

REGULATORY PANEL: 12 OCTOBER 2022

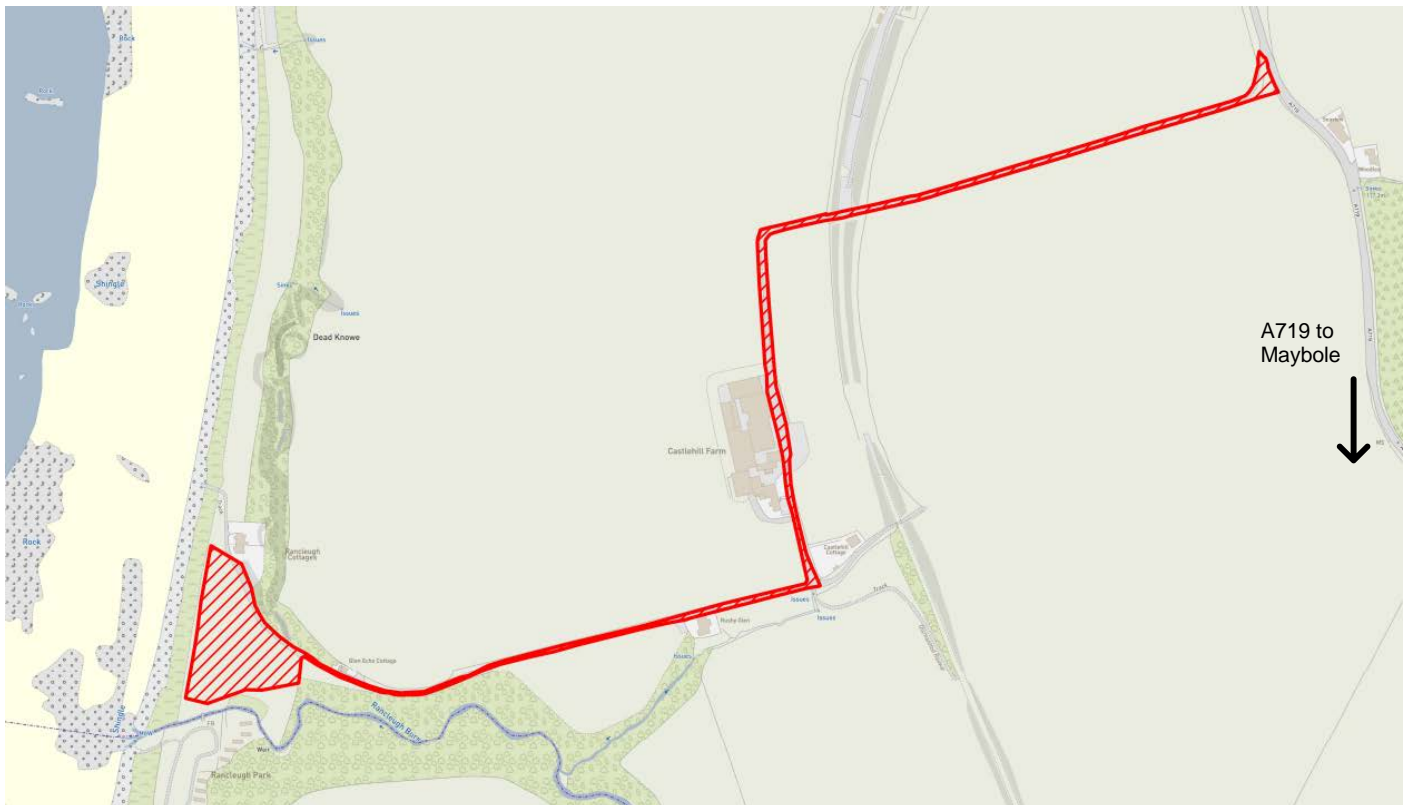
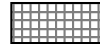
REPORT BY PLACE DIRECTORATE

22/00360/APP

CASTLEHILL FARM MAYBOLE SOUTH AYRSHIRE KA19 8JT

Location Plan

APPLICATION SITE



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Summary

Planning permission is sought for the change of use of an area of agricultural land to form 9 holiday accommodation units. The application site at Castlehill Farm comprises land of approximately 0.9ha largely containing a low-lying seaward agricultural field located approximately 4.5 miles west-northwest of Maybole and 4 miles south-southwest of Dunure.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application has received over 5 competent written objections.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan 2, Scottish Planning Policy, consultations, representations received (90 in total), and the impact of the proposed development on the locality. It is considered that the proposal does not accord with the provisions of the aforementioned local development plan by virtue that the development proposals comprise a formal visitor facility within the plan-designated 'Undeveloped' coast and shall result in a detrimental visual impact on the coastal landscape setting of the locale.

