey dwelling house.

The decisions referred to would suggest that members of the Local Review Body have frequently disagreed with Officer's interpretation of policy applicable to the development of rural housing or alternatively that they have fundamental misgivings of the policy as applied.

- 21/00705/APP Erection of dwellinghouse and garage at Jellieston Farm, B742 From Council Boundary to A70 Junction at Hillhead, Coylton, Ayr, South Ayrshire KA6 6ES Granted by LRB on 22<sup>nd</sup> February 2022
- 2. 21/00644/PPP Planning Permission in Principle for the erection of dwellinghouse and agricultural shed on Land at Catcraig Farm, C8 From A719 Junction at Adamhill to Council Boundary, Craigie, Kilmarnock, South Ayrshire KA1 5NB Granted by LRB on 01st February 2022
- **20/01076/APP** Erection of dwellinghouse at High Greenan Lodge, Dunure Road, Ayr, South Ayrshire KA7 4HU **Granted by LRB on 07**<sup>th</sup> **December 2021**

- **4. 20/00775/PPP** Planning permission in principle for erection of a dwellinghouse at Robstone Farm, B741 From A77T Junction at Bridge Mill Girvan to Main Street Dailly, Girvan, South Ayrshire KA26 9PZ Granted **by LRB on 08**<sup>th</sup> **September 2021**
- 5. 20/01031/APP Erection of dwellinghouse at Threave Farm, U58 From B741 Junction Near Drumquhill North Via Threave to C31 Junction at Threave Cottage, Crosshill, South Ayrshire KA19 7QA - Granted by LRB on 26<sup>th</sup> October 2021
- 6. 20/00476/APP Change of use of existing golf club house to form dwellinghouse at Brunston Castle Golf Course Golf Course Road Dailly South Ayrshire KA26 9SB -Granted by LRB on 11<sup>th</sup> May 2021
- 20/00258/APP Erection of dwellinghouse at Kirkoswald Toll House, Blawearie Road, Kirkoswald, South Ayrshire KA19 8HX - Granted by LRB on 11<sup>th</sup> May 2021
- **8. 20/00446/APP** Change of use and alteration of the existing storage building to form a dwellinghouse, the formation of garden ground and the creation of an access road at Woodcroft, B744 From A70 Junction at Belston to Weston Avenue, Annbank, Ayr South Ayrshire KA6 5HZ **Granted by LRB on 30**<sup>th</sup> **March 2021**
- 20/00139/PPP Planning Permission in Principle for erection of agricultural shed and dwellinghouse at Burnbank Farm, B742 From Council Boundary to A70 Junction at Hillhead, Coylton, South Ayrshire KA6 6BA - Granted by LRB on 08<sup>th</sup> December 2020
- 10. 19/01128/APP Erection of dwellinghouse at The Walled Garden, B739 From Tarbolton Road Monkton to A719 Junction at Raith, Monkton, South Ayrshire KA9 2SQ Granted by LRB on 22<sup>nd</sup> September 2020
- 11. 19/00787/APP Erection of dwellinghouse at Tannockhill Farm, C114 From B743 Junction East of Failford North to C35 Junction, South East Of Largietoll Cottage, Mauchline, South Ayrshire KA5 5TJ Granted by LRB on 17<sup>th</sup> March 2020
- 12. 19/00315/APP Erection of dwellinghouse at Dalwyne Cottage, U27 From B741 At Cloyntie, South Via Auchalton and Drumyork to South Balloch U66, Maybole, South Ayrshire KA26 9UA Granted by LRB on 24<sup>th</sup> September 2019
- 13. 18/01080/PPP Planning permission in principle for erection of farm workers dwellinghouse and erection of agricultural shed at U90 From A70 North Via Potterhill Farm to B744, Ayr, South Ayrshire Granted by LRB on 28<sup>th</sup> May 2019
- 14. 18/00865/APP Erection of dwellinghouse at B7035 Junction with A77T North of St Quivox B734 Junction at Slatehall, St Quivox, South Ayrshire Granted by LRB on 12<sup>th</sup> March 2019
- 18/00379/APP Erection of dwellinghouse at Highcroft Nursery, B742 A70 Hillhead
   B744 Junction, North of Annbank, Coylton, South Ayrshire KA6 5LB Granted by
   LRB on 29<sup>th</sup> January 2019
- **16. 18/00135/PPP** Planning permission in principle for erection of dwellinghouse at 13 Belston Holdings A70 Holmston Roundabout B744 At Belston East of Ayr, Ayr, South Ayrshire KA6 5JW **Granted by LRB on 06**<sup>th</sup> **November 2018**

- 17. 18/00304/APP Erection of dwellinghouse at The Walled Garden, B739 Tarbolton Road Monkton A719 Junction, Monkton, South Ayrshire KA9 2SQ Granted by LRB on 06<sup>th</sup> November 2018
- 18. 17/00215/APP Erection of dwellinghouse at Bennan Farm, U31 From B741 Near Straiton South West to U43 Near Dyke Straiton, South Ayrshire KA19 7NB Granted by LRB on 12th September 2017
- 19. 16/01201/APP Change of use of outbuilding and associated alterations and extension to form dwellinghouse at Cockhill Farm, U109 From C128 Junction North to Access Road to Cockhill Farm, Dundonald, South Ayrshire KA2 9BZ Granted by LRB on 28th June 2017
- 20. 16/00965/APP Erection of dwellinghouse at Afton Park, B743 Mauchline Road Mossblown B730 Junction, Mossblown, South Ayrshire KA6 5AS Granted by LRB on 19<sup>th</sup> April 2017
- 4.41 Having considered the application proposals against the terms of the development plan and all other material considerations we are firmly and unequivocally of the view that the application proposals are complaint with the former and that there are no material considerations existing which would support anything other than the granting of planning permission for the application as applied for.

# 5. Response to Reasons for Refusal

- 5.1 The planning application was refused for four reasons. Prior to addressing those reasons, it is of concern to note that the Officer appears to have determined this application without visiting the site or requesting further information in support of it prior to its determination. In that context the reasons for refusal and our responses to them are outlined below.
  - (1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to any proposed buildings or structures not forming or complementing a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and not being visually intrusive, and no satisfactory justification having been provided for a departure from this policy.
- 5.2 The Planning Officer claims in his Report of Handling on the application that the proposals are contrary to Criterion d of the Council's Policy on 'Rural Business Related Housing' as contained within its supplementary guidance on Rural Housing. That particular criterion, which has been addressed previously within Paragraphs 4.11 and 4.12 of this statement, requires any proposed buildings or structures to 'form or complement a coherent group of buildings and not to be visually intrusive.' He goes onto to claim that it 'is reasonable to expect that, any new dwelling should be sited adjacent to the existing steading so as to reinforce the building grouping and operational base at Macnairston Farm.' In our opinion neither the Local Development Plan nor the Supplementary Guidance on Rural Housing supports the Planning Officer's view that where there is an established farmhouse and agricultural buildings that an additional house (agricultural workers) must be located on a site that complements or reinforces that group. The policy as worded clearly supports the formation of a separate coherent group of buildings. We are of the view that the dwelling house, garage and outbuildings proposed form such a coherent group of buildings appropriately sited against a wooded backdrop and supplemented with additional tree and hedge planting to ensure its satisfactory integration in the landscape.
- 5.3 The Planning Officer also claims in his Report of Handling that the erection of the dwelling house proposed within or as an extension to the existing group of buildings at Macnairston Farm offers the same if not better potential to improve overall farm security and management. However, having visited both the existing buildings at Macnairston Farm and the application site, it is patently obvious, in view of the panoramic views to be had from the application site over large parts of the agricultural holding, that it offers significantly greater potential to improve farm security than would any dwelling house erected next to the existing farm buildings. This would have been apparent to the Planning Officer had he visited the site in advance of determining the application. Unfortunately, he failed to do so and as consequence has made a significant error in his determination of the application.
  - (2) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no satisfactory

justification having been provided for a departure from the Rural Housing planning guidance.

- As noted in our response to the first reason for the refusal of the application, neither the Local Development Plan nor the Council's Supplementary Guidance on Rural Housing specifically requires new buildings or structures on a farm to be sited so as to reinforce the existing operational base of the farming enterprise. In contrast the supplementary guidance provides for and supports, in principle, the formation of new coherent groups of buildings such as that proposed on the application site.
- 5.5 We are somewhat confused by the Planning Officer's reference in this reason for refusal to the terms 'existing cluster' and 'gap site.' The Supplementary Guidance defines as 'cluster' as a 'building group consisting of 2 or more houses forming a clearly identifiable 'group' with strong visual cohesion and sense of place. Whilst a 'gap site' is not specifically defined in the Supplementary Guidance it would appear to constitute an undeveloped or previously developed site in a recognisable gap between two dwelling houses within a cluster. Neither the application site nor the existing building group on the farm contain more than one dwelling house and as such the policy on 'cluster' development should be of no relevance whatsoever to the determination of the application. This application requires to be assessed against policy on 'Rural Business Related Houses' which the Planning Officer accepts, there is support in principle for the erection of an additional house on the farm.
  - (3) That the proposals are contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the scale and height of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.
- 5.6 The Planning Officer in his Report of Handling states that the two-storey dwelling house proposed on the application site does not respect or reflect the traditional vernacular of rural housing in South Ayrshire which he claims comprises generally of 1½ storey dwelling houses (single storey form, with the eaves of the roof immediately above the lintels of the ground floor windows, and the first-floor living accommodation wholly contained within the attic space.). The following considerations are put forward in response to this reason for refusal:
  - (i) Criterion (f) of Design Policy 1 states that 'Generally, houses should not exceed 1½ storeys in height,' thus implying that there can be exceptions to such a rule. One such exception relates to the Local Review Body's recent decision to grant planning permission for the erection of a two-storey dwelling house at Jellieston Farm, some 1.75 km to the south west of the application site under the terms of Planning Application Reference Number 21/00705/APP which we would cite as a precedent in support of the current proposal.
  - (ii) As noted in Paragraph 4.13 previously, there are a significant number of two storey houses within close proximity to the application site.
  - (iii) The Supplementary Guidance on Rural Housing clearly states that 'contemporary design solutions will also be acceptable.' The dwelling house proposed by our client, whilst contemporary in nature takes many of its design queues from the local rural

vernacular and as such will result in the creation of a dwelling befitting of the current age but reflecting the best of what has been developed in the past.

5.7 In light of the considerations outlined above we do not accept the Planning Officer's reasons for the refusal of the application and as such it is respectfully requested that they be reviewed by the Council's Local Review Body and planning permission granted for the proposal.

# 6. Summary and Conclusions

- 6.1 Having considered the proposed development against the terms of both the development plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) we have demonstrated and are very firmly of the opinion that the application/review request should be upheld, and planning permission granted for the proposal. Our position on this appeal can be summarised as follows:
  - Macnairston Farm, which is located between Ayr and Coylton, extends to some 133.55 hectares (330 acres) positioned on either side of the C74 which runs between the A70 and B742. The agricultural holding is presently serviced by a single farmhouse and agricultural buildings located on the northern side of the C74. The farm is a specialist dairy unit milking Holstein cross Friesian dairy cows with milk sold to First Milk on a specialist Nestle contract. With associated breeding activities there can be up to 520 cattle retained on the farm at any one time generating a labour requirement for some 5.24 workers.
  - The application site, which measures c. 0.3483 hectares (0.86 acres) comprises part of an agricultural field presently used for grazing purposes, is located on the eastern side of the farm approximately 0.75km to the south east of the existing farmhouse and on the western side of an unclassified road running to the south of the C74. An area of coniferous plantation exists on the opposite side of the unclassified road referred to and acts as a backdrop to the site which otherwise offers extensive views over the surrounding agricultural holding and beyond.
  - The planning application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house, garage and outbuildings on the western side of the public road. The proposed dwelling house, which is unashamedly contemporary in appearance, is two storey in height with an L shaped footprint and accommodates, on the ground floor; an open plan living/dining/kitchen, lounge, utility, w/c shower room, bedroom/study and double garage; and on the first floor; 5 no. bedrooms (2 en-suite) and 2 no. bathrooms. The outbuilding, although single storey in height, has two storeys also with the ground floor proposed for vehicle storage/ maintenance and the upper floor (within roof space) proposed for storage. The area to the north of the dwelling house will be fenced off and used as a calving area.
  - The site has been chosen as the preferred location for the dwelling house as it offers extensive views over large parts of the agricultural holding not visible from the existing farmhouse. These are vitally important considerations from the perspectives of both animal husbandry and security in the further development of the enterprise. Our clients will reside, with their four children, in the dwelling house proposed with the existing farmhouse being used by an agricultural worker. Our clients intend, at some stage in the future and once their children have 'flown from the nest,' to offer bed and breakfast accommodation within the dwelling house as a further diversification initiative on the farm.

- Whilst accepting that there is a justification for the erection of an additional dwelling house on the farm, the application was refused by the Appointed Planning Officer as it was considered to be in conflict with various policies in the South Ayrshire Local Development Plan and the associated Supplementary Guidance on Rural Housing for three reasons as noted below:
  - (i) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to any proposed buildings or structures not forming or complementing a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and not being visually intrusive, and no satisfactory justification having been provided for a departure from this policy.
  - (ii) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no satisfactory justification having been provided for a departure from the Rural Housing planning guidance.
  - (iii) That the proposals are contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the scale and height of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.
- The reasons for the refusal of the application are contested and the following points put forward in response to them:
  - (i) The dwelling house has been proposed in a location which offers panoramic views over large parts of the agricultural holding not available from the existing group of buildings on the farm. This results in substantial improvements to farm security and management critical to the future development of the enterprise. Unfortunately due to the Planning Officer's failure to visit the application site in advance of determination, he erroneously concluded that a site in the vicinity of the existing buildings on the farm would offer greater improvements to farm security and management. That is, quite unequivocally, not the case.

Neither the Local Development Plan nor the Supplementary Guidance on Rural Housing supports the Planning Officer's view, that where there is an established farmhouse and agricultural buildings, that an additional house (agricultural workers) must be located on a site that complements or reinforces that group of buildings. The policy as worded clearly supports the formation of a separate coherent group of buildings as well as reinforcing it. We are of the view that the dwelling house, garage and outbuildings proposed form such a coherent group of buildings appropriately sited against a wooded backdrop and supplemented

with additional tree and hedge planting to ensure its satisfactory integration in the landscape.

- (ii) The Supplementary Guidance defines a 'cluster' as a 'building group consisting of 2 or more houses forming a clearly identifiable 'group' with strong visual cohesion and sense of place. Whilst a 'gap site' is not specifically defined in the Supplementary Guidance it would appear to constitute an undeveloped or previously developed site in a recognisable gap between two dwelling houses within a cluster. Neither the application site nor the existing building group on the farm contain more than one dwelling house and as such the policy on 'cluster' development is of no relevance whatsoever to the determination of the application. This application requires to be assessed against policy on 'Rural Business Related Houses' in which respect the Planning Officer accepts that there is support, in principle, for the erection of an additional house on the farm.
- (iii) The Supplementary Guidance states that 'Generally, houses should not exceed 1½ storeys in height,' thus implying that there can be exceptions to such a rule. Indeed, there are a significant number of two storey houses within close proximity to the application site and others have been granted planning permission. The dwelling house proposed by our client, whilst contemporary in nature takes many of its design queues from the local rural vernacular and as such will result in the creation of a dwelling befitting of the current age but reflecting the best of what has been developed in the past.
- In further support of the Review Request made the Local Review Body's attention is respectfully drawn to the fact that it has granted planning permission for the erection of 20 no. dwelling houses in countryside locations which had been refused by the Council's Planning Department since 2017. The decisions referred to suggest that members of the Local Review Body have regularly disagreed with Officer's interpretation of policies applicable to the development of rural housing or alternatively that they have fundamental misgivings of the policy as applied.
- In view of the considerations outlined it is respectfully suggested that this request to review the Planning Officer's decision be upheld and that planning permission is granted for the proposal as applied for. We reserve the right to respond to any submissions on the review request from either the Appointed Officer, Consultees or Third Parties prior to its determination.

Signed

Derek Scott

1 can

Date 29<sup>th</sup> April 2022

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County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid. Thank you for completing this application form: ONLINE REFERENCE 100524448-001 The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application. Type of Application What is this application for? Please select one of the following: \* Application for planning permission (including changes of use and surface mineral working). Application for planning permission in principle. Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc) Application for Approval of Matters specified in conditions. **Description of Proposal** Please describe the proposal including any change of use: \* (Max 500 characters) ERECTION OF NEW DWELLING AND ASSOCIATED OUTBUILDINGS FOR AN AGRICULTURAL WORKER ☐ Yes ☒ No Is this a temporary permission? \* X Yes No If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) \* Has the work already been started and/or completed? \* No Yes – Started Yes - Completed

# **Applicant or Agent Details**

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant XAgent

Agent Details				
Please enter Agent detail	s			
Company/Organisation:	ADNR			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Neil	Building Name:		
Last Name: *	Rodgers	Building Number:	26	
Telephone Number: *	07780666716	Address 1 (Street): *	LINDSAY AVENUE	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Saltcoats	
Fax Number:		Country: *	Scotland	
		Postcode: *	KA21 5SQ	
Email Address: *	neil@adnr.co.uk			
Is the applicant an individ	ual or an organisation/corporate entity? *			
☑ Individual ☐ Orga				
Applicant Det	ails			
Please enter Applicant de	etails			
Title:	Mr	You must enter a Building Name or Number, or both: *		
Other Title:		Building Name: MacNAIRSTON FARM		
First Name: *	ROBIN	Building Number:		
Last Name: *	STIRLING	Address 1 (Street): *	MacNAIRSTON FARM	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	COYLTON	
Extension Number:		Country: *	UNITED KINGDOM	
Mobile Number:		Postcode: *	KA6 6EN	
Fax Number:				
Email Address: *				

Site Address [	Details				
Planning Authority:	South Ayrshire Cour	ncil			
Full postal address of the s	ite (including postcode	where available):			
Address 1:	MACNAIRSTON FA	RM			
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:	AYR				
Post Code:	KA6 6EN				
Please identify/describe the	e location of the site or	sites			
Northing 6	19647		Easting	237784	
Pre-Applicatio	n Discussio	n			
Have you discussed your p					☐ Yes ☒ No
Site Area					
Please state the site area:		3483.00			
Please state the measuren	nent type used:	Hectares (ha)	Square Met	res (sq.m)	
Existing Use					
Please describe the curren	t or most recent use: *	(Max 500 characte	ers)		
FARM LAND					
Access and Pa	arking				
Are you proposing a new a		•			Ⅺ Yes ☐ No
If Yes please describe and you propose to make. You	show on your drawings should also show exist	s the position of an ing footpaths and r	y existing. Altered note if there will be	or new access points, any impact on these.	highlighting the changes

Are you proposing any change to public paths, public rights of way or affecting any public right of acce	ss? * Yes X No
If Yes please show on your drawings the position of any affected areas highlighting the changes you p arrangements for continuing or alternative public access.	ropose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	6
Please show on your drawings the position of existing and proposed parking spaces and identify if the types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	se are for the use of particular
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	X Yes □ No
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network	
No – proposing to make private drainage arrangements	
☐ Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide	further details.
What private arrangements are you proposing? *	
☐ New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment)	reatment such as a reed bed).
Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans a	and supporting information: *
PACKAGE TREATMENT PLANT WITH OUTFALL TO FIELD DRAINAGE AND DITCH	
Do your proposals make provision for sustainable drainage of surface water?? *	X Yes □ No
(e.g. SUDS arrangements) *	
Note:-	
Please include details of SUDS arrangements on your plans	
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
X Yes	
No, using a private water supply	
☐ No connection required	
If No, using a private water supply, please show on plans the supply and all works needed to provide it	t (on or off site).

