

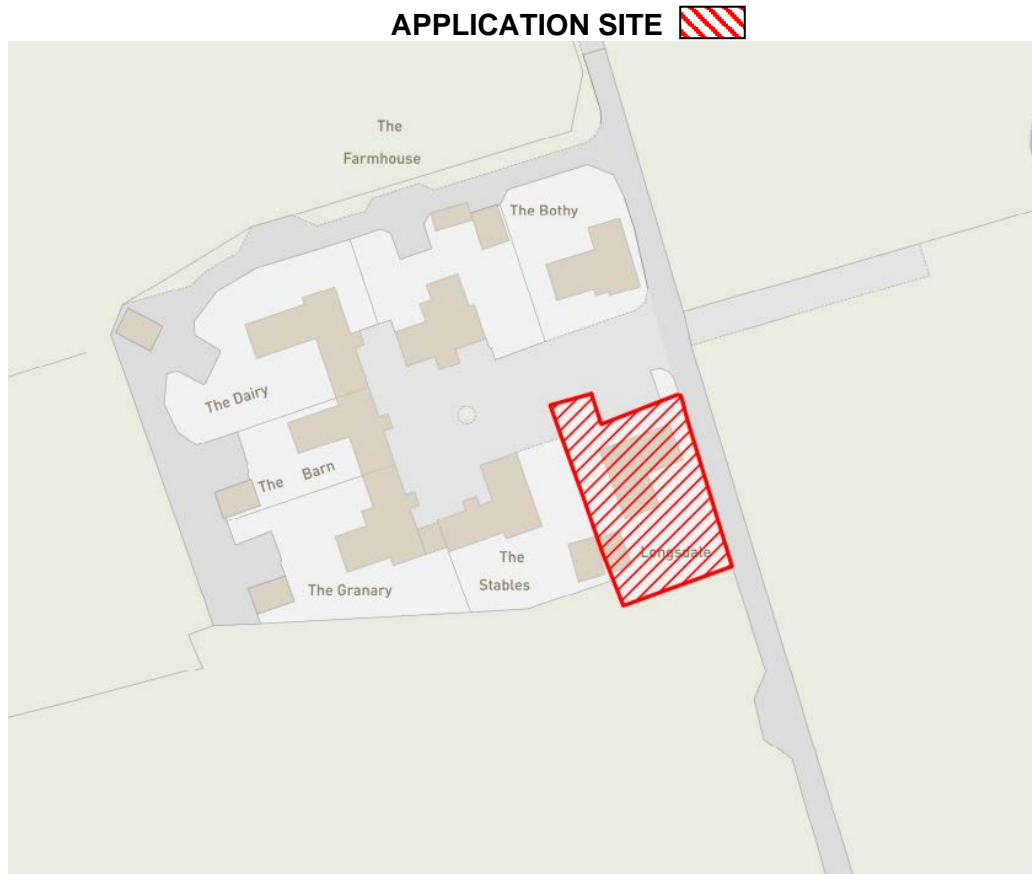
REGULATORY PANEL: 30 MARCH 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00079/APP

LONGSDALE - BARCLAUGH PRIVATE ROAD FROM C116 WOODHEAD ROAD TO MILNCRAIG FARM COYLTON SOUTH AYRSHIRE KA6 6LU

Location Plan



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Summary

Planning permission is sought for the erection of a garden shed which is located within the curtilage of a one-and-a-half storey detached dwellinghouse at Barclaugh. The property is known as 'Longsdale' and is located east of the steading of the former Barclaugh Farm. The farm steading has been converted to provide five residential properties and are centred around a courtyard. This property, and the adjacent property (north of the site) known as 'The bothy' are an extension to the farm steading and complete the farm steading development.

The proposed development is to be located within the curtilage of Longsdale and positioned to adjoin the existing garden shed. The mono-pitched/ lean-to part of the shed will be removed to accommodate for the proposed development. The proposed shed reaches a height of 3.3 metres and has a footprint of approximately 10.8 sqm. It has been designed to be in keeping with the existing shed to which it will adjoin and would be finished externally in treated overlapping timber boarding. The roof is to be clad with round-profile corrugated iron sheets. Ordinarily, the proposed works would be considered "Permitted Development" under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) order 1992, as amended, however condition 4 of the planning permission for Longsdale Ref. 15/01359/APP removes Permitted Development Rights for Classes 1 and 3 therefore planning permission is required for the proposed works. As planning permission is required for the works and the applicant is a member of the Planning Service, specifically, a supervisory officer within the Planning Service, 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.