Accordingly, it is recommended that the application is refused.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00360/APP
SITE ADDRESS:	CASTLEHILL FARM MAYBOLE SOUTH AYRSHIRE KA19 8JT
DESCRIPTION:	CHANGE OF USE OF AGRICULTURAL LAND TO FORM 9 HOLIDAY ACCOMMODATION UNITS
RECOMMENDATION:	REFUSAL

APPLICATION 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 is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

The application site at Castlehill Farm comprises land of approximately 0.9ha largely containing a low-lying seaward agricultural field immediately to the south of a pair of unrelated semi-detached cottages. The site is located approximately 4.5 miles west-northwest of Maybole and 4 miles south-southwest of Dunure. The site is accessed via the westward continuation of a private road principally serving and passing Castlehill Farm itself (off the A719 public road), the steading of which sits approximately 500m east of the site. The application site is situated within two Provisional Wildlife Sites (Goatsgreen to Katie Gray's Rocks and Dunure to Drumbane Burn), a Scenic Area and Culzean Local Landscape Area. The site is also situated approximately 750 metres to the north of Maidens to Doonfoot SSSI and approximately 1.3km north of Culzean Castle Country Park.

Planning permission is sought for the change of use of 0.9ha of agricultural land to form 9 holiday accommodation units. The units shall comprise of single storey, portable, timber clad, modular lodges with 4 different "types" proposed. The footprints of each type range from approximately 35 sqm for Type 1 to approximately 75 sqm for Type 4. The maximum ridge height of each lodge is approximately 3.5 metres, featuring both pitched and flat roof styles. The number of each type of lodge proposed are as follows:

- 2 no. Type 1 – 1 bed lodge
- 1 no. Type 2 – 1 bed lodge with bunk room
- 3 no. Type 3 – 2 bed lodge
- 3 no. Type 4 – 3 bed lodge

Lodges Type 2-4 shall have two parking spaces. An additional 3 parking spaces shall be provided within the application site.

The planning application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than five representations have been received objecting to the proposal.

2. Consultations:

- **Ayrshire Roads Alliance** – No objection, subject to conditions.
- **Development Planning (Access)** - No objection, subject to conditions. (Response to previous application ref. 21/00747/APP)
- **Environmental Health** - No objection, subject to conditions and advisory notes.
- **NatureScot** – Offer no objections.
- **Scottish Environment Protection Agency** - No objections, subject to advisory note regarding small-scale foul drainage proposals.
- **Scottish Water** - Offer no objections.
- **Scottish Wildlife Trust** - No objection, subject to conditions regarding compensatory planting.
- **Sustainable Development (Landscape and Parks)** – No objections, subject to conditions regarding protective measures.
- **Sustainable Development (Biodiversity)** – Offer no objections.
- **West Of Scotland Archaeology Service** – No objections, subject to conditions.

3. 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 the following information in support of the development proposal, which can be summarised as follows;

Planning Statement: This statement provides information on the details of the proposed development and considered its compliance with national and local planning policy and guidance.

Ecological constraints survey: The scope this survey is stated as to provide baseline information on the existing habitat types within the survey area and to determine the presence and location of any ecologically valuable areas and habitat types with the potential to support protected species, including bats, badgers, birds, and otters, as well as invasive and protected plant species.

The survey makes several recommendations including mitigation methods which would be required to protect protected mammal species, measures which would enhance the biodiversity of the site and further surveys which would be required prior to the commencement of development on site.

Tree survey: This survey confirms that no trees are located within the application site boundary and that no trees are proposed to be removed as part of the proposed development. The survey recommends that protective fencing be erected to incorporate a 15-metre buffer zone protecting woodland to the south of the application site and a planting scheme to improve the grassland vegetation and associated biodiversity along east of the site.

