

SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	MONTGOMERIESTON FARM U55 FROM B742 JUNCTION AT BARNFORD COTTAGE SOUTH EAST TO U35 JUNCTION NEAR KILMORE DALRYMPLE SOUTH AYRSHIRE KA6 6AU
Application:	23/00537/PPP ERECTION OF A DWELLINGHOUSE

Appointed Officer's Decision:	Refusal
Date Notice of Review Received:	23 January 2024

Current Position:	New Case for Review
Documentation:	<p>The following documents in relation to the review are attached:</p> <p>Pages 1 to 11 – Report of Handling Pages 12 to 16 – Notice of Review Pages 17 to 20 - Planning Review Statement Pages 21 to 28 – Original Planning Application Pages 29 to 33 - Supporting Information Pages 34 to 39 - Plans Pages 40 to 41 – Decision Notice Pages 42 to 45 – Appointed Officer Comments and Photographs Pages 46 to 49 – Interested Parties Initial Comments: ARA (46-47) Environmental Health (48-49) Pages 50 to 51 – Requests for Comments from Agent and Interested Parties Page 52 – Applicant/Agent Comments Page 53 – Appointed Officer response to Applicant/Agent Comment Page 54 – Environmental Health response Pages 55 to 57– Draft Conditions</p>
New Material:	No

**Additional Material Any
other Comments:**

N/A

Dated:

April 2024

Report of Handling of Planning Application

The Council's Scheme of Delegation can be viewed at <https://www.south-ayrshire.gov.uk/planning-application-process>

Reference No:	23/00537/PPP
Site Address:	Montgomerieston Farm U55 From B742 Junction At Barnford Cottage South East To U35 Junction Near Kilmore Dalrymple South Ayrshire KA6 6AU
Proposal:	Planning permission in Principle for the erection of a dwellinghouse
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.

Key Information:

- The application was received on 13 July 2023.
- The application was validated on 14 July 2023.
- A Site Visit was carried out by the Planning Authority on 15 August 2023.
- No premises to which Neighbour Notification could be sent.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 25 July 2023.

1. Site Description:

The application site comprises 0.36ha of undeveloped agricultural grazing land which is located in an isolated position within the countryside, approximately 3km to the south of the settlement of Dalrymple.

The agricultural holding which the application site is associated with is the steading at Montgomerieston Farm which comprises a farmhouse and various out-buildings and larger agricultural buildings, which are grouped together forming a compact operational base.

The operational base at Montgomerieston Farm is remote from the application site with an approximate 1-kilometre separation distance. There is no other development or buildings neighbouring or immediately adjacent to the application site.

2. Planning History:

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

3. Description of Proposal:

Planning permission in principle is sought for the erection of a 4-bedroom dwellinghouse and garage on 0.36ha of undeveloped agricultural grazing land, approximately 1km southwest of Montgomerieston Farmsteading. The site would be accessed off the unclassified Dalrymple/ Kirkmichael road via a new 168-metre-long access track; this would span from the road and across the field to the proposed site of the new dwellinghouse.

Given the nature of this application, details for the specific siting and design of the dwellinghouse would require to be established by the submission of further applications for matters specified in conditions. This application considers only the principle of siting a dwellinghouse and its associated access at the application site.

4. Consultations:

Ayrshire Roads Alliance offers no objections to the proposal subject to conditions and advisory notes.
Council's Environmental Health Service offers no objections subject to advisory notes.

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's agent has submitted a supporting statement, an Accountant's letter and Labour Requirement Report with the application submission. However, additional correspondence and a location plan dated 21st September 2023 in support of the development proposal, has also been submitted by the applicant's agent which has also been considered and summarised below;