Assessment of Flood Risk
Is the site within an area of known risk of flooding? *
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.
Do you think your proposal may increase the flood risk elsewhere? *
Trees
Are there any trees on or adjacent to the application site? *
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.
Waste Storage and Collection
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *
If Yes or No, please provide further details: * (Max 500 characters)
TO SIDE OF GARAGE
Residential Units Including Conversion
Does your proposal include new or additional houses and/or flats? *
How many units do you propose in total? * 1
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
All Types of Non Housing Development – Proposed New Floorspace
Does your proposal alter or create non-residential floorspace? *
Schedule 3 Development
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country  Planning (Development Management Procedure (Scotland) Regulations 2013 *
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.
Planning Service Employee/Elected Member Interest
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Cortificate	and Nations			
Certificate	es and Notices			
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013				
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.				
Are you/the applica	Are you/the applicant the sole owner of ALL the land? *			
s any of the land part of an agricultural holding? *				
Certificate	Required			
The following Land Ownership Certificate is required to complete this section of the proposal:				
Certificate A				
Land Ov	wnership Certificate			
Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013				
Certificate A				
I hereby certify tha	t –			
(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.				
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding			
Signed:	Neil Rodgers			
On behalf of:	Mr ROBIN STIRLING			
Date:	25/01/2022			
	☒ Please tick here to certify this Certificate. *			
Checklist	– Application for Planning Permission			
Town and Country	Planning (Scotland) Act 1997			
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013				
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.				
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *				
Yes No No Not applicable to this application				
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *  Yes No Not applicable to this application				
c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *  Yes No Not applicable to this application				
	— 1.0. applicable to the application			

Town and Country Planning (Scotland) Act 1997				
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013				
d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *  Yes No Not applicable to this application				
e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *  Yes No Not applicable to this application				
f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *  Yes No X Not applicable to this application				
g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:				
X Site Layout Plan or Block plan.   X Elevations.   X Floor plans.   X Cross sections.   X Roof plan.   Master Plan/Framework Plan.   Landscape plan.   X Photographs and/or photomontages.   Other.   If Other, please specify: * (Max 500 characters)				
Provide copies of the following documents if applicable:  A copy of an Environmental Statement. *  A Design Statement or Design and Access Statement. *  A Flood Risk Assessment. *  A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *  Drainage/SUDS layout. *  A Transport Assessment or Travel Plan  Contaminated Land Assessment. *  Habitat Survey. *  A Processing Agreement. *  Other Statements (please specify). (Max 500 characters)	Yes X N/A X Yes N/A Yes X N/A			
labour justification report				

# **Declare – For Application to Planning Authority**

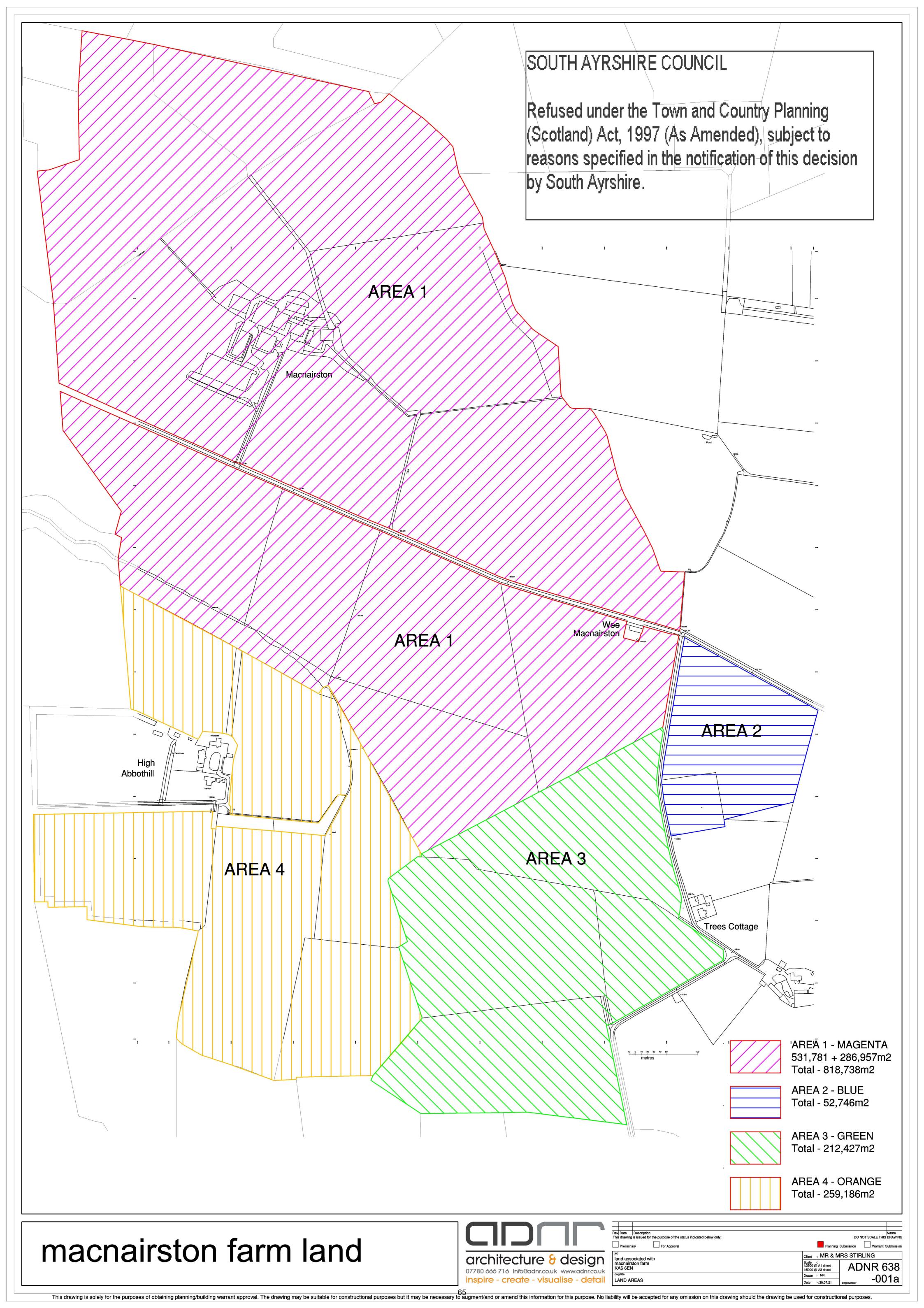
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

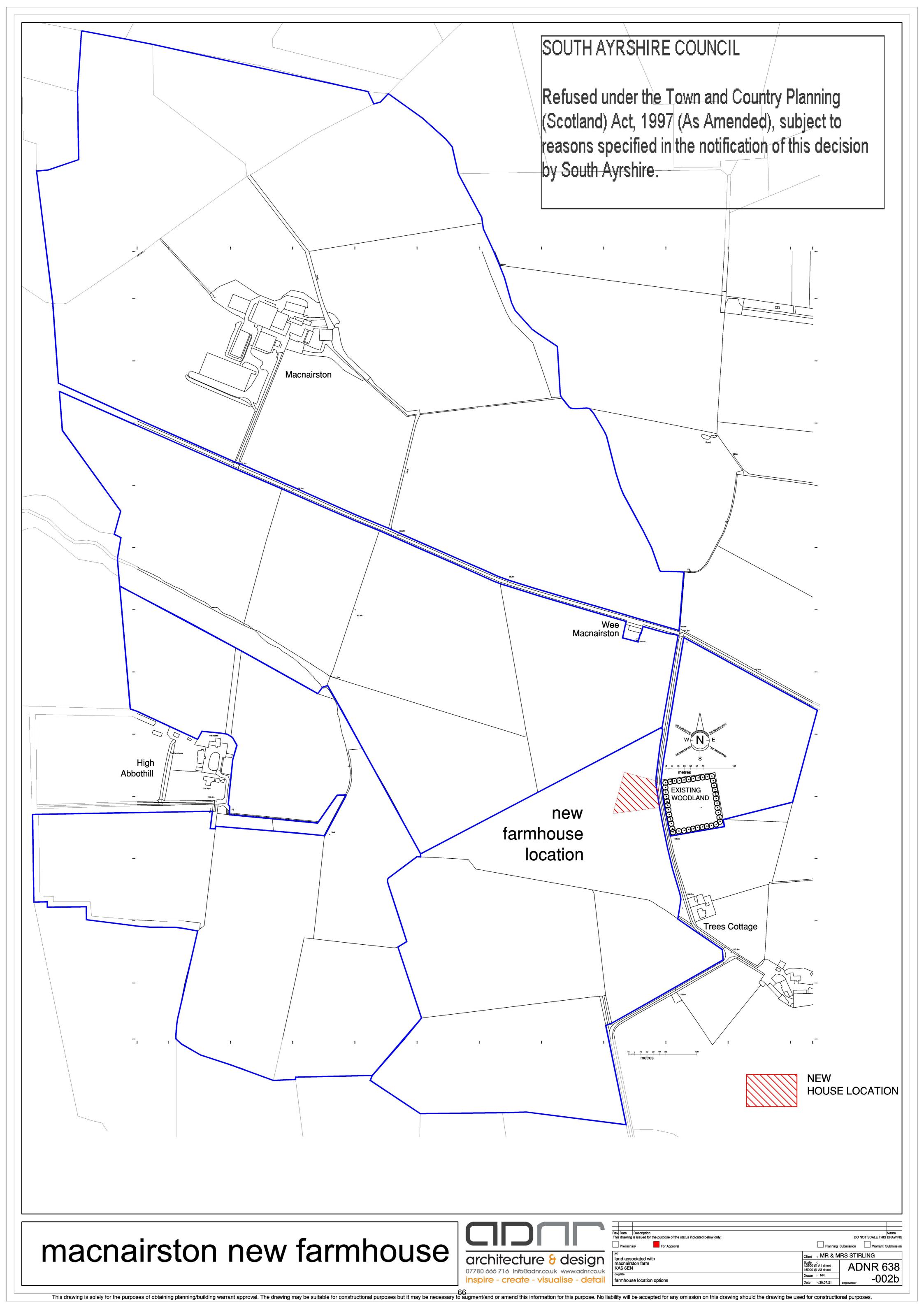
Declaration Name: Mr Neil Rodgers

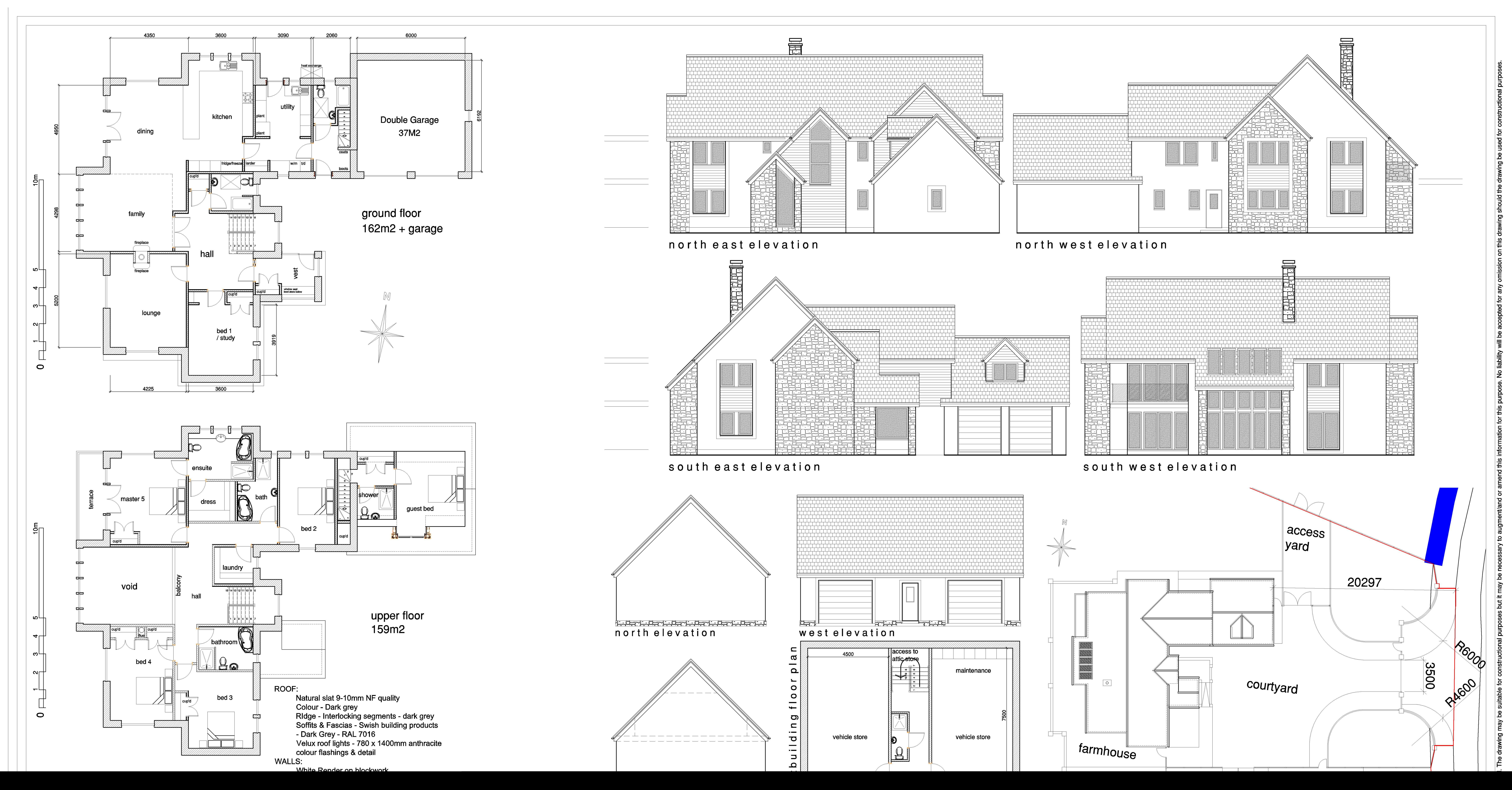
Declaration Date: 25/01/2022

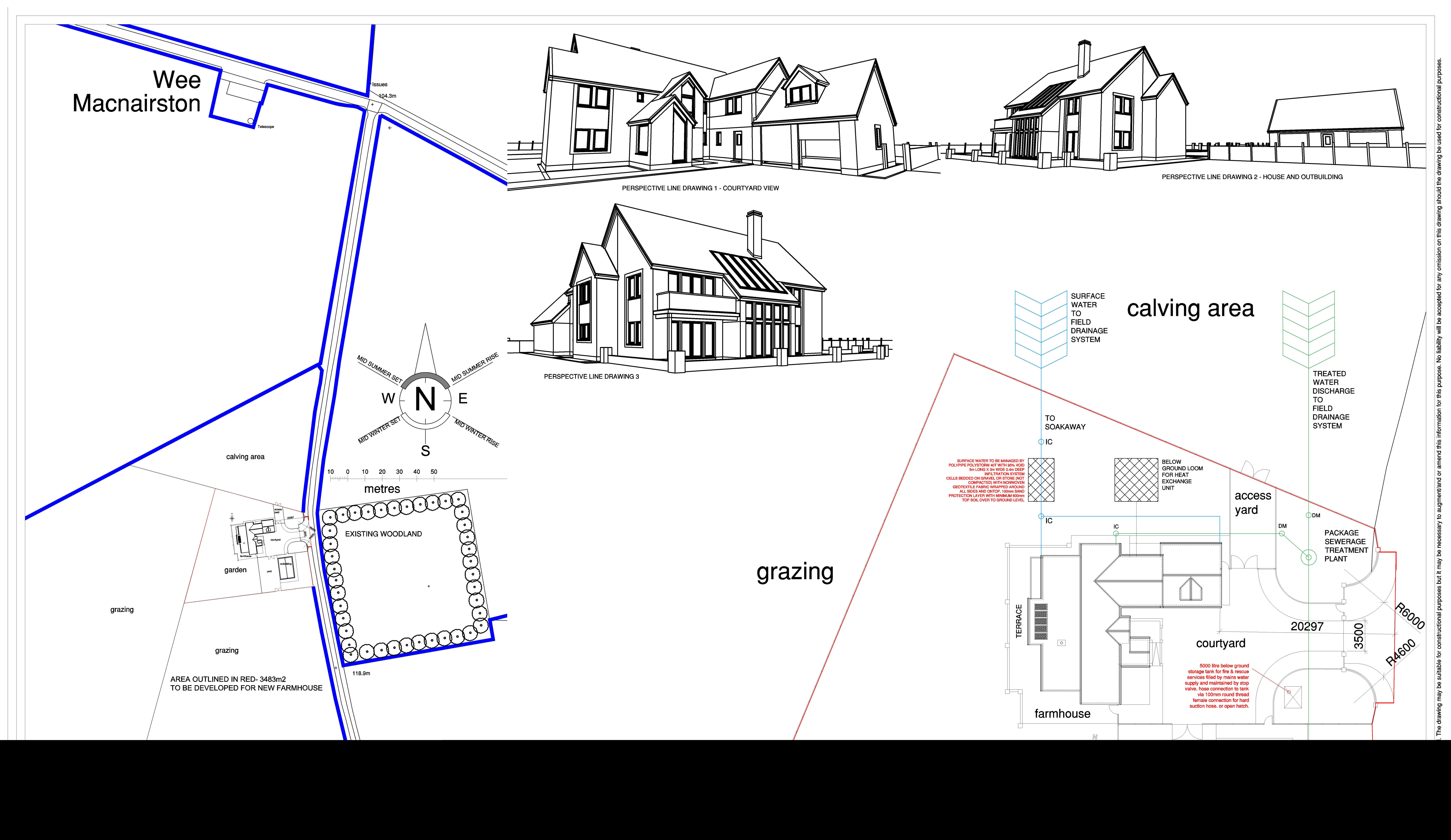
# **Payment Details**

Created: 25/01/2022 10:55











The owners of MacNairston Farm seek to invest and grow the agricultural business.