4. 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.**

5. 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.**

6. Representations:

90 representations have been received, 87 of which object to the proposed development. 3 representations in support of the proposed development have been received. It is noted that 2 of the supporting representations contain points of objection to the application which have been duly considered below. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by the representations can be summarised as principally relating to the following matters:

- Provisions of planning policy and advise
- Landscape impact and visual appearance of development
- Road infrastructure, traffic and safety concerns
- Flooding and drainage concerns
- Impact on natural environment
- Residential amenity concerns
- Odour, noise and air pollution concerns
- Outdoor access and core paths
- Disturbance during construction period
- Need for proposed development

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

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 provisions of the South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx> :

- LDP Policy: Core Principle B8
- LDP Policy: Core Principle C1
- LDP Policy: Strategic Policy 1: Sustainable Development
- LDP Policy: Strategic Policy 2: Development Management
- LDP Policy: The Coast
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flooding and Development
- LDP Policy: Natural Heritage
- LDP Policy: Outdoor public access and core paths
- LDP Policy: Land use and transport

The provisions of the South Ayrshire Local Development Plan 2 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.

Principle of the development (LDP2 Polices: Core Principle B8, Core Principle C1, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, The Coast and Tourism)

Core Principle B8 supports *“the development of entrepreneurial small scale and artisan businesses in the countryside, provided they have no significant adverse environmental impact and satisfy other LDP2 polices.”*

As per the submitted Planning Statement, the applicant/agent considers that the proposed development will enable rural diversification to maintain the viability of the farm. The LDP 2 defines Rural diversification as the use of rural land and/or buildings for non-agricultural or forestry purposes. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. The Planning Statement outlines that the proposed development will be funded principally by bank borrowing, with the return on capital making the project viable if occupancy rates are achieved at the levels anticipated. The applicant/agent anticipates that the proposed development will be implemented in phases over a three-year period, starting with three or four lodges in year one. The applicant intends to employ approximately 7 staff once fully operational, 4 of which will be part time. Notwithstanding this, on the basis of the information provided, the proposed development is not considered to comply with Core Policy B8 due to the resultant adverse impact of the proposed development on the coastal landscape setting of the locale and therefore does not fully satisfy ‘other’ LDP2 policies, as follows.

Core Principle C1 identifies that we will *‘ensure Local Landscape Areas, the Coast and culturally sensitive locations are treated with due respect’*. Strategic Policy 1: Sustainable Development requires that all development *‘respects, protects and where possible enhances natural, built and cultural heritage resources’*, *‘respects the character of the landscape and the setting of settlements’*, *‘ensures appropriate provision for waste water treatment, avoid(s) the proliferation of private treatment systems [...]’* and *‘wherever possible, is in an accessible location, with opportunities for the use of public transport [...]’*. Strategic Policy 2: Development Management, which requires that all proposals *‘are appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses’*, and *‘do not have an unacceptable impact on the amenity of nearby land uses, or committed development proposals [...]’*.

The coastline at the locality is identified as ‘Undeveloped’ within the strategy map accompanying LDP 2 policy: The Coast. Appendix B of the LDP comprises Coastal Development Guidance which complements the map’s designations. The Coast Policies outline that development within the wider coastal area will have to be in line with this Coastal Development Guidance. The Development Guidance for ‘Undeveloped’ coastline reads thus:

“Relatively remote areas characterised by extensive open landscapes. There will be a presumption against development in these areas, except that associated with existing uses. Minimal development, which does not impinge upon the surrounding landscape and which has particular regard to visual amenity and nature conservation may be acceptable. The provision of additional formal visitor facilities and development is not encouraged.”

It is noted that the Coastal Development Guidance has a presumption against development in such areas as the application site, and particularly that the provision of additional formal visitor facilities and development is not encouraged. The scope of the development proposals, in terms of intensity and spatial coverage, is found generally indicative of a formal visitor facility in nature and scale. It is noted that the guidance offers a limited degree of latitude for ‘minimal development’ of an especially sensitive nature and subject to landscape capacity at a particular locale.

In relation to this policy, it has been noted that the applicant/agent disputes the designation of the site as ‘undeveloped’ coast. In response the Planning Service would outline that the appropriate time to have contested this designation would have been during the consultation stages of the Council’s now Adopted Local Development Plan 2. Therefore, this matter shall not be considered as part of the assessment of this planning application as this would seek to undermine the newly adopted development plan. Notwithstanding this, the Planning Service are of the view that the setting of the site and its unfettered relationship to its surroundings is clearly of an open, coastal and undeveloped character.