- Montgomerieston Farm has been operational for over 100 years and is a successful beef and sheep farm which extends to 124.45 hectares (307.5 acres);
- A new dwellinghouse is required for an additional farmworker at Montgomerieston Farm; and the viability of the business is dependent on a new dwellinghouse;
- It is intended that the farmer's daughter and her family will return to Montgomerieston Farm to take over the business owing to retirement of the current farmer;
- Land at Montgomerieston is not classified as prime agricultural land;
- The labour requirement is 2.70 labour units which justifies 2 full time workers;
- There are no existing alternative buildings on site that can be utilised as living accommodation;
- There is no affordable accommodation in close proximity to the farm which would be suitable for purchase by the business to allow close supervision of stock and allow full time farm working;
- There is no alternative land at the farmsteading which is viable to build a house;
- An additional dwellinghouse at the chosen location is required for welfare, safety and security of the livestock;
- The proposed location of the dwellinghouse at the extremities of the land is to provide a vantage point over land that is at the furthest boundary from the farm steading which is not visible from the existing farmsteading;
- A new access road is required as it is not feasible to take an access direct from the existing farm due to the distances involved. A farm track will facilitate access to and from the farmsteading to the dwellinghouse;
- The proposed 4-bedroom dwellinghouse and garage will form a coherent group of buildings at the locale and therefore do not require to be sited adjacent to other buildings;
- The proposed dwellinghouse and garage will not be visually intrusive within the landscape;
- A dwellinghouse closer to the existing farmsteading is not viable as it cannot be supplied with water or electricity;
- There is a mains water and electricity supply available for a dwellinghouse at the proposed site;
- The proposed dwellinghouse will be sustainable in terms of its siting and design;
- There are other examples where farmworkers houses have been supported and overturned by the Council's Local Review Body on land not adjacent to an existing farm steading;

An additional locational plan of Montgomerieston Farm noting the current use of the land immediately adjacent to the farmsteading and why it is not considered viable for a dwellinghouse has also been submitted.

All of the above points are considered further, below. However, it is important to note that all planning applications are assessed on their own merits and therefore no comparisons can be drawn from the agent's examples of the Council's Local Review Body decisions, as set out within their correspondence dated 21st September 2023.

It is also important to note that the Rural Housing Policy has historically been permissive, is strongly

supported by the present administration, and case history from Local Review Body decisions evidences a willingness of Elected Members to use the policy and / or mitigating (planning) circumstances to support rural housing which had been refused through delegated determinations. The recent decisions from the Local Review Body have been recognised. Notwithstanding, it does not outweigh the fact that the current proposal is fundamentally contrary to policy.

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. **Development Plan:**

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 (The 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.

National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. This means ensuring the right development happens in the right place. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. 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.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

National Policies 1 and 2 – Tackling the Climate and Nature Crisis, and Climate Mitigation and Adaptation;
National Policies 3 and 4 – Biodiversity and Natural Places;
National Policies 5 Soils
National Policy 13 – Sustainable Transport;
National Policies 14 and 15 – Design, Quality and Place and Local Living and 20 minute neighbourhoods;
National Policy 17 – Rural Homes.

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.

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as a key to reducing emissions. Policies 3 and 4 protect and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. With regard to policy 5, it is noted that the application site is not classified as prime quality agricultural land. Given the nature of the application, i.e., planning permission in principle, precise details for the siting and design of the residential development would require to be established by the submission of further application(s). Further consideration of the potential impact of the development on the natural environment is set out further below.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The current application is for residential development on a greenfield site in a rural location. Specifically, Policy 9 (b) states that “proposals on greenfield sites will not be supported unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP”. The application site is not allocated for development; however, the principle of an appropriately site additional dwelling to service the farm business could be supported. While the principle of an additional dwelling for labour requirement is accepted, it is the location and siting of the proposed dwellinghouse which cannot be supported in this instance. This is set out further below within the report.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. Policy 14 seeks to encourage and promote the ‘Place Principle’ and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the qualities of successful places will not be supported. Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In this instance, the proposed location of the dwellinghouse being remote from the existing steading, would likely result in the occurrence of vehicle trips to and from the steading to operate and manage the daily operations of the farm business. The occurrence of daily and potentially numerous trips to, and from the steading from the proposed application site, would not otherwise occur if a dwellinghouse was sited at or closer to the existing steading.