The application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with NPF4 and Local Development Plan 2. The consultation responses do not raise any issues of over-riding concern. One representation has been received, however this representation does not object to the proposal but rather raises concerns regarding the Neighbour Notification process which has since been addressed. The points raised do not merit refusal of this application. Overall, there are no policy objections, and it is considered that the proposal will not have a significant adverse impact on the amenity of the locality.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions. Accordingly, the application is recommended for approval.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 30 MARCH 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00079/APP
SITE ADDRESS:	Longsdale - Barclaugh Private Road from C116 Woodhead Road to Milncraig Farm Coylton South Ayrshire KA6 6LU
DESCRIPTION:	Erection of garden shed
RECOMMENDATION:	Approval with conditions

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:

Planning permission is sought for the erection of a garden shed within the rear garden ground of the application site. The application site of the proposed development comprises of a one-and-a half storey detached dwellinghouse with an existing timber garden shed located within the rear garden. The property is part of a converted farm steading and is in a rural location. The application site is bounded by a timber fence and vegetation along the western perimeter and a post and wire fence and hedgerow along the southern and eastern perimeter of the site. The proposed shed will adjoin the existing timber shed to its north elevation (the existing monopitched/lean to part is to be removed to accommodate the proposal). The pitched roof construction will be 4 metres in length and 2.7 metres in breadth, 1.8 metres to the eaves and 3.3 metres in height. The walls will be finished in timber vertical boarding to match the existing shed and dark grey round profile corrugated iron is proposed for the roof. A timber door painted slate grey is proposed on the front elevation of the shed and will open out onto the existing driveway.

Ordinarily, the proposed works would be considered "Permitted Development" under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) order 1992, as amended, however condition 4 of the planning permission for the dwellinghouse known as 'Longsdale' (Ref. 15/01359/APP) to which this proposal relates, removes Permitted Development Rights for Classes 1 and 3 therefore planning permission is required for the proposed works.

The 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 applicant is a supervisory officer within the Planning service.

2. Consultations:

Ayrshire Roads Alliance - No objection

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 has submitted a planning statement which provides information on the details of the proposed development and information on the removal of the Permitted Development Rights relative to the original application for the development of the plot for residential purposes.

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 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:

1 representation has been received. This can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, the representation does not object to the proposed building works but points out that, as an immediate neighbour, they were not part of the neighbour notification process. Neighbour notification was therefore re-issued by the Planning Service to comply with regulation 18 of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

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, by addressing the Panel directly.

7. Assessment:

Statutory Development Plan framework

(I) National Planning Framework 4

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) 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 application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at www.gov.scot):

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

NPF4 spatial strategy states that the future of places will be planning in line with the six overarching spatial principles:

- Just transition
- Conserving and recycling assets
- Local living
- Compact urban growth
- Rebalanced development
- Rural revitalisation

To ensure that our future places work for everyone, rather than compromises or trade-offs between environmental, social, and economic objectives, this is an integrated strategy to bring together cross setting priorities and achieve sustainable development.

By applying these spatial principles, the national spatial strategy will support the planning and delivery of:

- Sustainable places, where we reduce emissions, restore, and better connect biodiversity;
- Liveable places, where we can all live better, healthier lives; and
- Productive places, where we have a greener, fairer, and more inclusive wellbeing economy

The proposal does not raise any issues of incompatibility with the spatial strategy.

NPF4 Policy 16(g) is applicable and states that:

“g) Householder development proposals will be supported where they: i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design, and materials; and ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.”

The proposed garden shed, will be in keeping with the pattern and style of the development within the surrounding area. It will be located at the side of the dwelling, to the rear of the driveway and will be similar in size, scale, shape, and form to the existing garden shed with the proposed shed having a subsidiary appearance, set lower than the existing ridge height of the shed to which it will adjoin. The proposed shed will therefore not detrimentally affect the character of the area. It is noted that the shed is to be positioned tight to the common boundary of the property to the west of the application site. The existing boundary treatment of timber fence and vegetation and the existing outbuilding of the neighbouring property provides adequate screening to prevent any potential overshadowing issues. The shed has also been designed so the timber doors open out onto the driveway. Although the proposed shed will bring the building line of the existing shed forward by approximately 4 metres, the shed will not compromise the character of the original dwelling, or that of the surrounding area by virtue of the siting; it can be well accommodated without impacting adversely on parking or garden ground. Overall, given the position of the garden shed, its subsidiary appearance against the existing shed it is considered that there are no significant amenity impacts upon the neighbouring properties. The proposal is considered to be compliant with Policy 16(g) of NPF4.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Management and
LDP Policy: Landscape quality

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.

- Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management.