With regard to tourist accommodation, the LDP2 encourages proposals which improve the standards and appearance of self-catering 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 proposal clearly comprises of holiday accommodation, in accordance with criterion (a). Criterion (b) underlines the emphasis made above, in reference to LDP Polices C1 and The Coast, regarding the scale and spatial configuration of the proposed holiday accommodation representing formal visitor facilities rather than 'minimal development', as encouraged within areas defined as 'undeveloped' coast under the LDP2. A scheme of permanent development comprising formal visitor facilities as proposed would introduce an incongruous feature to what presents as an innately coastal and largely undeveloped landscape setting at the locale, to the detriment of its qualities as such and therefore does not comply within criterion (b).

In light of the above, it is considered that the accommodation proposed does not constitute 'minimal development', as deemed appropriate in a designated 'undeveloped' costal area. The proposed holiday accommodation comprises of formal visitor facilities which would introduce incongruous features to what presents as an innately coastal and largely undeveloped landscape setting at the locale, to the detriment of its qualities as such and in contravention of the development plan's strategy diagram for coastal development. As such the proposed development is not considered to give due consideration and respect to the coastal designation of the application site, as per LDP Policy C1 and Sustainable Development, outlined above. Therefore, the proposed development is considered contrary to the provisions of the Adopted Local Development Plan 2.

Landscape and visual impact (LDP2 Policy: Landscape Quality)

This policy includes 11 'Local Landscape Areas' which were identified following a review of specific local landscapes. A Local Landscape Area is a non-statutory designation used by Scottish Local Authorities to identify and categorise landscapes in terms of their 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 river, estuaries and coasts;*
- d. Historic and cultural landscape;*
- e. Geodiversity of the area;*
- f. Skylines and hill features, including prominent views.*

As the application site is located within Culzean Local Landscape Area (LLA) the development proposals must be considered against the guidance for this LLA contained with the South Ayrshire Local Landscape Designations Review.

The Croy shore area, where the application site is located, is identified as a popular destination for local people and tourists by the Culzean LLA. The LLA outlines that this area is sensitive to change, in particular, from intrusive caravan park and chalet developments around Maidans and Croy, any extension of which could affect views from the coast and adversely affect the wider setting of this landscape. As such, it is considered that the proposed development shall result in a detrimental impact on the special qualities of the coast at this locale and is therefore contrary to LDP 2 Policy: Landscape Quality.

Impact on natural heritage (LDP 2 Polices: Natural Heritage and Preserving Trees)

When assessing proposals for development that might involve loss of, or work to, trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed tree preservation order.

Development, either individually or with other proposals, which would affect local heritage sites and designations, including Wildlife sites, shall only be supported where the developer can show that the integrity of the site will not be put at risk.

The development site is fully situated within two Provisional Wildlife Sites:

- Goatsgreen to Katie Gray's Rocks – A coastline with site a diversity of habitats. A variety of plant and bird species are present along the cliffs, while several uncommon plants occur on the foreshore. Also has two steep-sided wooded valleys which are important for breeding mammals and birds.
- Dunure to Drumbane Burn - A shoreline with shingle, rocky headlands, grassy cliffs, scattered scrub, dense scrub and woodland. All of interest for plants and birds.

It is noted that no trees are proposed to be felled as part of the development. However, the site is situated within close proximity to an Ancient Woodland Area to the north and south. Ancient and Semi-natural woodlands make a significant contribution to a landscape character and quality and are important and irreplaceable resource that should be protected and enhanced. The submitted Tree Survey has outlined that protective fencing is to be erected to the south of the site, incorporating a 15-metre buffer zone. However, no protective measures are proposed in respect of the woodland area to the east. It is considered that such measures would be required to ensure this woodland area would not be affected during construction.

The submitted Tree Report includes a planting scheme of new trees and shrubs along the eastern edge of the site for the purposes of landscaping. The Scottish Wildlife Trust noted within their consultation response that several the species suggest are not native to the area. It would therefore be required that only appropriate native species were planted to protect and enhance the ecology of the provisional wildlife sites.

It is noted that the submitted Ecological Survey outlines that signs of otters, which are a protect species under the Conservation (Natural Habitats, &c) Regulations 1994, were identified along Rancleugh burn during the survey and a pre-construction otter survey would require to be carried out no less than six weeks prior to any works commencing on site. The Ecological survey also outlines that the application site has suitable habitat for foraging and commuting bats, badgers and nesting birds. Therefore, if any trees were required to be removed from the site they should be surveyed for the presence of bats prior to removal.