The site is approximately 3 kilometres from both Dalrymple and Kirkmichael which could be accessed by private car or bicycle. There are no footpaths or street lighting on the rural road network at this location and the site is not served by public transport. While this is not necessarily uncommon circumstances for rural locations, greater weight is given to the fact that the application site is undeveloped greenfield land within a rural location that is remote from the farmsteading to which it would be serving. The proposal would introduce development into the landscape where there is none at present, is sited in an isolated position and disconnected physically and visually from the farmsteading and existing group of buildings, and is not sited adjacent to or in close proximity of any other buildings. The proposal also includes the requirement for a 168-metre-long access track across an undeveloped greenfield which is considered excessive infrastructure for a single dwelling and out of keeping with the character of the locale. For these reasons, the proposal is not considered to be aligned with the spirit and intention of policies 13 and 14.

With specific regard to new rural homes (policy 17), development proposals will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area, and the development involves; i. land allocated for housing within the LDP; ii. reuse of brownfield land; iii. reuse of redundant or unused buildings; iv. use of a historic environment asset or enabling development to secure the future of historic environment assets; v. supporting the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work; vi. a single home for the retirement succession of a viable farm holding; vii. subdivision of an existing residential dwelling; and viii. reinstatement of a former dwelling house or a one-for-one replacement of an existing permanent house.

It is considered that the proposal does not align with the opening requirements of the above policy 17 which is for development to be suitably sited and designed to be in keeping with the character of the area.

To the contrary, the proposal is unsuitably sited being so remote from the existing farm steading and other buildings in the locale and, consequently, leads to isolated and sporadic development in the rural landscape.

The proposals require to be considered against the provisions of LDP2 and related guidance as part of the recognition by the Scottish Government in NPF4 that local development plans should set out a tailored approach to rural housing and reflect locally appropriate delivery approaches. This is outline further below.

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):

B8 - Core Principle

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Management

Agricultural Land

Rural Housing

Landscape Quality

Natural Heritage

Land Use and Transport

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, 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.

Core Principle B8 supports the development of rural housing in appropriate locations in line with the policies of the Local Development Plan, and the related planning guidance regarding Rural Housing. The policy also confirms that proposals for rural housing outwith the aforementioned parameters, or outwith defined settlement boundaries shall not be supported.

Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use, that the proposals do not have an unacceptable impact on the amenity of nearby land uses and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network. LDP Policy on Agricultural land states that land should be protected from irreversible development.

Also, of significant relevance in the consideration of the proposal are the terms of the LDP Rural Housing Policy. Specifically, Criterion d. which 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. 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 Rural Housing policy. Further consideration of the proposal against the provisions of the Council's Rural Housing policy, and also site-specific aspects relating to the proposal, are considered further below.

LDP Policy: Natural Heritage outlines that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation and LDP Policy: Green Networks outlines how new developments can enhance habitats/biodiversity including through creating, enhancing, and better linking habitats and ecosystems. The application site has no environmental designations, however, is sited within undeveloped greenfield land and adjacent to hedgerows and trees.

AECOM (the Council's appointed ecologist) advises that 'the applicant should undertake an ecological survey / assessment to confirm whether the proposed development could have adverse effects on

protected or notable habitats or species. As this application is for planning permission in principle only, this could be relatively high-level and may take the form of a Preliminary Ecological Appraisal (PEA). This should identify any possible constraints to the proposed development, requirements for further survey / mitigation, and opportunities for biodiversity enhancement. This should be submitted to South Ayrshire Council as a Preliminary Ecological Appraisal Report, or other suitable document. The applicant's agent was afforded a copy of the above consultation response; however, no habitat surveys accompany the submission and therefore any impact on the natural environment is unknown at this time. It is acknowledged that the agent has advised that such information could be provided with a Matters Specified in Conditions application; however, this is contrary to the Planning Service's procedure whereby such information is required to be assessed at the beginning of the process. In accordance with guidance from the Scottish Government (European Protected Species - terms of guidance: Chief Planner letter [European Protected Species - terms of guidance: Chief Planner letter - gov.scot \(www.gov.scot\)](http://www.gov.scot)) South Ayrshire Council cannot reach a determination for any planning application where there is potential for impacts on EPS until the applicant has submitted sufficient evidence, potentially in the form of field survey data, on the presence and likely effects of the development on such species. It is not possible to impose planning conditions requiring the applicant to undertake initial surveys or assessment for EPS as part of any planning permission.