This requires relocation of the family,

Currently living out with the area and working the farm along with a resident tenant who assists the owners. (see labour report)

A labour report carried out by Scottish Agricultural College has justified the need for a resident farmer on the land.

The clients have highlighted a location that will offer a vista over the farm. This shall provide further security and management of the farm.

This image indicates the road network servicing the farm. (indicated in blue).

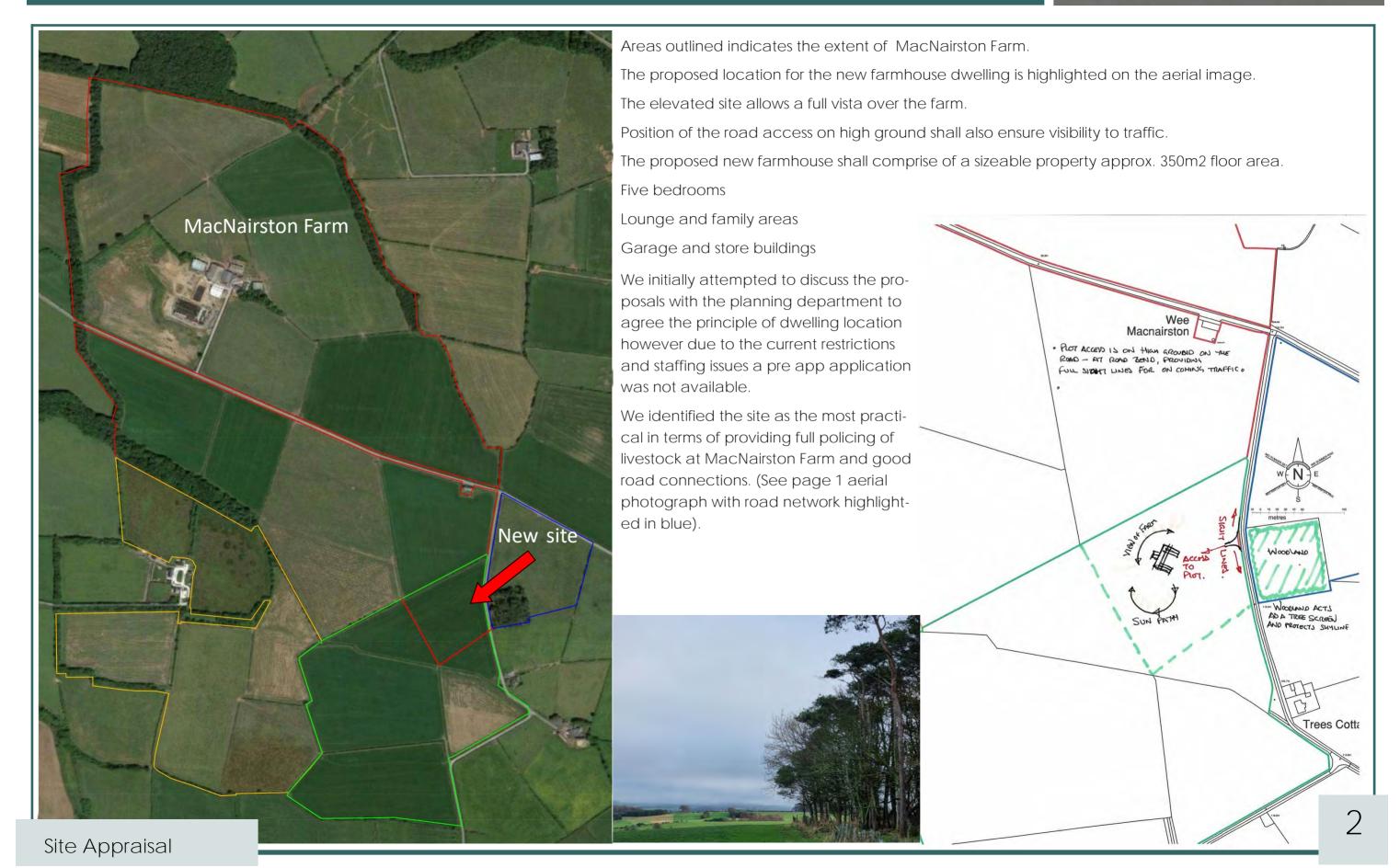
MacNairston farm

Coylton

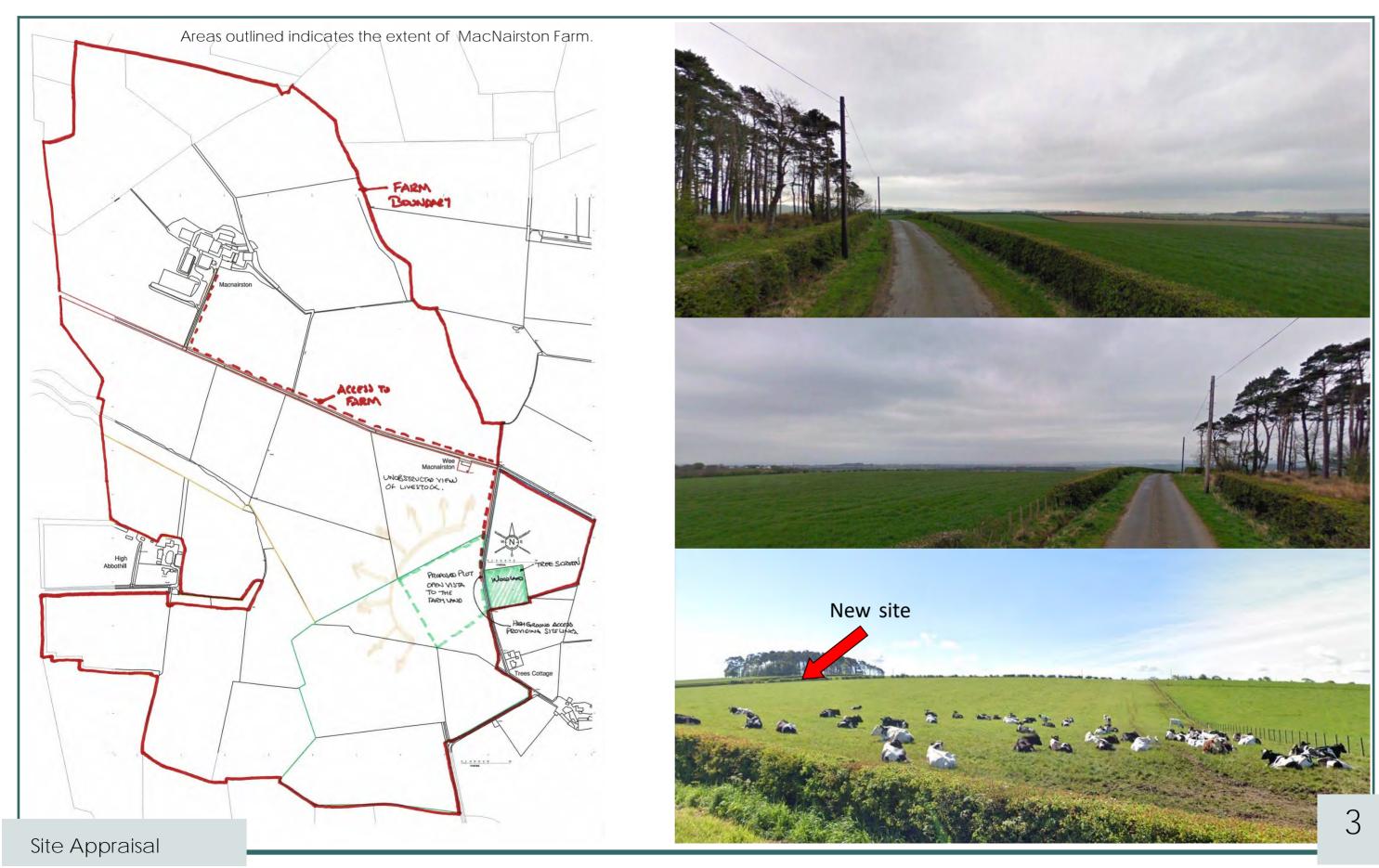
Ayr

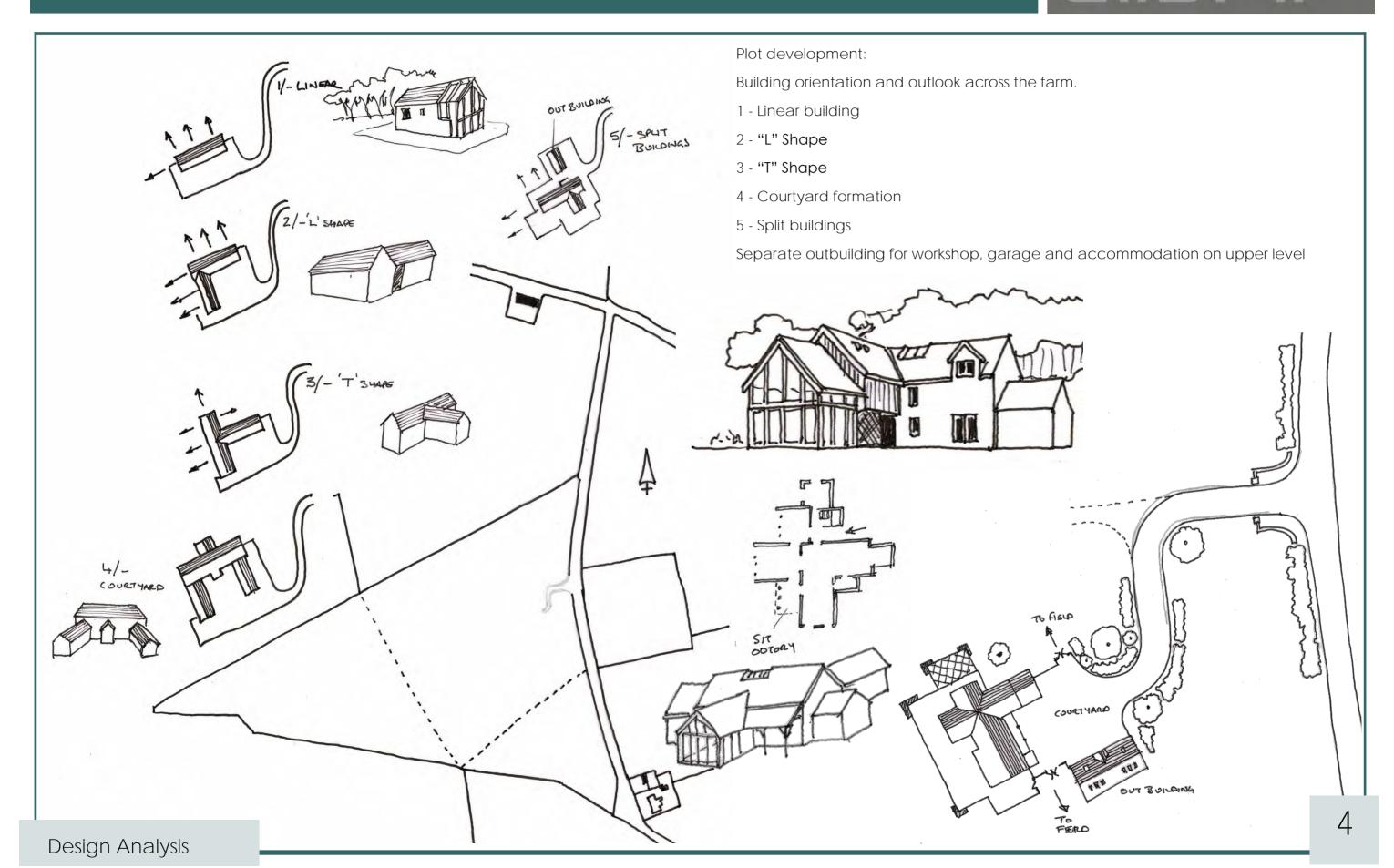
KA6 6EN

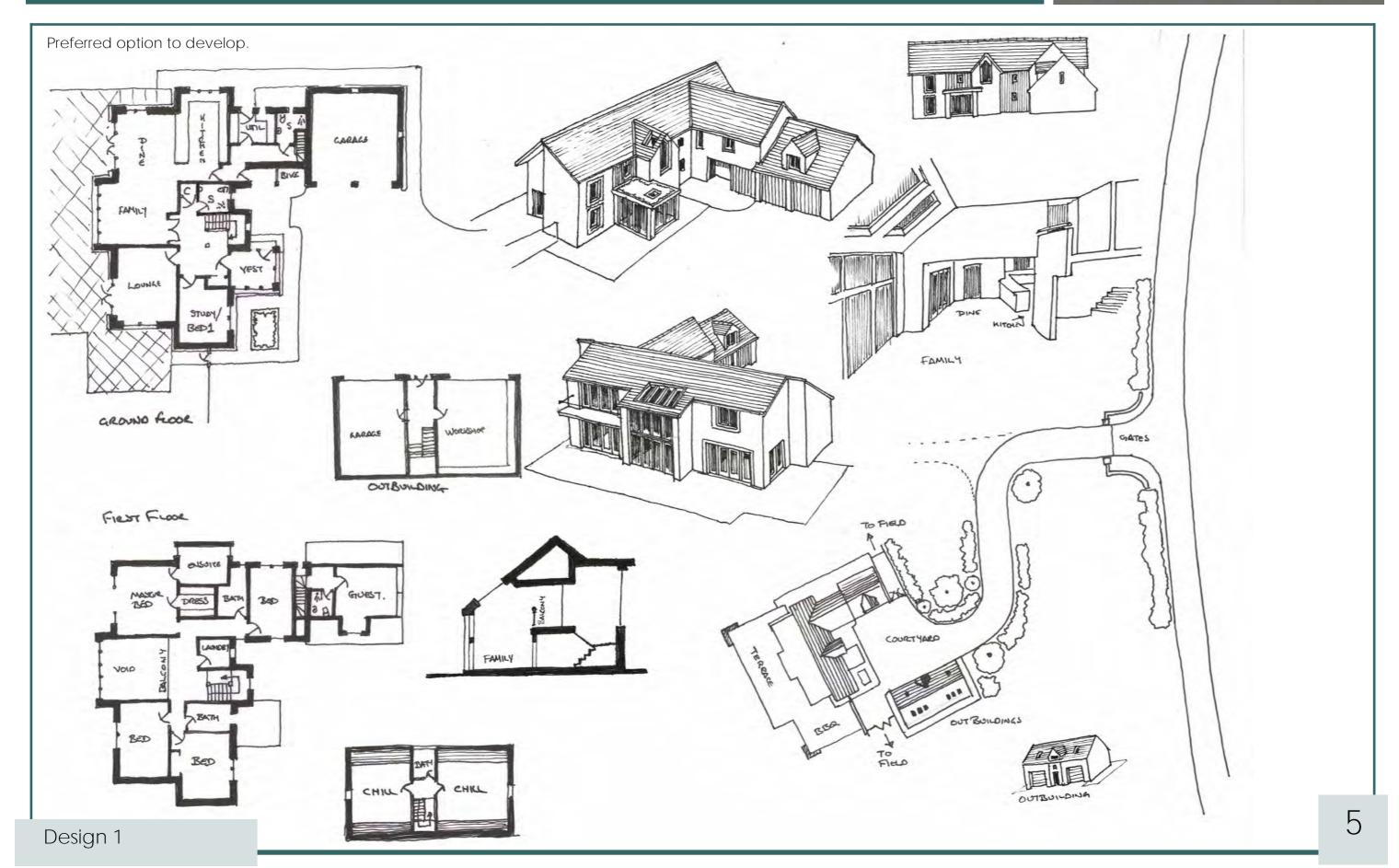


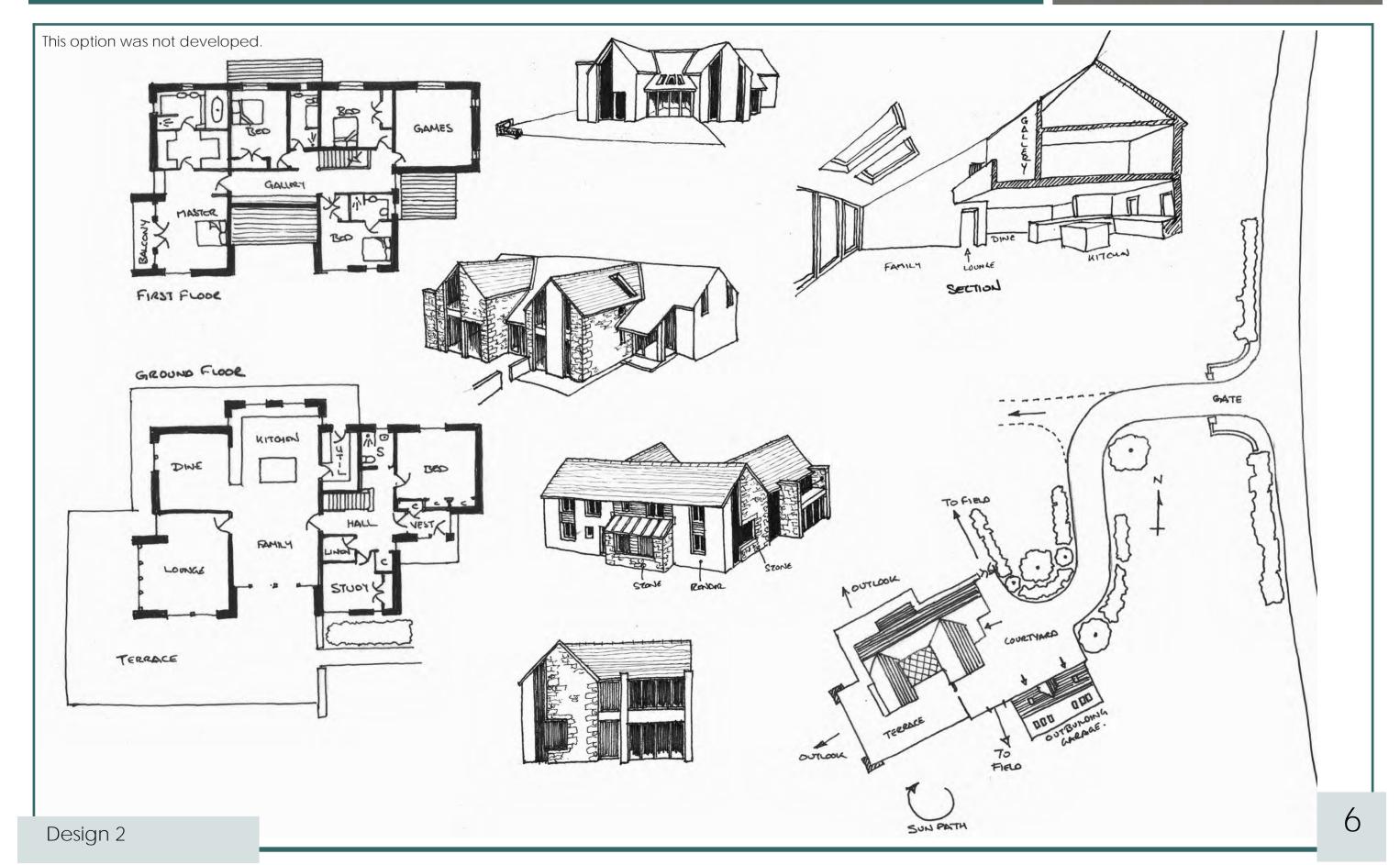


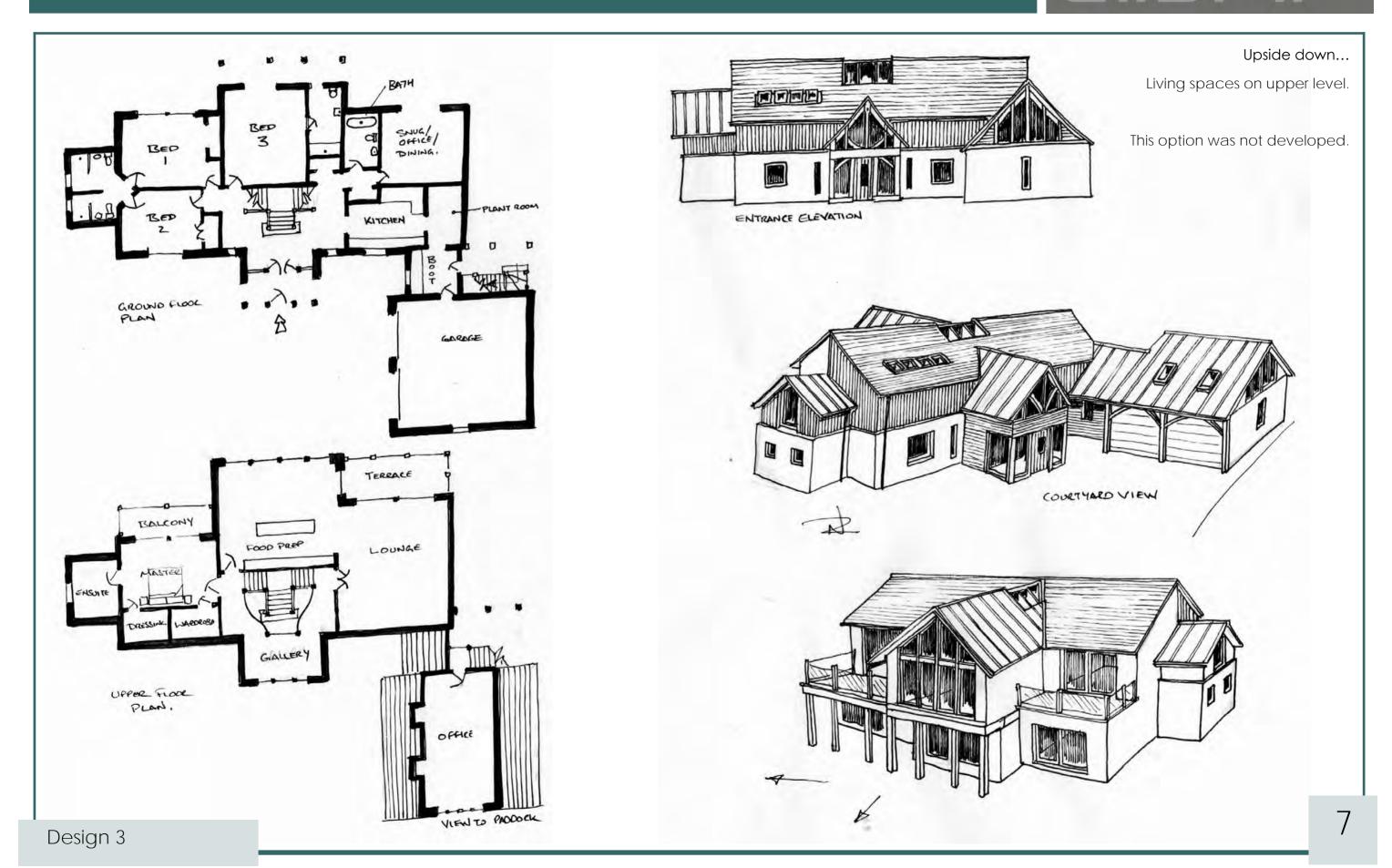




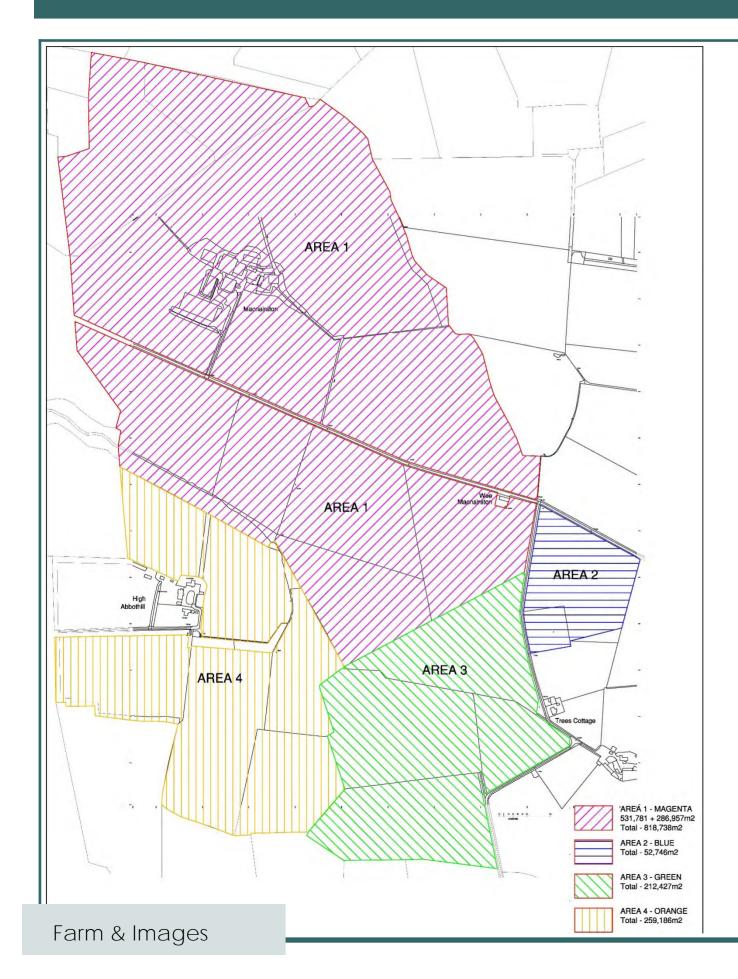
















A design thread was chosen after analysing the requirements of client and farm usage. (See previous pages)

The farm is expansive and as indicated by the labour report, an extension to residential accommodation within the farm is key to the longevity and growth of this agricultural farm business.

The location has been chosen to take advantage of its elevation and view over the entire farm. This shall assist policing the livestock from a vantage point that the current farmhouse cannot provide.

The existing woodland to the east also provides an excellent screen and backdrop. The entrance location also ensures sightlines can be achieved for vehicles joining and leaving the existing road.

From the entrance, the driveway shall be gravel chips which will assist natural drainage and SUDs. This leads to the dwelling ahead, grazing field access to the south and a secure calving paddock to the north.

The design of the dwelling is a contemporary view on a rural farmhouse format.

Keeping the essence of a traditional courtyard but also ensuring farm functionality.

The dominant feature shall adopt a two storey main central structure. The northern wing drops to single storey with attic accommodation above.

This dwellinghouse provides living accommodation and bedrooms for the family and a domestic scale garage.

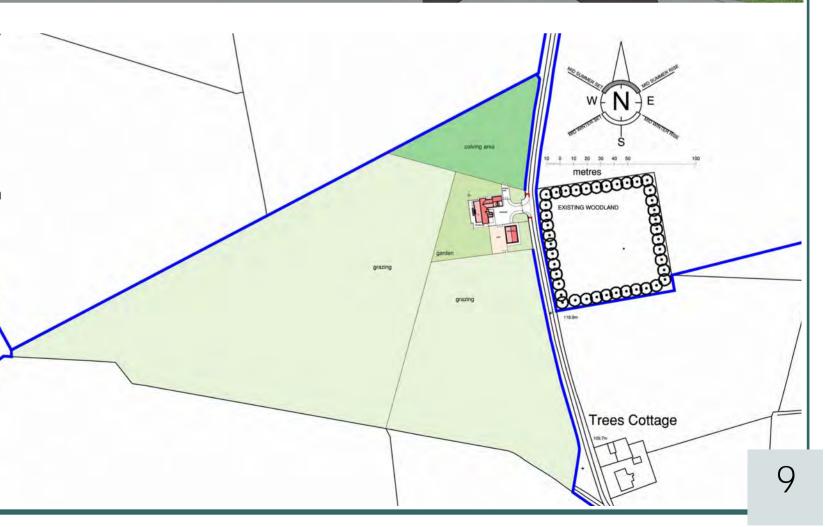
The outbuilding provides storage for agricultural vehicles, storage and maintenance facilities. it has been orientated to form a large external working area within a double entry zone to the fields.

One of the key elements to this site is to provide a secure calving area overlooked by the new dwelling.

A buffer zone has been formed to provide secure access to the calving area.









Example of Random Stone Wall



Vertical timber cladding example



**Example of Timber Cladding & Windows** 



Example of roof material





Example of roughcast render

# Energy Efficiency:

The dwelling shall incorporate renewable technology.

Ground source heat pump heating and mechanical ventilation systems shall be individually designed to suit each home.

Rainwater harvesting and solar photo voltaic can also be incorporated.

The dwelling shall be constructed to ensure that they are designed to an air tightness test of at least 5 (Pa).

Solar gain and thermal storage shall also be utilised.

The aim is to produce an ecologically friendly dwelling within a rural location.





# Design & Materials:

The design of the dwelling shall be rural in essence with a contemporary edge.

The dwelling shall have living accommodation that can adapt to varying family needs, providing level / accessible access and spacious rooms.

The materials pallet shall comprise of the following:

- 1. Natural stone.
- Rendered walls rural in nature, rough textured walls painted / coloured off white to reflect Ayrshire's approach to rendered walls on rural properties. Smooth render to the new buildings shall not be used.
- 3. Masonry copes to break the line of the elevation, the wall treatments shall be terminated by masonry copes.
- 4. Stone details stone panels shall be natural stone built in random courses.
- 5. Timber cladding Cedar vertical timber panels or Cedral Cladding.
- 6. Windows Grey finish double glazed units
- 7. Doors Timber doors set within a grey frame.
- 8. Roof Grey Natural slate.
- 9. Timber details Oak / Douglas Fir.

Design of the buildings shall compliment the rural location.

A number of elemental factors have also been addressed within the design of the dwelling, taking vista, orientation, sunlight and slope of the site.





















MacNairston Farm - New Dwelling:

Within the local plan, South Ayrshire Council supports development of housing in the countryside to meet rural business requirements.

'In countryside areas, including green belt, we may accept the following proposals for new housing.

d. A home that is essential to a rural business. The developer must satisfy us, through a sound business plan, that the business is economically viable and could not be run without residential accommodation.

Support from the local authority through the development of a dwelling house will help secure the farming future at Macnairston, as well as encouraging wider rural business and economic development through the house construction and long-term maintenance, as well as continuing farming operations.