The submitted survey also outlines that if works are not commenced by March 2022, then ecological constraints survey should be carried out prior to works commencing on site, due to the high mobility of wildlife and to re-establish the ecological baseline.

Flooding impact (LDP 2 Polices: Water Environment and Flooding & Development)

We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:

- a. It will protect, and where possible, improve the water environment;*
- b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and*
- c. It will not harm the biodiversity of the water environment.*
- d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment;*
- e. It provides an appropriately sized buffer strip between the development and a water course.*

Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere.

SEPA have advised that they have no objection to the proposed development on flood risk grounds. They have noted that topographic level information has been submitted in support of the application which demonstrates that the lowest level of a proposed unit is approximately 6.7mAOD, which is a significant height above the coastal flood boundary level. Additionally, they have noted the proposed holiday accommodation units are also set a minimum of 15m away (and above) the Rancleugh Burn. To conclude, it is not considered that the development proposals present a flood risk in this instance.

Outdoor Access (LDP 2 Policy: Outdoor public access and core paths)

We will aim to improve and protect all core paths and other significant access routes - including recognised rights of way, disused railway lines, riverside walkways, wind farm access tracks and cycleways and cycle parking facilities. We will only support proposals which would have a negative effect on a core path or other significant access route if we are satisfied that they provide a suitable alternative route. Development that is next to or near the core paths network should provide suitable links to the network, where appropriate and practical.

It is recognised that both Core Path SA2 and The Ayrshire Coastal Path cross at least part of the application site. It is noted that the current layout of the application site does not accommodate these footpaths. Therefore, a condition would require to be attached to any approval requiring that any development on the site must ensure that easy access for walkers to cross the Rancleugh Burn and through the application site is retained.

Transportation and Road Safety (LDP 2 Policy: Land use and transport)

This policy requires for development to provide parking which reflects the role of the development, and which keeps any negative effects of road traffic on the environment to a minimum.

The Ayrshire Roads Alliance have advised that they have no objections to the proposed development subject to the attachment of conditions requiring the provision of adequate parking within the site and the provision of passing places on the access road to the development to any permission granted.

Conclusion

Overall, the development plan is required to be read and applied as a whole, and as such it is considered that the 9 holiday accommodation units proposed does not constitute 'minimal development', as deemed appropriate in the plan-designated 'undeveloped' landscape, but rather a formal visitor facility development and thus would have a detrimental visual impact on the coastal landscape setting of the locale. It is considered that, on balance, any economic benefit that may accrue from the proposal would not outweigh the detrimental visual impact of the proposal on the coastal landscape setting. The proposal is considered to be an example of the right development in the wrong place; the right development in that the Plan supports the principle of tourism development in South Ayrshire but not to the detriment of sensitive landscape locations such as the application site. Overall, the proposed development is considered contrary to the LDP Policies B8, C1, Sustainable Development, The Coast, Tourism and Landscape Quality and therefore not in accordance with the South Ayrshire Local Development Plan 2.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy (SPP)

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. 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. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise (para 33).

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 (para. 75) 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. In addition, the siting and design of development should take account of local landscape character and any decisions made by planning authorities should take account of potential effects on landscapes and the natural and water environment, including cumulative effects (para. 202).

As outlined in section 7(i) above, it is considered that the proposed development would result in a detrimental visual impact on the plan-designated 'undeveloped' coastal landscape setting of the locale and any economic benefit that may accrue would not, on balance, outweigh this impact on the established landscape character.

NatureScot National Landscape Character Assessment: Landscape Character Type 63: Coastal Valley with Policies

The Coastal Valley with Policies Landscape Character Type occurs in one place in South Ayrshire, along the mainland coast to the south of the Carrick Hills stretching inland from Culzean Bay. It extends across the grounds and wider policies of Culzean Castle. The area is small in extent and has low relief.

The landscape is dominated by Culzean Castle, its formal policy woodland and farmland. Landcover within the valley comprises a mosaic of arable farmland (concentrated in the lower part of the valley) pastures (on mid slopes) and broadleaf and coniferous shelter belts and woodland. Field boundaries are marked by hedges and shelterbelts. This forms a pattern of small spaces and the enclosure of woodland reinforces this creating an often contained landscape. There is semi-natural woodland along dramatic raised beaches on the foreshore. The area provides a pronounced contrast to less wooded stretches of adjacent coast.