Finally, the development proposal requires to be considered against the provisions of LDP2 policy in relation to land use and transport which recognises the inter-relationship between land use planning and transport. The 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. A new 168-metre-long access track is proposed from the adjacent unclassified road and off-road parking will be accommodated within the application site. The Ayrshire Roads Alliance offers no objections to the proposal from a technical perspective and has recommended conditions and advisory notes, should the application be approved. Notwithstanding, there are concerns from a planning perspective that the proposed new access/ driveway which reaches a length of approximately 168 metres from the road to the application site, is excessive and uncharacteristic for the locale. This is outlined further, below;

Given the above, there are concerns in relation to the proposals, which are not considered to accord with the combined policy provisions of the development plan as set out within National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022).

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

Scottish Government Planning Advice Note 72 - Housing in the Countryside;

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.

In particular, PAN 72 (page 7) acknowledges that buildings in rural areas can often be seen over long distances, and that buildings are there for a long time. For these reasons, PAN 72 concludes that careful design is essential, and that single houses need to be planned, with the location carefully selected and designed so as to be appropriate to the locality. Even where sites are less visible, PAN 72 states that such sites will still require a significant level of skill to assimilate buildings into the landscape. The application has been considered in this context, and for the reasons noted elsewhere in this report, there are concerns in relation to the siting of the proposed dwellinghouse and garage.

Developing with Nature Guidance (NatureScot) – provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. As set out elsewhere within the report, no Ecology/ habitat survey report accompanies the submission which considers any habitats/ wildlife/ any protected species and enhancement measures for biodiversity at the locale.

South Ayrshire Council Planning Guidance - 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 because 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 guidance.

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, as outline further, below;

Given the existing operating arrangements at Montgomerieston Farm, it is apparent that the farming enterprise has successfully operated without additional on-site attendance and has done so for a considerable number of years. However, the supporting statement advises that the proposed dwellinghouse is for a family member to return to the farm and who will eventually manage the business when the current farmer retires. It is also accepted (as set out in the correspondence dated 21st September) that there are no other alternative buildings at the farmsteading which could be utilised as residential accommodation; and that 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. Therefore, it is accepted that the farming enterprise could benefit from an additional worker, (as per the supporting statement and labour justification report).

While the principle of a house to service the farm steading at Montgomerieston Farm is acceptable under criterion d. of the Rural Housing policy, it states that proposals will be supported where *"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 or in close proximity to the existing steading so as to reinforce the building grouping and operational base at Montgomerieston Farm. It is considered that the applicant's operational needs could be equally fulfilled, if not better met by locating an additional dwelling around, or closer to the vicinity of Montgomerieston Farm, which would be preferential in planning terms.

The steading at Montgomerieston Farm provides residential accommodation in addition to various out-buildings/ agricultural buildings. The existing steading and the associated operational buildings are considered to form a compact and self-contained building group 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, or be sited adjacent to other buildings, the proposed new dwellinghouse is to be located approximately 1 km to the southwest of Montgomerieston farmsteading, on the furthest area of land in ownership of Montgomerieston Farm, as demonstrated in the submitted Location Plan. Additionally, a new vehicular access is also proposed to serve the dwellinghouse which is approximately 168 metres in length from the road to the proposed siting of the dwellinghouse. It is also noted that ownership notification was served on the adjacent farmsteading at Cassington Farm. Therefore, the proposal is not solely contained to the farmland in the ownership of the applicant.

The proposed dwellinghouse and garage is to be sited in a stand-alone, isolated position in a location where no agricultural buildings or other buildings are present. Furthermore, due to the topography of the site which rises from the road, the proposed dwellinghouse and garage will sit in an elevated, visually prominent position within the rural landscape. It is also considered that the majority of fields in ownership of Montgomerieston Farm would be obscured from the proposed dwellinghouse due to the separation distances involved and the topography of the adjacent land. This, coupled with an existing mature treebelt to the proposed dwelling's eastern boundary, will obscure the majority of farmland owned by Montgomerieston from the application site. In conclusion, the visibility of the Montgomerieston farmsteading and majority of fields are not considered to be visible from or overlooked from the proposed application site.