The report carried out by the Agricultural consultant highlighted the following within their justification to support the proposal for an additional dwelling within the farm.

- The estimated annual labour requirement for the farming operations at Macnairston is currently 5.24 labour units. This type of unit and the stock carried therefore justifies five full time workers.
- It is considered highly desirable for welfare and security that there are suitably qualified personnel residing onsite at Macnairston at all times.
- The location of the proposed dwelling house at Macnairston is not prime agricultural land and does not pose any harmful threats or have a significant visual disturbance to the environment and surrounding landscape.
- There are no existing buildings on the farm that can be utilised for living quarters.

The site topography slopes from the selected location, commanding an open view of the farm land below. It is also shielded by the existing woodland on the East, protecting the skyline.

The proposed location also ensures controlled calving areas that can be monitored easily, away from the main herd until ready to re-join.





The Council's Supplementary Guidance on Rural Housing clearly states that both contemporary and traditional design solutions will be considered acceptable in the South Ayrshire Countryside. It is an unreasonable expectation for a contemporary dwelling house to reflect and respect the traditional rural vernacular which is defined in the Supplementary Guidance as 'a stone-built building built before 01st July 1948 which is of residential scale and form and which has a slate roof' in every respect. Notwithstanding this, the scheme proposed, although contemporary in nature - employs a range of natural materials including natural stone, render, timber cladding and slate roofs.

Respect to traditional spacial massing has influenced the design. The central home structure is the dominant feature to the building form. Wings and outbuildings are a smaller scale, yet compliment each other to be read as one entity.

#### LOCAL DEVELOPMENT

# REFUSAL OF APPLICATION FOR PLANNING PERMISSION (Delegated)

Ref No: 22/00074/APP

## SOUTH AYRSHIRE COUNCIL

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by the PLANNING ETC. (SCOTLAND) ACT 2006

#### TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Mr Robin Stirling per ADNR Neil Rodgers 26 Lindsay Avenue Saltcoats KA21 5SQ

With reference to your application dated **26th January 2022** for Planning permission under the aforementioned Acts and Orders for the following development, viz:-

#### Erection of dwellinghouse garage and associated outbuildings

at: Macnairston Farm C74 From B742 North East Of Bowmanston To A70 At Old Toll Ayr South Ayrshire KA6 6EN

The Council in exercise of their powers under the aforementioned Acts and Orders hereby **refuse** Planning permission for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/Planning/.

The reasons for the Council's decision are:

- (1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to any proposed buildings or structures not forming or complementing a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and not being visually intrusive, and no satisfactory justification having been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Macnairston Farm, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no satisfactory justification having been provided for a departure from the Rural Housing planning guidance.
- (3) That the proposals are contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the scale and height of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.

## **List of Plans Determined:**

Drawing - Reference No (or Description): Refused ADNR-638-001a

Drawing - Reference No (or Description): Refused ADNR-638-002b

Drawing - Reference No (or Description): Refused ADNR-638-004a

Drawing - Reference No (or Description): Refused ADNR-638-005a

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Dated: 22nd March 2022

.....

**Craig Iles** 

**Service Lead – Planning and Building Standards** 

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

SOUTH AYRSHIRE LOCAL REVIEW BODY

APPLICATION REF. NO: 22/00074/APP

**APPLICANT: MR R. STIRLING** 

SITE ADDRESS: MACNAIRSTON FARM, C74 FROM B742 NORTH EAST OF BOWMANSTON TO

A70 AT OLD TOLL, AYR, SOUTH AYRSHIRE, KA6 6EN

DESCRIPTION: ERECTION OF DWELLINGHOUSE GARAGE AND ASSOCIATED

**OUTBUILDINGS** 

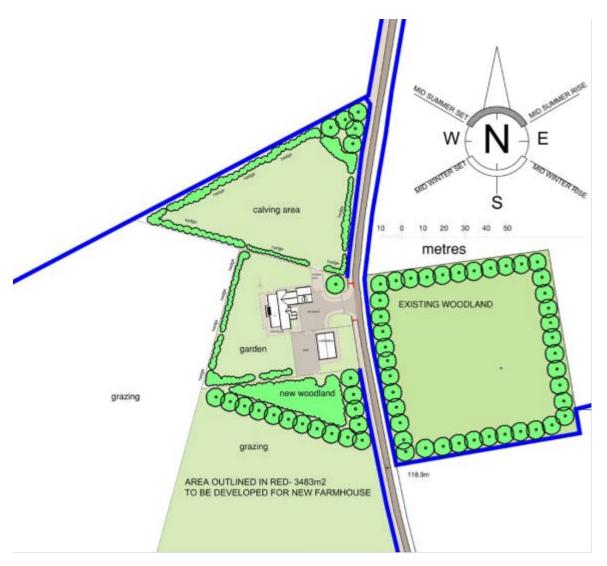
## Site Photographs:





# 2200074APP - Agent Response to Appointed Officer Photographs - 30.06.22

Thanks for forwarding photographs in word format which I have been able to view. Whilst the photographs exhibited show views of the site as existing I would respectfully draw the Local Review Body's attention to the planting layout suggested in the contextual site plan contained within Page 11 of our appeal submissions (pasted below for convenience) which will assist in the integration of the dwelling house within its context.