Woodland is an essential component of this landscape and creates a small scale, complex landscape which has an intimate feel. This area also has a timeless character of high historic value, being heavily influence by the policy landscapes of Culzean Castle and the castle itself. Views are typically enclosed by the surrounding woodland. However, longer distance views open up from the north, near the coastal edge and from open areas of high ground such as Electric Brae. The area can be seen from the A719 and the Ayrshire Coastal Path.

As outlined in section 7(i) outlined above, the location of the proposed development is visually prominent and shall therefore adversely affect views from the coast and the wider setting of this landscape. Most notably the existing pronounced contrast between semi-natural woodland and the less wooded stretches of land adjacent to the coast where the application site is situated.

(iii) Objector Concerns

- *Provisions of planning policy and advice*

The proposed development is assessed against the relevant local policies within section 7(i) of this report. A consideration of the proposed development against Scottish Planning Policy is also contained within section 7(ii) of this report.

- *Landscape impact and visual appearance of development*

These matters addressed fully in sections 7(i), (ii) and 7(iv) of this report.

- *Road infrastructure, traffic and safety concerns*

This matter is addressed in section 7(i) above. Additionally, the Ayrshire Roads Alliance (ARA) have advised that they have no objections to the proposed development subject to conditions regarding the provision of both parking places and passing spaces on the access road.

It is noted that the ARA recommended refusal of a previous application for this development proposal (21/00747/APP), which was subsequently withdrawn, on the basis that the visibility splays at the existing junction with the public road were sub-standard for the intensification of use which would have been caused by the proposed development. Following the withdrawal of 21/00747/APP, a planning application to form a new access was approved (ref. 22/00147/APP) in April 2022. The proposed development is to be served by this new access. In their consultation response for this current planning application the ARA have stated that their response is based on this new access being utilised, which was noted to be under construction at the time the ARA issued their response.

- *Flooding and drainage concerns*

This matter is addressed in section 7(i) above. Additionally, SEPA have advised that they have no objection to the proposed development on flood risk grounds. Notwithstanding, the Ayrshire Roads Alliance, as local flood prevention authority, has a duty to ensure that surface water management infrastructure (drainage and flooding) is designed to appropriate standards, where that infrastructure is owned by the land / homeowners rather than vested by Scottish Water or a local authority (as roads authority).

- *Impact on natural environment*

Matters relating to the natural environment are considered in section 7(i) above.

- *Residential amenity concerns*

The potential impact of the proposed development is addressed in section 7(iv) of this report.

- *Odour, noise and air pollution concerns*

If any statutory nuisance arise on development sites regarding odours, noise and air pollution, or any other matter related to lighting or health and safety issues, it is for the Council's Environmental Health Service to address such matters under their statutory powers. The Council's Environmental Health Service have advised that they have no objections to the proposed development subject to appropriate conditions and advisory notes regarding contamination, water supply details and light pollution.

- *Outdoor access and core paths*

Matters relating to outdoor access rights and core paths are considered in section 7(i) above.

- *Disturbance during construction period*

It is for the Council's Environmental Health Service to address such matters under their statutory powers, should they arise.

- *Need for proposed development*

The appropriateness of the proposed development and the potential impact on the locality are considered in sections 7(i), (ii) and (v) of this report, respectively.

(iv) Planning History

The most recent planning applications at the site are noted as follows:

- Planning application 21/00747/APP for the change of use of agricultural land to form 9 holiday accommodation units was withdrawn by the agent in November 2021.
- Planning application 22/00147/APP for the change of use of agricultural land to form access road was approved subject to conditions in April 2022.