The above strategic policies seek to ensure development is appropriate in terms of layout, scale, massing, design, and materials in relation to their surroundings and surrounding land uses. In considering the development proposal, the shed is subsidiary to the existing garden shed in terms of its height and general size and matches the existing finishing materials of the existing shed. The proposal is also not considered to compromise the character of the original dwelling, or that of the rural area by virtue of the siting, being set back from the building line of the dwelling with the driveway to be retained in front of the proposed shed. It is noted the shed is to be positioned tight to the common boundary. However, the boundary treatment and the neighbouring properties existing outbuilding help to mitigate any overshadowing issues. The shed is of a domestic scale and is to be of timber construction with a corrugated iron roof. While the existing shed has a slate roof, corrugated iron is commonplace in rural and agricultural settings and therefore will not be out of keeping with the locale. In terms of the use, the applicant has indicated that the shed is to be used for ancillary domestic storage.

- LDP Policy: landscape quality

This policy states that the Council 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 community settings, including the approaches to settlements, and buildings within the landscape.

The site is situated within the Ayr Valley Local Landscape Area, however given the small-scale and domestic nature of the development it is considered that the proposal will not impact on the South Ayrshire's Landscape and its distinctive local characteristics.

The development proposal has been assessed against the above policies and is in accordance with the adopted South Ayrshire Local Development Plan 2 and is not considered to contravene any other policies of the development plan.

(iii) Other material considerations

South Ayrshire Council's guidance on rural housing states that detached garages should reflect the design and character of the dwellinghouse and should be located to the side or rear of a plot. Garage doors should be timber lined or panelled and use of up and over doors should be avoided.

In respect of the proposed development the shed has been designed to appear ancillary to the main dwellinghouse and the existing garden shed to which the development adjoins. The proposal is set within the side rear garden behind the principal building line of the dwelling. On balance it is considered the proposed shed is of an acceptable scale, mass, and design, and can be accommodated in its proposed location without adversely compromising the character of the rural locale. The vehicular access and driveway will be retained with the shed to be located to the rear of the driveway to ensure minimal impact.

South Ayrshire Council's guidance on Open Space and Designing New Residential Developments is relevant in the assessment of the application. It states that detached, semi-detached and terraced properties should be provided with garden ground in proportion to their size. Rear gardens will be expected to be a minimum of 1½ times the size of the ground floor area for detached and semi-detached dwellings and no less than 100sqm. This will include rear and side dwellinghouse gardens enclosed by fence/ wall/ hedge.

The remaining private garden ground at the property is considered commensurate with the immediate neighbouring properties and it is considered adequate to ensure that an appropriate level of amenity is retained.

(iv) Representations

One representation has been received, however this representation does not object to the proposal but rather it raised concerns regarding the Neighbour Notification process which has since been addressed; neighbour notification was re-issued by the Planning Service.

(v) Impact on the Locality

The proposed shed has been designed to reflect the appearance of the existing garden shed and will be obscured from public view by virtue of its discreet location within the plot and with the shed being sited to the side of the dwellinghouse set back from the established dwellings principal building line. On balance it is considered the proposed shed is of an acceptable scale, mass, and design, and can be accommodated in its proposed location without adversely compromising the character of the rural locale. The proposed shed is considered subsidiary in design to the existing shed and associated dwelling; the roof design and pitch are such that its stepped down giving the proposed shed a subsidiary appearance against the existing shed in terms of height, width, and general size. The palette of materials is also considered appropriate at this rural local location.

The proposed shed includes a timber door on the front elevation, which opens onto the applicant's driveway. The presence of robust hard and soft boundary treatment around the perimeter of the applicant's garden including timber fence and hedgerows along the full length of the western boundary will ensure that the privacy of neighbouring dwellings is not compromised because of the development.

Finally, the dwelling will retain sufficient garden ground to ensure that an acceptable level of amenity is provided. In addition to this, access for the bins to be stored to the rear of the property shall also be retained. Existing parking provision is unaffected by the proposed development.

There are no policy objections to this proposal and given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

8. Conclusion:

It is considered that the proposal complies with the provisions of the planning policy framework of the development plan and that there would be no significant adverse impact on the environment setting and amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

9. Recommendation:

It is recommended that the application is approved, subject to the following condition(s):

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.

10. Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

11. Advisory Notes:

None.

12. List of Determined Plans:

Drawing - Reference No (or Description): East Elevation as Proposed

Drawing - Reference No (or Description): North Elevation as Proposed

Drawing - Reference No (or Description): Roof Plan as Existing and Proposed

Drawing - Reference No (or Description): Site Plan as Existing

Drawing - Reference No (or Description): Site Plan as Proposed

Drawing - Reference No (or Description): West Elevation as Proposed

Drawing - Reference No (or Description): Location Plan

13. Reason for Decision (where approved):

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

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

Background Papers:

1. Application form and drawings
2. Representations
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. Consultation responses

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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