On Behalf of South Ayrshire Council
Roads and Transportation Services
Observations on Planning Application

Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org

ARA Case Officer: AP

Planning Case Officer: D Clark

Planning Application No: 22/00074/APP Location: Macnairston Farm C74, Ayr

Date Received: 02/02/2022 Date Returned: 14/02/2022

Recommendation: No Objection subject to Conditions

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

#### **Expository Statement (if applicable):**

Required for Major applications, or where the recommendation is for refusal or deferral.

#### **Advisory Notes:**

#### **Road Opening Permit:**

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.

#### **Roads (Scotland) Act:**

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

#### **New Roads and Street Works Act 1991:**

In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

#### **Costs of Street Furniture:**

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

#### **Conditions:**

#### **Private Access Surfacing:**

That the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

#### Reason:

In the interest of road safety and to ensure an acceptable standard of construction.

#### **Junction Visibility Splays:**

That junction access visibility sightline splays of 2.4 metres by 215 meters shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.

#### Reason:

In the interest of road safety and to ensure an acceptable standard of construction. To avoid the possibility of unnecessary reversing of vehicles onto the public road.

#### **Gates/ Doors Open Inwards (Driveway):**

That prior to occupation of the development any gates and/ or doors shall open inwards away from the public roadway.

#### Reason:

In the interest of road safety.

#### **Discharge of Water:**

That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

#### Reason

In the interest of road safety and to avoid the discharge of water onto the public road.

#### Off Road Parking Provision (Detailed Consent):

That a minimum of 3 off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority).

#### Reason:

In the interest of road safety and to ensure adequate off-street parking provision.

# SOUTH AYRSHIRE COUNCIL LOCAL REVIEW BODY NOTE of CURRENT POSITION

Site Address:	SHALLOCH FARM C21 FROM B742 WEST OF LOW COYLTON SOUTH TO COUNCIL BOUNDARY WEST OF KERSE PARK WEST OF DRONGAN COYLTON AYR SOUTH AYRSHIRE, KA6 7EE
Application:	21/01021/APP ERECTION OF TWO DWELLINGHOUSES

Appointed Officer's Decision:	Refused
Date Notice of Review Received:	25 <sup>th</sup> April 2022

Current Position:	New Case For Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 8 – Report of Handling Pages 9 to 13 – Notice of Review Pages 14 to 31 - Planning Application Supporting Statement Pages 32 to 44 – Planning Application and Supporting Plans Pages 45 to 46 – Decision Notice Pages 47 to 49 – Site Photographs
New Material:	No
Additional Material:	N/A
Dated:	17 <sup>th</sup> August 2022

#### **South Ayrshire Council**

#### **Place Directorate**

## **Report of Handling of Planning Application**

Application Determined under Delegated Powers where less than five objections have been received.

The Council's Scheme of Delegation can be viewed at http://www.south-ayrshire.gov.uk/committees/

Reference No:	21/01021/APP
Site Address:	Shalloch Farm C21 From B742 West Of Low Coylton South To Council Boundary West Of Kerse Park West Of Drongan Coylton Ayr South Ayrshire KA6 7EE
Proposal:	Erection of two dwellinghouses
Recommendation:	Refusal

#### **REASON FOR REPORT**

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### 1. <u>Site Description:</u>

The application site is set within a rural area and comprises of a predominantly unmaintained grassed area located to the north of a dwellinghouse known as Shalloch, which is located to the south-west of Drongan. The property formerly formed part of a farmsteading, with associated out-buildings located to the south-east of the former farmhouse. The steading has not been in agricultural use for a number of years, and has since been subject of various proposals to sub-divide the former farmbuildings into residential properties. The site abuts a detached residential property to the east (Shalloch View 1). A further detached residential property (Shalloch View 2) has been erected to the eastern end of the steading, taking the number of existing residential properties at the site, currently, to three. Collectively, the two detached properties are understood to be known as Shalloch View, and are referred to in this report for ease of reference as Shalloch View 1 and 2. Until recently, the ruins of elongated former farm buildings lay to the south-east of the steading, and adjacent to the aforementioned properties, although it is understood that the ruins have recently been removed and the site for the former buildings cleared. Vehicular and pedestrian access is obtained via a shared access from a C-class road which is located to the west of the site. The access is shared with the existing residential properties. The site extends to approximately 0.2 ha.

#### 2. Planning History:

There have been various planning applications at Shalloch Farm over the years, however, the most important recent applications are considered to be;

Reference 17/01069/APP

Proposal Change of use of outbuilding and associated alterations and extension to form dwellinghouse Decision - Permitted

This permission is understood to have been implemented and is referred to as Shalloch View 2 in this report.

Reference 03/01006COU

Proposal Alterations and change of use of byre/stables to form dwellinghouse

**Decision - Permitted** 

This permission is understood to have been implemented and is referred to as Shalloch View 1 in this

report.

Reference 21/00114/APP

Proposal Erection of dwellinghouse and garage

**Decision - Permitted** 

This permission is not understood to have been implemented, but currently remains extant for a period of three years under the terms of application 21/00114/APP.

The following are historic applications and permissions which have now lapsed due to not being implemented.

Reference 11/01080/APP

Address Shalloch Farm Coylton South Ayrshire KA6 7EE

Proposal Change of use of existing farm building to form 3 dwellinghouses

Decision - Permitted - 7/11/2011 - Not implemented

Reference 10/01334/APP

Address Shalloch Farm Coylton South Ayrshire KA6 7EE

Proposal Change of use, alterations and extension to outbuilding to form two dwellinghouses, erection of dwellinghouse and two garages

Application withdrawn

Reference 08/00702/COU

Address Shalloch Farm C21 From B742 West Of Low Coylton - South To Council Boundary W Of Drongan South Ayrshire KA6 7EE

Proposal Alterations and change of use of outbuildings to form 4 dwellinghouses and erection of 1 dwellinghouse

Decision Permitted - Not implemented

Reference 07/01200/COU

Address Shalloch Farm C21 From B742 West Of Low Coylton - South To Council Boundary W Of Drongan South Ayrshire KA6 7EE

Proposal Change of use, alterations and extension of agricultural outbuildings to form 5 dwellinghouses Decision Permitted

Decision date 4/21/2008

Not implemented

The above applications are noted to predominantly relate to the change of use of the former agricultural out-buildings, with the exception of applications 07/01200/COU, 08/00702/COU and 11/01080/APP which also included the erection of a single dwellinghouse.

#### 3. Description of Proposal:

Planning permission is sought for the erection of two new detached dwellings shown to be sited opposite the former Shalloch Farmhouse. The submitted plans show the properties to have the same design based on a rectangular plan form, which is that of a one and a half storey dwellinghouse, with upper floor accommodation contained within dormers at the upper floor level. Each property is set within a large plot, with a large area of garden ground to the side and rear. Private off road parking is proposed for each property. The proposed external materials comprise of; unspecified roughcast render, whitewood vertical boarding, natural slate roofs and aluminium framed window and doors.

#### 4. Consultations:

**Ayrshire Roads Alliance** – no response art time of report preparation. **Scottish Water** – no response at time of report preparation.

#### 5. Submitted Assessments/Reports:

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The agent has submitted a supporting planning and design statement which considers that the proposal is justified as being acceptable for the following principal reasons;

- the proposal is in accordance with the provisions of Scottish Planning Policy;
- the proposal is in accordance with LDP policy, and the associated SPG in relation to Rural Housing due to constituting a limited expansion of a clearly defined nucleated housing cluster which would not represent an addition beyond the required 50% of the group;
- the proposals are designed to be sympathetic to the surroundings, to consolidate the existing 'cluster' and not to be unduly visible;
- the proposals builds on the cluster of previously approved under earlier applications and re-uses redundant land:

#### 6. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

None.

#### 7. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

#### 8. Representations:

No representations were received.

#### 9. <u>Development Plan:</u>

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The following policies are relevant in the assessment of the application and can be viewed in full online at http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx

- Spatial Strategy;
- Core Investment Area;
- Sustainable Development;
- Rural Housing;
- Landscape Quality;

The Spatial Strategy of the LDP sets out the settlement strategy for South Ayrshire and can be viewed as the foundation framework which provides the vision for how the Council wishes to see the towns and countryside areas develop over the duration of the plan.

The Spatial Strategy of the LDP states that; we will not support development outwith the boundaries of settlements (towns and villages), except where we believe it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. Notwithstanding the provisions of the Spatial Strategy, the LDP Core Investment and Rural Housing Policies allow for housing to be built within rural areas, in the following circumstances; a. a replacement of an existing house, b. an extension to an existing house, c. the conversion of a genuinely redundant building or traditional or local character and domestic scale for residential use, or d. a home which is essential to a rural business. The development proposed under this application does not fall within any of the afore-mentioned criteria a. - d. Notwithstanding, the Rural Housing policy, and the related policy guidance also allow for new housing where it represents a limited extension to an existing, clearly defined and nucleated housing cluster (defined as two or more houses). An assessment of the proposal in terms of whether or not the development could be considered to represent a limited extension to an existing, clearly defined and nucleated housing cluster of two or more houses is set out below.

There are policy concerns in relation to the development proposal, and it is not considered that the proposal is in accordance with the provisions of the LDP, and in particular the Policy in relation to Rural Housing. Further consideration of the proposal against the provisions of the Council's Rural Housing policy guidance, the planning history of the site, and also site specific aspects relating to the proposal are considered further below.

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP 2 now forms a substantial material consideration in the determination of planning applications. The policy provisions affecting the site in the MPLDP2 remain unchanged from the current LDP, and related guidance as set out in the Adopted South Ayrshire Local Development Plan.

#### 10. Other Relevant Policy Considerations (including Government Guidance):

#### Scottish Planning Policy;

This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions. In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification. Notwithstanding, the SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments. The policy emphasis of the SPP is noted, however, it is also important to note that the SPP maintains a plan-led approach to assessing development proposals with a primacy on Development Plans to provide a framework for assessing planning applications. This application is determined on this basis. Further consideration of the proposal against the provisions of the Council's Rural Housing SPG, site specific aspects, and the planning history of the site are considered further below.

#### • Planning Advice Note (PAN) 72 - Housing in the Countryside (2005);

PAN 72 sets out the key design principles which need to be taken into account by prospective applicants' and agents' responsible for the preparation of development proposals. PAN 72 provides advice in relation to the siting and design of rural housing and seeks to ensure that rural housing is of a good quality and which respects the Scottish landscape and building traditions. Therefore, PAN 72 is considered to be relevant in the consideration of this application, and the advice is noted.

Irrespective of the otherwise generally acceptable design of the dwellings, there are policy concerns in relation to the proposals, as noted elsewhere in this report.

South Ayrshire Council Supplementary Planning Guidance - Adopted Rural Housing Policy;

The proposal has been assessed against the provisions of the Council's Supplementary Planning Guidance in relation to the Rural Housing as follows;

The SPG policy states that additions to clusters (defined as consisting of 2 or more houses forming a clearly identifiable group, with strong visual cohesion and sense of place) will be acceptable, subject to the following criteria;

- a) the proposal is sympathetic to the character and landscape setting of the existing cluster.
- b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.
- c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.
- d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.
- e) The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwellinghouse) as at date of adoption of this supplementary guidance.

The SPG also states that additions to clusters will not be acceptable where: -

- a) the cluster is located within the greenbelt.
- b) the development results in the coalescence of settlements.
- c) the development extends / creates a ribbon of development.
- d) the development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement.

The determining factor in the consideration of this application is whether or not the application proposal accords with the above provisions of the Council's Rural Housing SPG. In considering the proposal against the Rural Housing SPG, the following is noted;

While it is noted that there are existing properties in the wider locality it does not automatically follow that the application site is located within a cluster as defined by the above terms, or that any further development within any existing cluster can be accommodated in line with the provisions of the supplementary guidance, and therefore individual site specific factors, and other materials considerations such as the planning history of a site, will require to be carefully considered.

The former Shalloch farmhouse is considered in planning terms to be a historic property which has preexisted at the site for a number of decades, and which was historically the only residential property at the site for a number of years. Following the cessation of the farming uses, it is understood that the former farmhouse and associated steading buildings were acquired, by a prospective developer with an interest in developing residential accommodation at the site. While the full planning history of the steading is set out above, the salient points relevant to the consideration of the current application are noted as follows;

Planning permission was granted under application reference 03/01006COU, for alterations and change of use of byre/stables to form dwellinghouse. This permission is understood to have been implemented, and lies to the east of the site of the current application, and is referred to as Shalloch View 1 in this report. The planning history shows that in the intervening years, there were a number of applications and planning permissions granted which predominantly relate to the change of use of the former agricultural out-buildings which, with the exception of applications 07/01200/COU, 08/00702/COU and 11/01080/APP which also included the erection of a single dwellinghouse. None of the planning permissions granted between 2007 and 2011 were implemented, and it is understood that the ruins of the former farm buildings have recently been removed.

The most recent newly built dwellinghouse to the east of the site was approved under application 17/01069/APP. While application 17/01069/APP was submitted on the basis of being for the change of use of outbuilding and associated alterations and extension to form dwellinghouse. It was, given the increasing deterioration of the out-buildings, more appropriately considered as a new dwellinghouse under the provisions of the cluster policy in the LDP and related policy guidance in relation to Rural Housing; the application was considered and permitted in this context, as confirmed in the Report of Handling which accompanies the application. In approving application 17/01069/APP as an addition to the existing cluster (comprising of Shalloch Farm and Shalloch View 1), the policy threshold of 50% has been reached, and therefore the current proposals cannot be considered in this context. For completeness, it should be noted that even if application 17/01069/APP had not been permitted on the basis of the cluster policy, the proposals would represent a 100% expansion of the existing building grouping (Shalloch farmhouse and Shalloch View 1), which is equally not permitted under the above

policy provisions. The primacy of the development plan, and the related policy provisions of the Rural Housing Supplementary Guidance are noted above within this report, and the application has been considered in this context. Any further residential development beyond the policy provisions of the Rural Housing Supplementary Policy would require to take place following a holistic and comprehensive review of the existing supplementary guidance in relation to rural housing, and not on an opportunistic, site-by-site basis through individual applications.

In addition to the three houses which presently exist at the site (Shalloch farmhouse, and Shalloch View 1 and 2), a fourth dwellinghouse was permitted in March 2021 under application 21/00114/APP. In considering application 21/00114/APP due cognisance was given to the planning history of the site, and in particular, applications 07/01200/COU, 08/00702/COU and 11/01080/APP which established, the principle of the erection of one new dwellinghouse to also be acceptable. The permissions granted under application 07/01200/COU, 08/00702/COU and 11/01080/APP were not been implemented, and were also noted to pre-date the Council's supplementary Rural Housing Policy. Given the planning history of the site, it is considered that the principle of the erection of a new dwellinghouse at the site had already been established by various previous applications, and that those former applications are considered to be materially significant in the consideration of the current application. The application was been considered in this context, and it was considered that it would not, given the previous planning history, be reasonable to reach a different or alternative recommendation. The permission granted under application 21/00114/APP is understood not to have been implemented, but currently remains extant for a period of three years under the terms of the permission.

In implementing the provisions of the Council's Rural Housing policy, the scope for additional properties under the cluster policy permits no more than 50% of the number of houses within that group (rounded up to the nearest single dwellinghouse) as at the date of adoption of the supplementary guidance, in this instance 20th November 2014, and therefore, any residential properties permitted or erected after this date cannot be considered for the purposes of applying the policy. The premise underpinning the strategy and policies of the adopted Local Plan and related policy guidance as regards to rural housing, is to curtail sporadic development within the countryside and the suburbanisation of the countryside; thereby protecting the countryside for its own sake and so as to avoid the unrestrained proliferation of development in the countryside.

In applying the threshold and date provisions of criterion e. of the above noted cluster policy to the current application, it is clear that the development proposed exceeds 50% of the number of units otherwise considered permissible under the terms of the above policy increasing from three existing (Shalloch farmhouse, and Shalloch View 1 and 2) properties to a total of five, including the aforementioned properties, plus the two new properties proposed. As noted above, in applying the above policy criteria, any permissions (whether implemented or not) which post-date the date of adoption of the policy, cannot be considered. Therefore, as the permission granted under application 21/01104/APP post-dates the 2014 adoption of the policy, the unimplemented permission granted under application 21/0114/APP for the erection of a dwellinghouse cannot be considered for the purposes of applying this policy. The application has been considered in this context. As noted above, any further residential development beyond the policy provisions of the Rural Housing Supplementary Policy would require to take place following a holistic and comprehensive review of the existing supplementary guidance in relation to rural housing, and not on an opportunistic, site-by-site basis through individual applications.

In terms of the character of the locale, the former steading at Shalloch is characterised by the former farmhouse, which at two storeys in height is the dominant feature of the immediate locale, with the nearby detached, single storey residential properties (Shalloch View 1 and 2) being newer and more recent additions dating from approximately the early 2000's and 2017 respectively. The former farmhouse and the two existing detached properties are characterised by a large plots and a sense of spaciousness. The proposed development of not one, but two additional dwellinghouses would undoubtedly alter the established character of the area by introducing additional development, resulting in the area being more densely developed, and therefore being atypical of rural locations. As noted above, the premise underpinning the strategy and policies of the adopted Local Plan and related policy guidance as regards to rural housing, is to curtail sporadic development within the countryside and the suburbanisation of the countryside; thereby protecting the countryside for its own sake, and so as to avoid unrestrained proliferation of development in the countryside. Therefore, the proposals are also considered to have a potentially detrimental and suburbanising effect on the countryside at this location, to the detriment of the rural setting of the locality. As such, the proposal is not considered to accord with the provisions of the Council's supplementary guidance in relation to Rural Housing. For these reasons, and the reasons noted below, there are concerns in relation to the development.

#### 11. Assessment (including other material considerations):

A site visit has not been undertaken as it is considered that sufficient information is available to determine the application; in accordance with the Council's agreed protocol and the advice of the Scottish Government in containing the spread of Coronavirus. Notwithstanding, the site has been subject of previous site visits, as part of the consideration of earlier planning applications, and the applicant/ agent has provided photographs of the site and locale.