Of some relevance to the current application are two refusals for the expansion of long - established caravan parks to the north and south of the application site, also situated with the plan-designated 'undeveloped coast', as follows:

- Planning application 07/00144/COU was for a change of use to form holiday lodge (caravan) park at Croyburnfoot to the north of the application site. The application was refused by the Council's Regulatory Panel in October 2007. The reasons for refusal included concerns expressed in relation to the locational requirements for the proposal, the significant visual impact of the development on the locality, and that any economic benefit arising would not out-weigh the significant visual impact of the development on the locality. Subsequently the refused application was subject to an appeal by the applicant to the Scottish Ministers which was dismissed in August 2008. The Reporter concluded that the proposed development would breach important environmental protection policies of the local development plan, and that the economic, tourism and other benefits of the scheme did not justify an exception to those policies.
- Planning application 07/00738/FUL was an application for the change of use of land to form an extension to the existing caravan site and the siting of additional caravans at Rancleugh, to the south of the current application site. It was concluded that the economic benefits of the proposals were not demonstrated to be significant enough to outweigh the requirement to protect and enhance the landscape character of the area and the application was subsequently refused.

(v) Impact on the Locality

In terms of the residential amenity impact of the proposed development, it is noted that there are two residential dwellings to the north and one dwelling to the east of the application site. The nearest holiday lodge is proposed to be sited approximately 20 metres from the neighbouring dwellings to the north and approximately 25 metres from the dwelling to the east of the site. Due to the separation distances outlined, it is not considered that the proposed development would have a detrimental impact on the residential amenity of these neighbouring dwellings.

However, it is acknowledged that the proposed holiday accommodation would utilise and thus take access from the same private access road which serves these neighbouring dwellings. In this context, there is potential for any activity at, and movements to and from the holiday accommodation to disrupt the amenity of the neighbouring residential properties to an extent. However, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation, any disruption, should it occur, would be on a temporary and limited basis during the holiday occupation of the units.

As outlined above, the application site is situated in a location designated in the LDP Plan 2 as 'undeveloped' coast. It is considered that the accommodation proposed does not constitute 'minimal development', as deemed appropriate at this locale under the Local Development Plan 2, but rather a formal visitor facility development and thus would have a detrimental visual impact on the coastal landscape setting of the locale. It is considered that, on balance, any economic benefit that may accrue from the proposal would not outweigh the detrimental visual impact of the proposal on the established coastal landscape character of the locale.

8. Conclusion:

It is concluded that the principle of the proposal is contrary to the development plan insofar as it comprises a formal visitor facility within the plan-designated 'Undeveloped' coast, which does not accord with the LDP Core Principles B8 and C1, Strategic Policy 1: Sustainable Development, the Coastal Development Guidance of LDP policy: The Coast, Tourism and Landscape Quality. It is considered there is insufficient justification, and no apparent competing material considerations of such weight, as to warrant a departure from the development plan.

Given the above assessment, it is recommended that the application is refused.

9. Recommendation:

It is recommended that the application is refused for the reasons noted below.

Reasons:

- (1) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP2 Policies: Core Policy B8, Core Policy C1, The Coast and Tourism, by virtue that the development proposals comprise a formal visitor facility within the plan-designated 'Undeveloped' coast and that, on balance, there is insufficient justification, and no apparent competing material considerations of such weight, as to warrant a departure from the development plan.
- (2) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and Landscape Quality, by virtue that the development proposals shall result in a detrimental visual impact on the coastal landscape setting of the locale.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan
Drawing - Reference No (or Description): 30-001 – Existing Site Plan
Drawing - Reference No (or Description): 30-002 – Proposed Site Plan
Drawing - Reference No (or Description): 30-003 – Proposed Plans and Elevations
Drawing - Reference No (or Description): 30-004 – Topographic Level Survey
Drawing - Reference No (or Description): 30-005 – Ecological Constraints
Drawing - Reference No (or Description): 30-006 – Coastal Floor Risk Constrains
Drawing - Reference No (or Description): 30-007 – Existing Sections
Drawing - Reference No (or Description): 30-008 – Proposed Drainage
Drawing - Reference No (or Description): 30-009 – Ownership Bounds
Drawing - Reference No (or Description): 30-010 – Existing Land Use Plan
Drawing - Reference No (or Description): 30-011 – LDP Landscape Statemen
Drawing - Reference No (or Description): 30-012 – Proposed Sections
Drawing - Reference No (or Description): 30-013 – Proposed Site Access

Background Papers:

1. Planning application form, plans and supporting documents
2. South Ayrshire Local Development Plan 2 (available online)
3. Scottish Planning Policy (available online)
4. South Ayrshire Local Landscape Designations Review (available online)
5. Representations (available online)
6. NatureScot National Landscape Character Assessment: Landscape Character Type 63: Costal Valley with Policies (available online)

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.

Person to Contact:

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