The determining factor in the consideration of this application is whether or not the application proposal accords with the above provisions of the Council's Rural Housing SPG. Following the above assessment, it is considered that the development proposal does not accord with the provisions of the South Ayrshire Local Development Plan (specifically LDP Policy: Rural Housing) or the provisions of South Ayrshire Council's Supplementary Guidance on Rural Housing in that the development proposals exceeds the permitted 50% threshold as set out in the Rural Housing Policy and the date of its application and adoption on 20th November 2014. In contrast, the development proposal, if granted, has the potential to result in the unrestricted, unrestrained and sporadic growth of the existing building grouping, which has the potential to result in the suburbanisation of the countryside which is considered would be to the detriment of the rural character and setting of the site, as well as undermining the policy provisions of the existing adopted South Ayrshire Local Development Plan, the related policy provisions of the Rural Housing supplementary guidance and the emerging Local Development Plan as set out in the Proposed Modified Local Development Plan 2. Any further residential development beyond the policy provisions of the Rural Housing Supplementary Policy would require to take place following a holistic and comprehensive review of the existing supplementary guidance in relation to rural housing, and not on an opportunistic, site-by-site basis through individual applications.

The supporting information provided by the applicant/ agent has been considered, however, none of the matters raised are considered sufficient to out-weigh the policy provisions of the Adopted South Ayrshire Local Plan and the related policy provisions of the Rural Housing Supplementary Policy Guidance.

The applicant/ agent is aware of the policy concerns regarding the proposals, and has been offered the opportunity to withdraw the application. However, the applicant/ agent has confirmed that they wish for the application to be determined as submitted. The application is determined on this basis.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that, in making any determination under the Planning Acts, regard is to be had to the development plan, unless material considerations indicate otherwise. The primacy of the development plan is noted. An assessment of the development proposal is set out above, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Local Development Plan, and the related Supplementary Guidance in relation to Rural Housing and that there are no material planning considerations that would out-weigh these provisions. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

#### 12. Recommendation:

It is recommended that the application is refused.

#### Reasons:

(1) That the development proposal is contrary to the South Ayrshire Local Development Plan Policies in relation to Sustainable Development, Landscape Quality and Rural Housing and the related Supplementary Planning Guidance entitled Rural Housing in that the development exceeds 50% of the existing building grouping as at the date of adoption of the Rural Housing Supplementary Guidance (20th November 2014), and in terms of the effect on the countryside at this location due to the development representing a more dense ratio of development which is atypical of rural locations, and which would have an adverse and suburbanising effect on the countryside at this location, to the detriment of the rural setting of the locality.

#### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused 21-0547-SITE-01 A

Drawing - Reference No (or Description): Refused 21-0547-SITE-101-D

Drawing - Reference No (or Description): Refused 21-0547-SITE-01

Drawing - Reference No (or Description): Refused 21-0547-LAY-102-A

Drawing - Reference No (or Description): Refused 21-0547-ELE-100-B

### **Equalities Impact Assessment:**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Decision Agreed By:	Appointed Officer
Date:	19 January 2022



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 10

100482681-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details				
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)				
Agent Details				
Please enter Agent details	S			
Company/Organisation:	Company/Organisation: Edesign Architecture & Planning Scotland Ltd			
Ref. Number:	You must enter a Building Name or Number, or both: *			
First Name: *	Gareth	Building Name:	Wellington Chambers	
Last Name: *	Bryden-Reid	Building Number:	64	
Telephone Number: *	01292263799	Address 1 (Street): *	Fort Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Ayr	
Fax Number:		Country: *	United Kingdom	
		Postcode: *	KA7 1EH	
Email Address: *	gareth@edesignarchitecture.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organ	nisation/Corporate entity			

Applicant De	etails		
Please enter Applicant	details		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	Shalloch Farm
First Name: *	Brian	Building Number:	
Last Name: *	Lennon	Address 1 (Street): *	West of Drongan
Company/Organisation		Address 2:	Off Craigs Road
Telephone Number: *		Town/City: *	Drongan
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA6 7EE
Fax Number:			
Email Address: *	livingoakhomes@gmail.com		
Site Address	s Details		
Planning Authority:	South Ayrshire Council		
Full postal address of th	ne site (including postcode where available	e):	
Address 1:	SHALLOCH FARM		
Address 2:	WEST OF DRONGAN		
Address 3:	COYLTON		
Address 4:			
Address 5:			
Town/City/Settlement:	AYR		
Post Code:	KA6 7EE		
Please identify/describe	e the location of the site or sites		
Northing	616205	Easting	243673

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Proposed 2 new dwellinghouses
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).  Application for planning permission in principle.  Further application.  Application for approval of matters specified in conditions.
What does your review relate to? *
☑ Refusal Notice.
Grant of permission with Conditions imposed.
No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
The houses meet the standards for Houses in the Countryside guidance, the previous consented house application 21/00114/APP we believe should have been included as part of the original settlement as the house was a replacement for buildings which already existed. On this basis we believe the additional 2 dwellings concludes the 50% extension allocation for this site. The site presents itself as an infill and consolidated group contained by topography. Design is in-keeping with existing cluster.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)			
Plans, site plans, elevations and supporting planning statement all as presented at planning stage			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	21/01021/APP		
What date was the application submitted to the planning authority? *	21/10/2021		
What date was the decision issued by the planning authority? *	27/01/2022		
Review Procedure  The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding or inspecting the land which is the subject of the review case.	nine the review. Further i	nformation may be	
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sessing Yes No		ourself and other	
Please indicate what procedure (or combination of procedures) you think is most appropriate select more than one option if you wish the review to be a combination of procedures.  Please select a further procedure *  By means of inspection of the land to which the review relates	e for the handling of your	review. You may	
Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)			
The topography and containment of the site is critical to the application and is only really a argument that the site is infill and consolidates a clustered group.	pparent from visiting the	site and the	
Please select a further procedure *			
Holding one or more hearing sessions on specific matters  Please explain in detail in your own words why this further procedure is required and the ma will deal with? (Max 500 characters)	tters set out in your state	ment of appeal it	
A verbal presentation/hearing we believe would be essential to outline the case and specific which the scheme was refused, particularly the matter of what constitutes the original settlicular current buildings should all count towards this allocation given there were buildings on the	ement as our argument i		
In the event that the Local Review Body appointed to consider your application decides to in	<u> </u>		
Can the site be clearly seen from a road or public land? *  Is it possible for the site to be accessed safely and without barriers to entry? *	<del></del> -	Yes  No	

Checklist – App	lication for Notice of Review	
	Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Fato to submit all this information may result in your appeal being deemed invalid.	
Have you provided the name	and address of the applicant?. *	🛛 Yes 🗌 No
Have you provided the date a review? *	and reference number of the application which is the subject of this	X Yes □ No
, , , ,	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A
	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X Yes ☐ No
require to be taken into account a later date. It is therefore	why you are seeking a review on your application. Your statement must unt in determining your review. You may not have a further opportunity to essential that you submit with your notice of review, all necessary inform Body to consider as part of your review.	add to your statement of review
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	X Yes □ No
planning condition or where it	es to a further application e.g. renewal of planning permission or modifices relates to an application for approval of matters specified in conditions, approved plans and decision notice (if any) from the earlier consent.	
Declare - Notice	e of Review	
I/We the applicant/agent certi	fy that this is an application for review on the grounds stated.	
Declaration Name:	Mr Gareth Bryden-Reid	
Declaration Date:	22/04/2022	

# EDESIGN ARCHITECTURE & PLANNING LTD 64 Wellington Chambers | Ayr | KA7 1EH REGISTERED COMPANY NO. SC524392



Supporting Planning Statement for application for the construction of 2 new dwelling houses in the countryside as extension to an established existing cluster

Land at Shalloch Farm

Application prepared on behalf of Mr and Mrs Lennon

October 2021

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### 1 Executive Summary

- 1.1 This Planning Statement has been prepared by Edesign Architecture and Planning on behalf of our client's Mr and Mrs Lennon, in respect of a planning application for construction of 2 new dwelling houses at the existing group of housing; established housing 'cluster' at Shalloch Farm, off Craig's Road west of Low Coylton, South Ayrshire.
- 1.2 The Planning Statement relates to a full planning application seeking planning permission for construction of 2 new proportioned dwelling houses on the site within an established 'cluster' or housing group at Shalloch Farm, set within generously proportioned gardens. The land is considered semi-brownfield being formed of made ground left-over from development of existing houses. Three number separate existing dwelling houses occupy the site. A fourth dwelling house recently approved re-use of existing farmhouse application reference 21/00114/APP with a new replacement dwelling house.
- 1.3 Edesign has been engaged by the applicant to prepare the plans to form 2 new dwellings designed to be sympathetic to the surroundings and existing 'cluster' of houses at Shalloch Farm; advise on the key planning aspects of this proposal, provide this Planning Statement, and to act as agent for the application submitted to South Ayrshire Council on behalf of Mr and Mrs Lennon.
- 1.4 We have undertaken a thorough review of applicable National and Local Development Planning Policy other Council documents.
- 1.5 The documents which are 'material' to the determination of the planning application are: -
  - Scottish Planning Policy (SPP);
  - South Ayrshire Local Development Plan (SALDP); and
  - South Ayrshire Council Supplementary Planning Guidance: Rural Housing
- 1.6 The review of the adopted South Ayrshire Local Development Plan maps providing details of the defined greenbelt and other environmental designations across South Ayrshire, informs that the land subject to this application is located within an area defined as 'Core Investment Area' and

- is not subject to any such designation and it is therefore deemed to be land in the countryside out with the greenbelt.
- 1.7 As can be seen from the location plan submitted with this application, the subject site is located within the existing and established Shalloch Farm building group and 'cluster'. This is as per the guidance prepared by Council in respect of new rural housing development, the Council may accept proposals for a new house which is an addition to an existing 'cluster'.
- 1.8 A review of these documents and the assessment set out within chapter 6 of this statement details the reasons why we consider that the application is in accordance with the adopted Local Development Plan (which includes the Supplementary Planning Guidance).
- 1.9 Of equal weight and relevance in the determination of this planning application submitted to South Ayrshire Council is the House of Lord's Judgement; City of Edinburgh Council v Secretary of State 1998 SLT120.
- 1.10 Given the Scottish Governments' support for development proposals in rural areas which are sustainable and well designed within a Core Investment area and established existing housing cluster, we consider that there is nothing in planning policy terms which would suggest that this application cannot be approved.
- 1.11 For the reasons set out herein; namely that the application accords with both National and Local Planning Policy, as detailed within the South Ayrshire Council Local Development Plan policy on Rural Housing and the Supplementary Guidance on Rural Housing; is a well-designed appropriately sized and scaled house which re-uses a redundant rural land, located within an existing clearly defined and nucleated housing cluster, which is to developed on partially 'brown field' land and which utilises elements of a existing access and is sustainable, and therefore we seek the Council's support and approval of this application.

### 2 Introduction, site and surroundings

2.1 This Planning Statement has been prepared on behalf of Mr and Mrs Lennon, in respect of a full planning application for the proposed construction of 2 new dwelling houses, set within new generous garden areas. The Council's design guidance has provided a template for development within existing clusters of residential developments in the countryside.

### The Site

- 2.2 The site is, we consider at present utilises elements of an non-productive made ground within the farm complex and established existing housing cluster. The site measures approximately 2,600 square metres in size.
- 2.3 The proposed development as detailed on the submitted drawings details a proposed change of use provide a well-designed and scaled storey and half residential dwelling set in a new garden.
- 2.4 As you will note from the drawings prepared for the proposed 2 new dwelling houses will result in the development of a storey and a half bungalows comprising of a slate roof, roughcast rendered walls and whitewood vertical boarding; new aluminium windows and doors. We have designed the house to be very much in keeping and to be sympathetic to the character and style of the existing houses in the cluster / group.

### The Surroundings

2.5 The site is located at Shalloch Farm, off Craig's Road, south east of Coylton and is close to the boundary of the South Ayrshire administrative area. The site is a mix of non-productive land and small areas of flat ground. It is not highly visible from the surrounding areas being set back to the road close to existing properties and external finishes, good design, and scale and proposed high quality planting within the new garden, it is considered that it will sit comfortably within the site and surroundings and will not be in any way obtrusive or incongruous. We do not consider that it will have any detrimental impact on the landscape nor character and setting of the existing cluster of houses at Shalloch Farm.

- 2.6 According to the South Ayrshire Local Development Plan Proposals Map the site does not fall within the greenbelt or indeed any other formal environmental or other such designations. It does lie within the designated 'Core Investment Area' which such development is supported.
- 2.7 This statement should be read in conjunction with the documentation submitted in support of this application, namely: -
  - Completed planning application form;
  - Proposed site plan;
  - Proposed elevations;
  - Proposed floor plans; and
  - Proposed roof plans

### 3 Planning History

- 3.1 A review of the South Ayrshire Council Planning portal provides details of an application which was submitted and permitted for;
  - ➤ Change of use of outbuilding and associated alterations and extension to form dwellinghouse reference 17/01069/APP
  - ➤ Change of use of outbuilding and associated alterations and extension to form dwellinghouse reference 21/00114/APP
- 3.2 The above applications were submitted to South Ayrshire Council in September 2017 and was approved on the 29<sup>th</sup> November 2017, and second submitted 3<sup>rd</sup> February 2021 and approved 4<sup>th</sup> February respectively. These approvals demonstrate the favourability of the Shalloch farm as an established cluster.
- 3.3 This new application builds on the cluster of previously approved by the Local Planning Authority (LPA) at Shalloch. This new proposal also seeks to utilise otherwise non-productive land at Shalloch Farm.

### 4 Proposed development

- 4.1 This Planning Statement relates to the full planning application submitted to South Ayrshire Council for the proposed change of use to an existing parcel of un-productive land within the Shalloch Farm complex to provide new dwellings. The proposal comprises of a storey and a half detached bespoke sensitively designed residential properties set within a new garden. The proposed new house will be accessed by an existing access road to Shalloch Farm off the country road Craig's Road.
- 4.2 The location plan submitted as part of this application shows that the application site lies to the south-east of the settlement of Coylton. The site layout has been carefully chosen to ensure that, as far as is possible, the proposed new houses; created by a change of use; and assimilate the house into the existing farm complex and cluster at Shalloch. The proposed new houses will be accessed off an existing road which serves Shalloch off Craig's Road.
- 4.3 As the drawings accompanying the application show, the proposal is to undertake a change of use Shalloch Farm to create a bespoke sympathetically designed detached storey and a half residential dwellings, with gardens. We consider that this change of use of the remaining parcels of land, part of which has already been subject to an application approved by the Council in 2017 and 2021, lies within an identified and established housing 'cluster'. It has been sited within the plots to ensure that the new houses are neither incongruous nor detrimental to the character and setting of the existing cluster of houses.
- 4.4 The proposed house will have an external finish comprising of; walls comprising of roughcast render, and whitewood vertical boarding; roofs comprising of pitched natural slate; windows and doors aluminium. The palette of material has been chosen to complement the housing and buildings within the immediate vicinity.

- 4.5 The proposed new plots will be designed with new gardens to present a development which is integrated into its environment in-keeping with the area. The proposed new houses are consolidated within the existing development and are respectful of the amenity of the existing properties and their setting.
- 4.6 Due to the topography of the area and existing buildings the proposed new house will not be a dominant feature in the landscape. The ground slopes up behind the existing properties and therefore the Shalloch farm development sits on a shelf of land partially up the hill.

### 5 Planning Policy

- 5.1 The Town and Country Planning (Scotland) Act 1997 requires decisions to made in accordance with Development Plan unless material considerations indicate otherwise.
- 5.2 Of equal importance to any decision made by the Local Planning Authority is the House of Lord's Judgement, City of Edinburgh Council v Secretary for State 1998 SLT120.
- 5.3 The former SPP1 summarised at Paragraphs 46 48 the above judgement regarding the steps to be taken to determine a planning application. The House of Lords ruled that if a proposal accords with the development plan and no material considerations indicate that it should be refused, planning consent should be granted. It ruled that "although priority must be given to the development plan in determining planning applications, there is a built-in flexibility depending on the facts and circumstances of each case." The judgement set out the following approach to determining a planning application:
  - Identify any provisions of the development plan that are relevant to the decision.
  - Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of the policies.
  - Consider whether or not the proposals accord with the development plan.
  - Identify and consider relevant material considerations for and against the proposal.
  - Assess whether these considerations warrant a departure from the development plan.

The policy context for the determination of this application is set by national as well as regional and local planning policy.

### Scottish Planning Policy

5.4 The document Scottish Planning Policy was published in 2014. This SPP introduces a presumption in favour of development that contributes to sustainable development.

### The Presumption in favour of Sustainable Development

5.5 At the heart of SPP is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planmaking and decision-taking.

### Requiring Good Design

- 5.6 SPP (paragraph 36) states that planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. It is recognised that planning should take every opportunity to create high quality places by taking a design-led approach.
- 5.7 Paragraph 37 of SPP states that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; support the prevention agenda and efficiency in public services; promote Scotland's distinctive identity all over the world; attract visitors, talent and investment; deliver our environmental ambitions; and provide a sense of belonging, a sense of identity and a sense of community.
- 5.8 SPP and associated guidance in respect of design sets out the following:
  - The importance of good design;
  - The planning objectives good design can help achieve;
  - Guidance on well-designed places;
  - Guidance on how buildings and the spaces between them should be considered;
  - The planning process and tools which can be utilised to achieve good design; and
  - Design issues which relate to particular types of development.
- 5.9 SPP also states that development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area.
- 5.10 Design is only part of the planning process but it can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. Planning decisions should seek to ensure the physical environment supports these objectives.
- 5.11 We consider that the proposals contained within this planning application are in accordance with the above Policy Principles contained within SPP.

### **Local Planning Policy**

### South Ayrshire Local Development Plan 2014

- 5.12 A review of the adopted local development plan covering the site subject to this application the South Ayrshire Local Development Plan 2014 details the relevant planning policy applicable to the determination of this application.
- 5.13 Local Development Plan policy: Rural Housing found on page 34 of the plan states;

"In countryside areas, including green belt, we may accept the following proposals for new housing.

- a. The replacement of an existing house, as long as the development is sympathetic to the scale and character of the local area.
- b. An extension to an existing house, as long as it is sympathetic to the scale, character and proportions of the original house, which should remain the main feature.
- c. The conversion and reuse of a genuinely redundant building of traditional or local character and domestic scale for residential use if the building is largely intact, structurally sound or can be repaired or restored. The original building must remain the main feature.
- d. A home that is essential to a rural business. The developer must satisfy us, through a sound business plan that the business is economically viable and could not be run without residential accommodation.

In countryside areas, outwith the greenbelt, we may accept proposals for new housing that are a limited extension to: an existing clearly defined and nucleated housing cluster, group of four or more houses, or small settlement, subject to an acceptable impact on the existing form and character of the cluster. We would particularly encourage the sensitive infilling of gap sites that would consolidate existing dwellings within the group.

All proposals must comply with the policy guidance set out in the rural housing supplementary guidance.

We aim to make sure that gardens at new or converted properties are in proportion to the size of the property."

# South Ayrshire Council Supplementary Guidance: Rural Housing

- 5.14 Supplementary Guidance is a material consideration that can be taken into account when determining a planning application.
- 5.15 The South Ayrshire Council Supplementary Guidance on Rural Housing will be a material consideration in the determination of this planning application for a change of use of outbuilding and associated alterations and extension to form a proposed new house on land at Shalloch Farm which is a rural location.
- 5.16 Under Part 1 Guidance on Assessing Proposal for New Rural Housing, the following types of rural housing development may be acceptable in rural areas:
  - 1. additions to 'clusters' i.e. where there are existing groups of houses and extensions to small settlements
  - 2. rehabilitation of vacant rural buildings
  - 3. replacement of existing houses
  - 4. houses related to rural businesses
  - 5. house extensions

The Council's Supplementary Guidance for each type of rural housing development establishes the principles and design issues that will be considered in determining planning applications. This is in order to ensure that rural areas are protected from inappropriately designed housing, and requires applicants to demonstrate that the proposed development is both acceptable in principle, by complying with the guidance set out within the Supplementary Guidance and, further that the design is in compliance with the design guidance.

5.17 The most relevant part of the Supplementary Guidance for the planning application for our planning application is: -

# "Guidance on additions to clusters (existing groups of houses in the countryside but not within a town or village)

Additions to clusters will be acceptable where:

- a) the proposal is sympathetic to the character and landscape setting of the existing cluster.
- b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.
- c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.

- d) the proposed design solution is in keeping with the character and built form of the existing cluster and other complies with design guidance in the supplementary guidance.
- e) the proposal does not expand the cluster by more than 50% of the number of houses with that group (rounded up to nearest single dwellinghouse) as at date of the adoption of this supplementary guidance  $20^{th}$  November 2014."
- 5.18 From the outset the design principles contained with the Council's Supplementary Guidance: Rural Housing Part 2 Design of New Houses in the Countryside and been followed in respect of; the siting of the proposed new house and also the design of the house pallet of materials being appropriate.
- 5.19 Having undertaken a review of what is considered to be the most relevant National and Local Development Plan policies, and the Supplementary Planning Guidance on Rural Housing relevant for this application, the next section of this report will analyse the key planning issues associated with the application; as per the House of Lords judgement and then detail how the proposed new house as detailed in the application is either in keeping, or not with the planning policy as detailed within this section of the Planning Statement.

- 6.1 Within Chapter 5 of this Planning Statement the most relevant Development Plan, as well as National Planning Policy Statements, and Supplementary Guidance, against which this planning application will be determined were detailed.
- 6.2 Taking into consideration the House of Lord's Judgement which set out an approach to determining planning applications, this chapter of the Supporting Planning Statement will work through the following:
  - Interpret the provisions of the development plan and other relevant planning policy statements and guidance as well as the detailed wording of the policies;
  - Consider whether or not the proposals accord with the development plan.
  - Identify and consider relevant material considerations for and against the proposal; and
  - Assess whether these considerations warrant a departure from the development plan.
- 6.3 The applicable South Ayrshire Council Local Development Plan Policy on rural housing states;

"we may accept proposals for new housing that are a limited extension to; an existing clearly defined and nucleated housing cluster, group of four or more houses, or small settlement, subject to an acceptable impact on the existing form and character of the cluster"

Further it the same policy states;

"All proposals must comply with the policy guidance set out in rural housing supplementary guidance. We aim to make sure that gardens at new or converted properties are in proportion to the size of the property"

6.4 The aforementioned South Ayrshire Council Supplementary Planning Guidance on Rural Housing, at Part 1, provides detailed guidance on assessing proposals for new rural housing. It states;

"In line with the LDP Policy 'Rural Housing' the following types of rural housing development may be acceptable in rural areas:

1. <u>additions to 'clusters' i.e. where there are existing groups of buildings and</u> extensions to small settlements".

Further the same guidance states;

"For each type of rural housing development, this supplementary guidance establishes the principles and design issues that will be considered in determining planning applications. To ensure that rural areas are protected from inappropriately designed housing, prospective applicants must demonstrate that the proposed development is both acceptable in principle, by complying with the following guidance, and that the proposed design solution is in accordance with design guidance set out in this supplementary guidance."

Also;

"Guidance on additions to clusters (existing groups of houses in the countryside but not within a town or village)

Additions to clusters will be acceptable where:

- a. the proposal is sympathetic to the character and landscape setting of the existing cluster.
- c. <u>the development has a clear relationship with the existing cluster by being physically connected with the cluster</u>
- d. the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.
- e. the proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to the nearest single dwellinghouse) as at the date of adoption of this supplementary guidance -20th November 2014

and

<u>Under Part 1 – Guidance on Assessing Proposal for New Rural Housing,</u> <u>the following types of rural housing development may be acceptable in</u> rural areas:

- 1. <u>additions to 'clusters' i.e. where there are existing groups of houses</u> <u>and extensions to small settlements</u>
- 2. rehabilitation of vacant rural buildings
- 6.5 It is our view that the proposals forming this planning application and submitted to South Ayrshire Council; as per detailed on the location plan; site plan and elevations accords with the Development Plan and Supplementary Planning Guidance.

- 6.6 A visit to the location shows that the proposed house applied for is of a scale, design and external finish that is in keeping with, and respects the character of the existing established houses in the cluster.
  - The application site has a clear relationship to the existing cluster, it is a 'gap site' within that cluster, it will rehabilitate and re-use an existing now redundant land we therefore consider that this proposal is fully in accordance with the Local Development Plan.
- Our view is based on our interpretation of the local development plan rural policy and supplementary planning guidance. The application site is located at, and within, the Shalloch Farm existing established housing cluster and therefore as an 'addition' to this 'cluster' is in accordance with the provisions of both the LPD and SPG.
- 6.8 From the outset the design principles contained with the Council's Supplementary Guidance: Rural Housing Part 2 Design of New Houses in the Countryside and been followed in respect of; the siting of the proposed new house and also the design of the house pallet of materials being appropriate.
- 6.9 From our thorough review of the applicable relevant planning policy, especially the Supplementary Planning Guidance, which we have detailed within this statement, and also taken into careful consideration in the plans we have prepared for the house, we cannot find and material considerations which would reasonably mean that the Council cannot approve this application.
- 6.10 Having reviewed all the material matters applicable to this application before the Council: National Planning Policy, Local Planning Policy; the potential impact on residential properties in the vicinity; all set in the context of the Scottish Government's SPP 1, which introduces a presumption in favour of development that contributes to sustainable development, we consider that this application is in compliance with these and therefore should be approved.

### 7 Conclusions

- 7.1 This Supporting Planning Statement has been prepared to accompany the planning application pack submitted on behalf of our clients and forms part of the suite of supporting documents.
- 7.2 We have undertaken a comprehensive review of the relevant National, Local and, where relevant Supplementary Planning Policy and Guidance which will be relevant to the determination of this application.
- 7.3 When reviewed against the House of Lord's judgement which set out an approach to determining a planning application, it is considered that the proposal submitted accord with the development plan and identified relevant other material considerations for and against the proposal, and, therefore the application should be supported and approved by South Ayrshire Council.
- 7.4 This planning application is for a construction of 2 new dwelling houses set within an existing cluster, complete with a new garden at Shalloch Farm. It integrates well with the existing established cluster, re-uses and rehabilitates an existing redundant land and is in no way detrimental to either the surrounding rural landscape or the character of the cluster.
- 7.5 We consider that this proposal meets the tests for the 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.'
- 7.6 It is our opinion that this application is in accordance with LDP policy on Rural Housing, SPP and the presumption in favour of sustainable development and SDP policy as it is considered that this is the re-use of an existing redundant land and an addition to an existing established 'cluster'. We also note that this site is located within a Core Investment Area and this proposal, if granted, will bring additional investment.
- 7.7 We therefore trust that the planning authority will approve this application, as it is in accordance with the Local Development Plan, and we do not consider that there are any material considerations against it.



 $County\ Buildings\ Wellington\ Square\ Ayr\ KA7\ 1DR\ \ Tel:\ 01292\ 616\ 107\ \ Email:\ planning.development@south-ayrshire.gov.uk$ 

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100482681-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application	
What is this application for? Please select one of the following: *	
Application for planning permission (including changes of use and surface mineral working).	
Application for planning permission in principle.	
Further application, (including renewal of planning permission, modification, variation or remova	al of a planning condition etc)
Application for Approval of Matters specified in conditions.	
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Proposed 2 new dwellinghouses	
Is this a temporary permission? *	☐ Yes ☒ No
If a change of use is to be included in the proposal has it already taken place?	☐ Yes ☒ No
(Answer 'No' if there is no change of use.) *	
Has the work already been started and/or completed? *	
No □ Yes – Started □ Yes - Completed	
Applicant or Agent Details	
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting	_
on behalf of the applicant in connection with this application)	Applicant X Agent

Agent Details				
Please enter Agent details				
Company/Organisation:	Edesign Architecture & Planning Scotland Ltd			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Gareth	Building Name:	Wellington Chambers	
Last Name: *	Bryden-Reid	Building Number:	64	
Telephone Number: *	01292263799	Address 1 (Street): *	Fort Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Ayr	
Fax Number:		Country: *	United Kingdom	
		Postcode: *	KA7 1EH	
Email Address: *	gareth@edesignarchitecture.co.uk			
	Is the applicant an individual or an organisation/corporate entity? *  Individual  Organisation/Corporate entity			
Applicant Details				
Please enter Applicant details				
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:		
First Name: *	Brian	Building Number:		
Last Name: *	Lennon	Address 1 (Street): *	Shalloch Farm, West of Drongan	
Company/Organisation		Address 2:	Off Craigs Road	
Telephone Number: *		Town/City: *	Drongan	
Extension Number:		Country: *	South Ayrshire	
Mobile Number:		Postcode: *	KA67EE	
Fax Number:		]		
Email Address: *	livingoakhomes@gmail.com			

Site Address D	Details				
Planning Authority:	South Ayrshire Coun	ncil			
Full postal address of the s	ite (including postcode	where available	):		_
Address 1:	SHALLOCH FARM				
Address 2:	WEST OF DRONGA	۸N			
Address 3:	COYLTON				
Address 4:					
Address 5:					
Town/City/Settlement:	AYR				
Post Code:	KA6 7EE				
Please identify/describe the	e location of the site or	sites			
Northing 6	16205		Easting		243673
Pre-Applicatio	n Discussion	า			
Have you discussed your p					☐ Yes ☒ No
Site Area					
Please state the site area:		0.26			
Please state the measuren	Please state the measurement type used:    X   Hectares (ha)   Square Metres (sq.m)			m)	
Existing Use					
Please describe the curren	t or most recent use: *	(Max 500 chara	cters)		
non-productive land					
Access and Parking					
Are you proposing a new a					⊠ Yes □ No
If Yes please describe and you propose to make. You	show on your drawings should also show existing the shown in the shown	s the position of a ing footpaths and	any existing. Alte d note if there wi	ered or new Il be any im	access points, highlighting the changes pact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access	s? * Yes 🗵 No
If Yes please show on your drawings the position of any affected areas highlighting the changes you pro arrangements for continuing or alternative public access.	opose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	4
Please show on your drawings the position of existing and proposed parking spaces and identify if these types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	X Yes No
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network	
No – proposing to make private drainage arrangements	
Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide full What private arrangements are you proposing? *	urther details.
☐ New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage tre	eatment such as a reed bed).
Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans an	nd supporting information: *
Additional drainage and sewage treatment is proposed with additional soakaway drainage system	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	X Yes □ No
Note:-	
Please include details of SUDS arrangements on your plans	
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
X Yes	
No, using a private water supply	
No connection required	
If No, using a private water supply, please show on plans the supply and all works needed to provide it	(on or off site).

Assessment of Flood Risk
Is the site within an area of known risk of flooding? *
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.
Do you think your proposal may increase the flood risk elsewhere? *
Trees
Are there any trees on or adjacent to the application site? *
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.
Waste Storage and Collection
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *   Yes  No
If Yes or No, please provide further details: * (Max 500 characters)
Space for hardstanding for bin storage adjacent to rear door from utility room as shown on ground floor plan
Residential Units Including Conversion
Does your proposal include new or additional houses and/or flats? *
How many units do you propose in total? * 2
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
All Types of Non Housing Development – Proposed New Floorspace
Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No
Schedule 3 Development
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.
Planning Service Employee/Elected Member Interest
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Certificate	es and Notices			
	D NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME COTLAND) REGULATION 2013	NT MANAGEMENT		
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.				
Are you/the applica	re you/the applicant the sole owner of ALL the land? *			
Is any of the land p	part of an agricultural holding? *	☐ Yes ☒ No		
Certificate	Required			
The following Land	Ownership Certificate is required to complete this section of the proposal:			
Certificate A				
Land Ov	wnership Certificate			
Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013				
Certificate A				
I hereby certify tha	t –			
(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.				
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding			
Signed:	Gareth Bryden-Reid			
On behalf of:	c/o Edesign Architecture & Planning (Scotland) Ltd			
Date:	11/10/2021			
	⊠ Please tick here to certify this Certificate. *			
Checklist	<ul> <li>Application for Planning Permission</li> </ul>			
Town and Country	Planning (Scotland) Act 1997			
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013				
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.				
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *				
Yes No Not applicable to this application				
you provided a sta	ication for planning permission or planning permission in principal where there is a crown inte tement to that effect? * Not applicable to this application	erest in the land, have		
development belor you provided a Pre	cation for planning permission, planning permission in principle or a further application and the categories of national or major development (other than one under Section 42 of e-Application Consultation Report? *  Not applicable to this application			

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

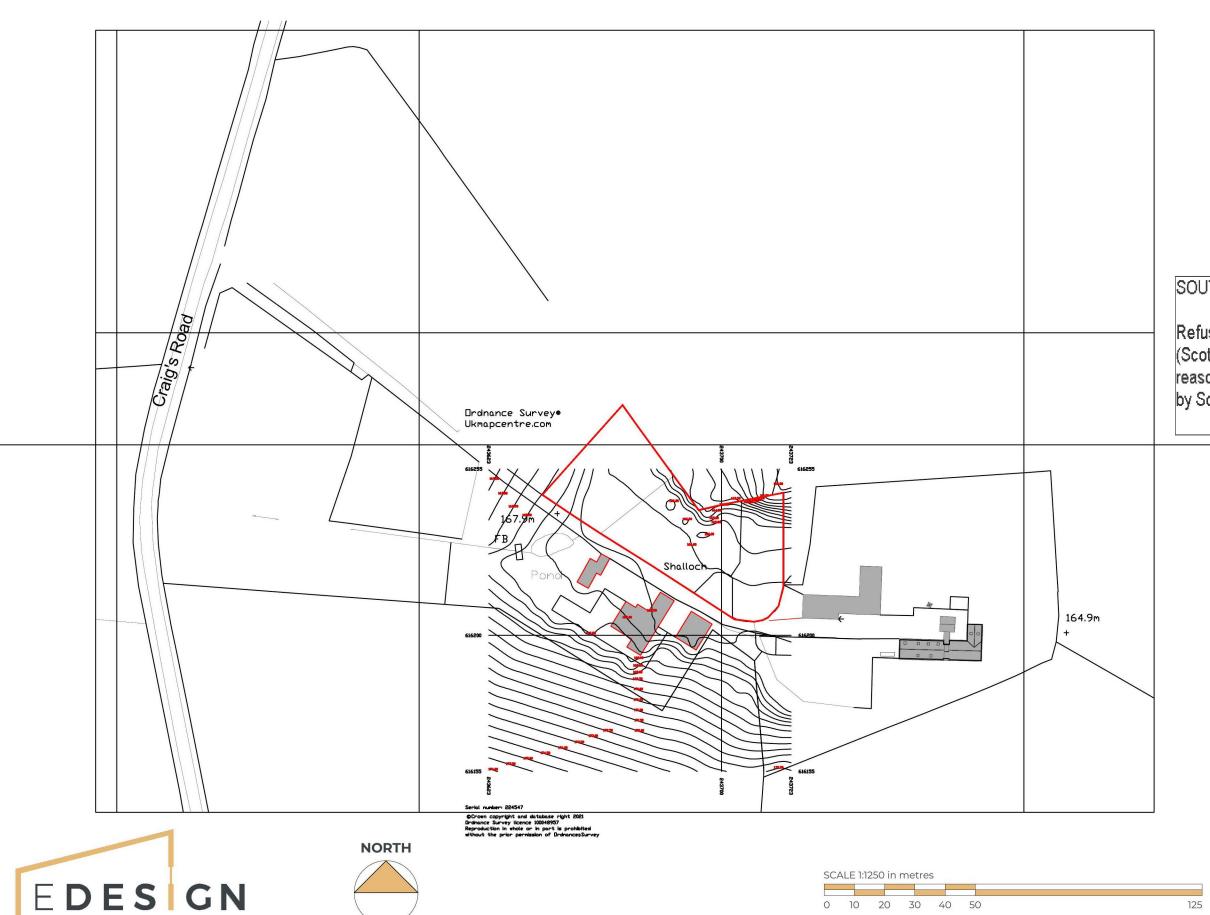
Declaration Name: Mr Alastair Neill

Declaration Date: 03/02/2021

### **Payment Details**

Telephone Payment Reference:

Created: 11/10/2021 16:29



## SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.



### **PLANNING**

RESIDENTIAL DEVELOPMENT

### Client

**BRIAN LENNON** 

SHALLOCH FARM, DRONGAN

#### **Drawing Title**

SITE LOCATION PLAN & EXISTING PHOTOS

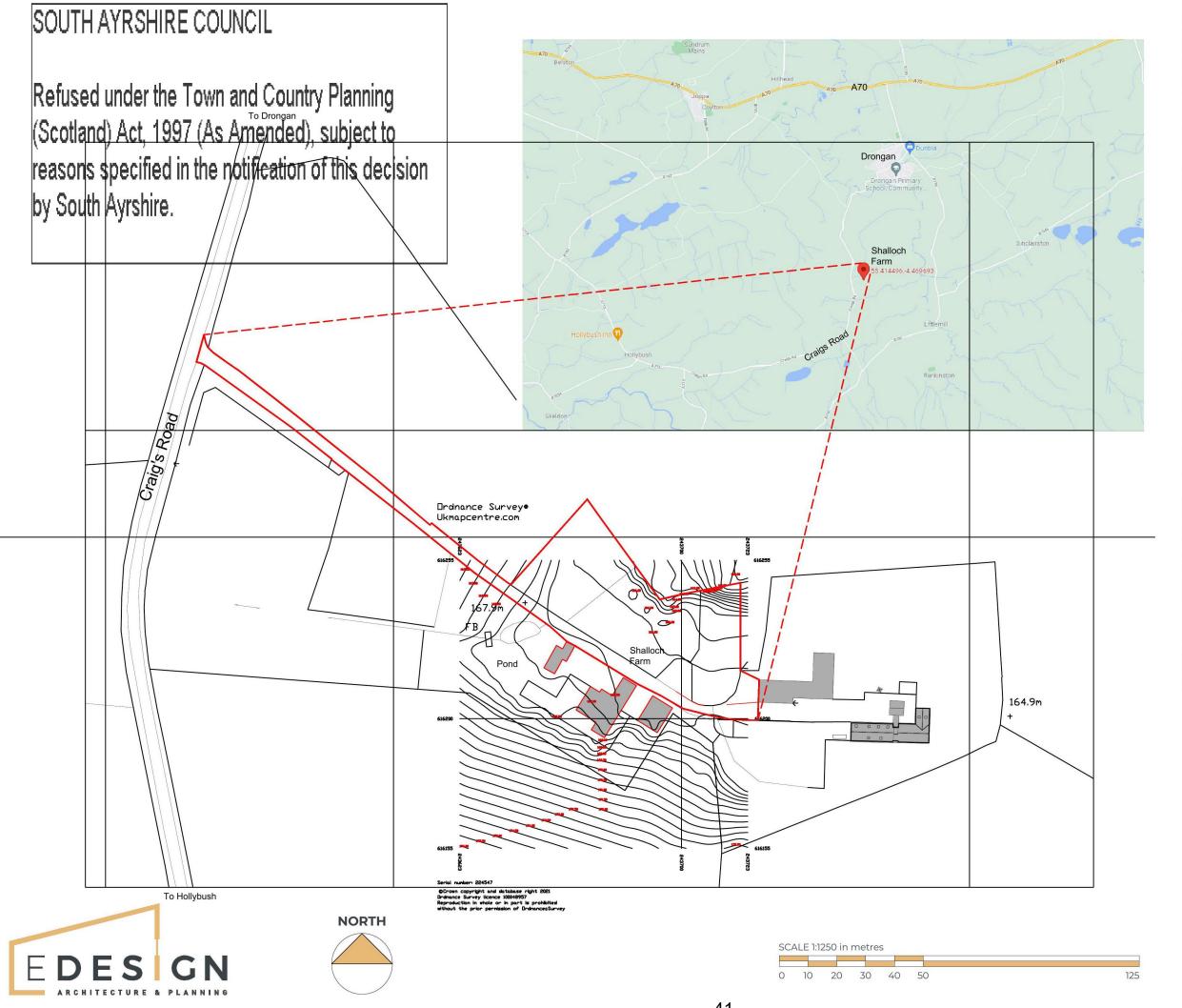
### Drawing No.

21-0547-SITE-01

Scale	Drawn	Date
1:1250 @ A3	GBR	OCT 21

64 WELLINGTON CHAMBERS, AYR, KA7 1EH T:0 1 2 9 2 2 6 3 7 9 9 E:ENQUIRY@EDESIGNARCHITECTURE.COM W:WWW.EDESIGNARCHITECTURE.CO.UK

0 10 20 30 40 50











Rev Description Date

Status

### **PLANNING**

rioject

RESIDENTIAL DEVELOPMENT

Clien

BRIAN LENNON

Site

SHALLOCH FARM, DRONGAN

**Drawing Title** 

SITE LOCATION PLAN & EXISTING PHOTOS

Drawing No. 21-0547-SITE-01

Α

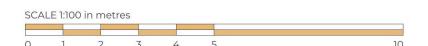
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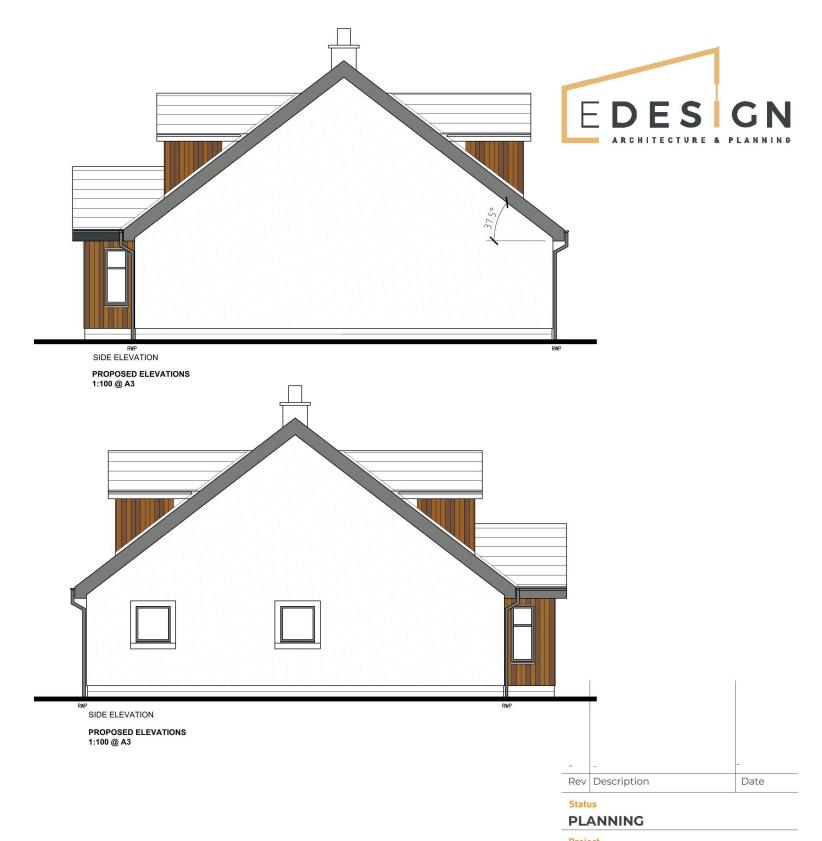
64 WELLINGTON CHAMBERS, AYR, KA7 1EH



REAR ELEVATION

PROPOSED ELEVATIONS 1:100 @ A3





## SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

### DE

### RESIDENTIAL DEVELOPMENT

Client

BRIAN LENNON

te

SHALLOCH FARM, DRONGAN

**Drawing Title** 

PROPOSED ELEVATIONS

Drawing No.	Revision	
21-0547-E	ELE-100	В
Scale	Drawn	Date
1:100 @ A3	GBR	OCT 21

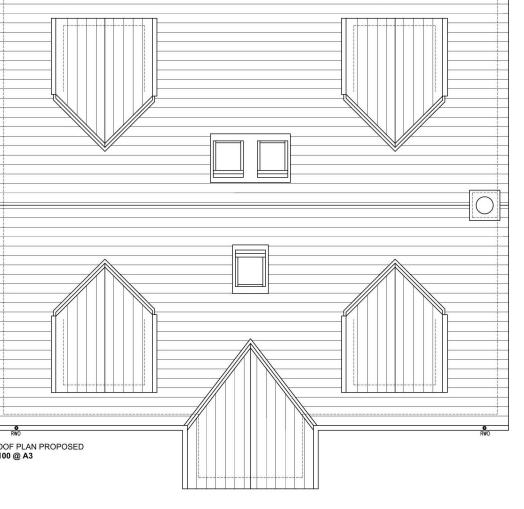
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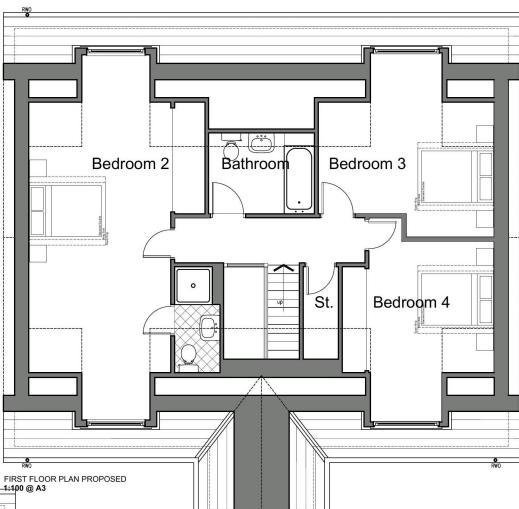
W:WWW.EDESIGNARCHITECTURE.CO.UK

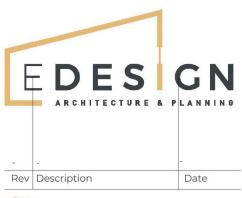


## SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.







### Status

### **PLANNING**

RESIDENTIAL DEVELOPMENT

### Client

**BRIAN LENNON** 

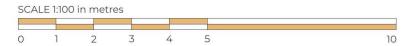
SHALLOCH FARM, DRONGAN

### **Drawing Title**

PROPOSED PLANS

Drawing No.	Revision A	
21-0547-LAY-102		
Scale	Drawn	Date
1·100 @ A3	CDD	OCT 21

64 WELLINGTON CHAMBERS, AYR, KA7 1EH T:0 1 2 9 2 2 6 3 7 9 9 E:ENQUIRY@EDESIGNARCHITECTURE.COM W:WWW.EDESIGNARCHITECTURE.CO.UK



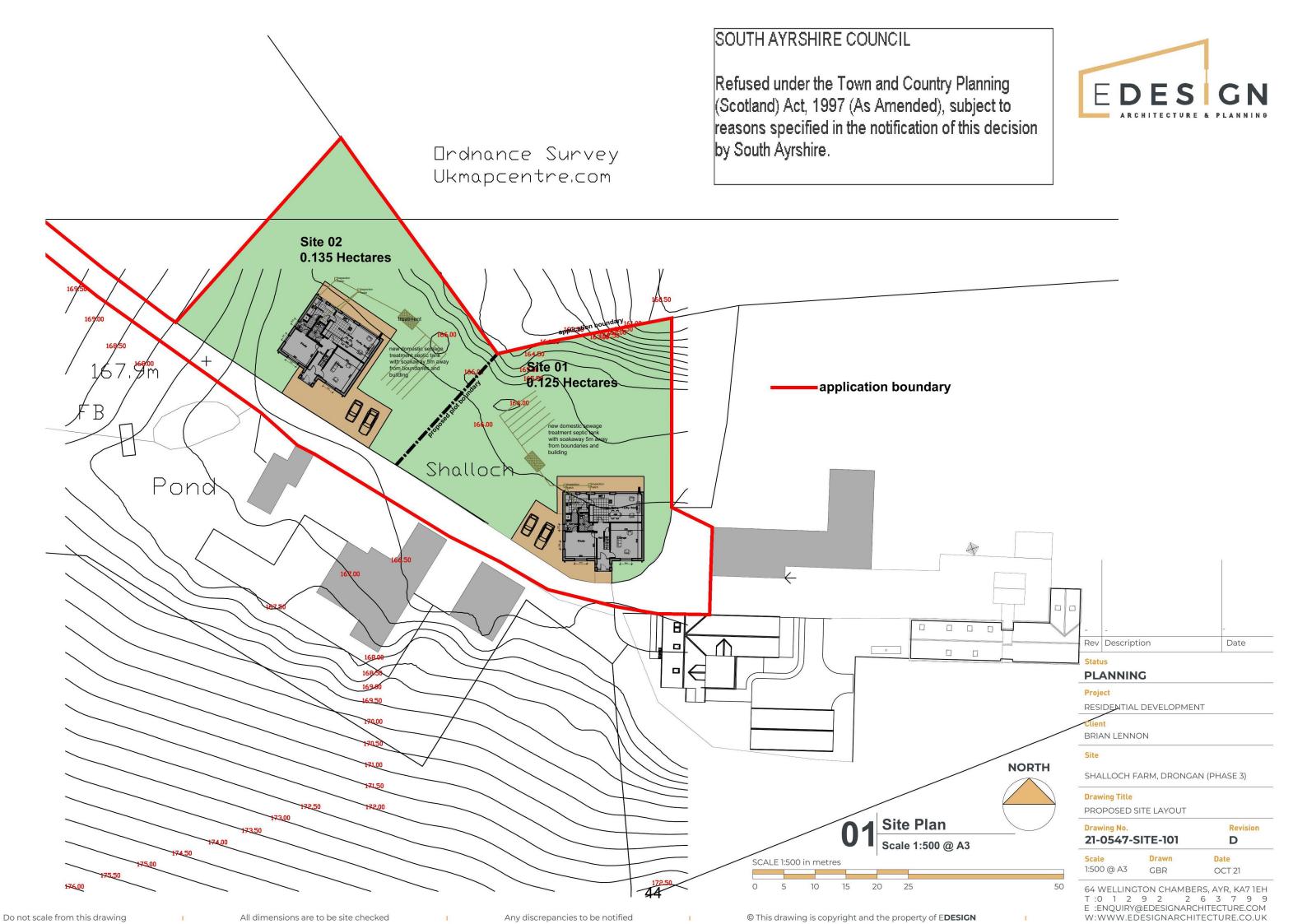
43

Do not scale from this drawing

All dimensions are to be site checked

Any discrepancies to be notified

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### LOCAL DEVELOPMENT

# REFUSAL OF APPLICATION FOR PLANNING PERMISSION (Delegated)

Ref No: 21/01021/APP

### SOUTH AYRSHIRE COUNCIL

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by the PLANNING ETC. (SCOTLAND) ACT 2006

### TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Mr Brian Lennon

per Edesign Architecture & Planning Scotland Ltd

Gareth Bryden-Reid Wellington Chambers

**64 Fort Street** 

Ayr KA7 1EH

With reference to your application dated **20th October 2021** for Planning permission under the aforementioned Acts and Orders for the following development, viz:-

### **Erection of two dwellinghouses**

at: Shalloch Farm C21 From B742 West Of Low Coylton South To Council Boundary West Of Kerse Park West Of Drongan Coylton Ayr
South Ayrshire
KA6 7EE

The Council in exercise of their powers under the aforementioned Acts and Orders hereby **refuse** Planning permission for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/Planning/.

The reasons for the Council's decision are:

(1) That the development proposal is contrary to the South Ayrshire Local Development Plan Policies in relation to Sustainable Development, Landscape Quality and Rural Housing and the related Supplementary Planning Guidance entitled Rural Housing in that the development exceeds 50% of the existing building grouping as at the date of adoption of the Rural Housing Supplementary Guidance (20th November 2014), and in terms of the effect on the countryside at this location due to the development representing a more dense ratio of development which is atypical of rural locations, and which would have an adverse and suburbanising effect on the countryside at this location, to the detriment of the rural setting of the locality.

### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused 21-0547-SITE-01 A

Drawing - Reference No (or Description): Refused 21-0547-SITE-101-D

Drawing - Reference No (or Description): Refused 21-0547-SITE-01

Drawing - Reference No (or Description): Refused 21-0547-LAY-102-A

Drawing - Reference No (or Description): Refused 21-0547-ELE-100-B

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Dated: 26th January 2022

.....

**Craig Iles** 

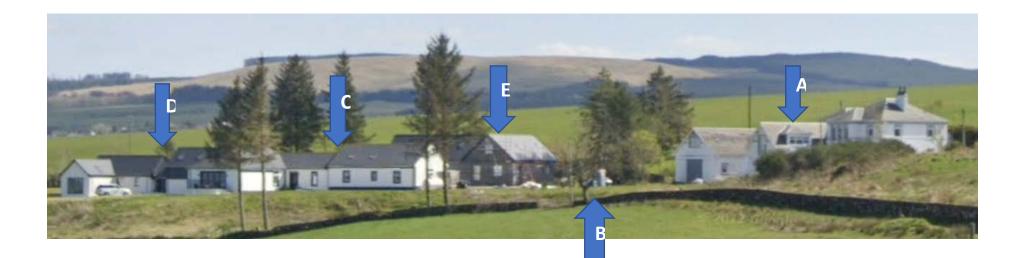
**Service Lead – Planning and Building Standards** 

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

### Photographs –



View from north from Craigs Road (Google Images)



- A Shalloch Farm and out-buildings
- **B Application/ Appeal site**
- C Shalloch View 1 (as referred to in report)
- D Shalloch View 2 (as referred to in report) granted under application 17/01069/APP
- **E New house granted under application 21/00114/APP**



View of part of application site (applicant/ agent photo) Shalloch View 1 in background



View of application site towards 'Shalloch Farm' (applicant/ agent photo)



Local Planner
Planning Service
South Ayrshire Council
Ayr
KA7 1UT

Development Operations The Bridge Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk



Dear Customer,

Shalloch Farm, Coylton, Ayr, KA6 7EE

Planning Ref: 21/01021/APP Our Ref: DSCAS-0056548-GRH

**Proposal: Erection of two dwellinghouses** 

### Please quote our reference in all future correspondence

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in AFTON Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

### **Please Note**

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ► Email: sw@sisplan.co.uk
  - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find information on how to submit application to Scottish Water at <u>our Customer</u> Portal.

### **Next Steps:**

### All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via <u>our Customer Portal</u> prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

### ▶ Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which

- prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at <u>planningconsultations@scottishwater.co.uk</u>.

Yours sincerely,

Pamela Strachan
Development Services Analyst
Tel: 0800 389 0379
planningconsultations@scottishwater.co.uk

### **Scottish Water Disclaimer:**

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."