As noted above, the existing steading at Montgomerieston 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, as well as an existing access road is considered to reinforce the need for any additional new dwellings to be located at the existing steading. It should also be noted that the proposed location of the dwellinghouse remote from the existing steading would also likely result in the occurrence of considerable vehicle trips to and from the steading to operate and manage the daily activities 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 or closer to the existing farmsteading.

The applicant's agent considers that the dwellinghouse in its current location is justified on the basis of a labour justification, providing further security and management of the farm, as well as succession of the business. 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 at or closer to the existing steading.

Furthermore, the applicant's agent has advised (in their correspondence dated 21st September 2023), that there are issues with the current water supply at Montgomerieston which, in their view, also justifies the location of the dwellinghouse in its proposed location. The Council's Environmental Health Service was asked to consider this position and whether Montgomerieston private water supply has the capacity to supply an additional property. It is their view that, a qualified opinion would need to be sought of a Hydrologist or Hydrogeologist, who would require take into account the following:

- the type of ground
- the flow rates at differing times of year and weather conditions
- the sample analysis of the water for chemical and mineral quality, to ascertain the origins of the water catchment (ground water or surface water or combined).

The applicant would require to employ a suitably qualified company/ person to enable a report on the above and to conclude whether Montgomerieston Farm's private water supply can accommodate an additional dwelling. No reports have been submitted with the application that evidences the applicant's assertion that Montgomerieston Farm private water supply cannot service an additional dwelling; It is also considered that the applicant's agent hasn't demonstrated beyond reasonable doubt that the application site may also have the same issues with water supply. This matter cannot, therefore, be afforded weight in the assessment of this application.

Therefore, taking into account all of the supporting information, an unconfirmed water supply issue does not outweigh the other material considerations which the Planning Service must assess. On this basis, it is not considered that the proposal is justified in the isolated location proposed. In this regard, it is considered that Montgomerieston Farm (which equates to approximately 124.45 hectares) has sufficient land around/ closer to the existing steading and operational buildings so as to enable the applicant to provide for an additional dwelling as required. The additional location plan as submitted by the applicant's agent on 21st September, does not consider all of the land at Montgomerieston, and of particular note, land in close proximity of the existing access road leading to the farm or closer to the buildings at Ballycoach Smithy (i.e., where a new dwellinghouse may be considered to be within a grouping of buildings).

Additionally, it is considered that the existing steading at Montgomerieston Farm is less visually obtrusive than the application site due to its compact grouping of buildings and setting within the landscape. The application site comprises a portion of a larger field where there is currently no access road and no 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.

South Ayrshire Council - Rural Design Guidance; This guidance seeks to ensure development is well accommodated within its landscape setting with minimal change to the site topography. Design should respect the character, pattern and form of existing buildings and should integrate well. A courtyard arrangement should be considered in dwellings with a footprint of over 200sqm, traditional rural scale should be preserved and houses should generally not exceed 1 ½ storeys. As set out elsewhere within the report, the proposal is not considered to be in accordance with the spirit of the above guidance.

South Ayrshire Council 'Open Space and Designing New Residential Developments Planning Guidance; is relevant in the consideration of this application. This policy provides guidelines on plot spacing for new residential dwellings including minimum private garden sizes. This policy guidance also recommends a minimum of 9 metre depth for rear gardens. This policy also sets out expected private open space standards within new residential developments, which for detached properties extends to a minimum of 1.5 times the ground floor area and in any case, not less than, 100 square metres.

Given the nature of this application, details of the siting of the dwellinghouse and layout of garden ground would require to be established by the submission of a further application(s). However, the application cannot be supported for the reasons noted elsewhere within the report.

11. Assessment (including other material considerations):

The application seeks planning permission for the erection of a dwellinghouse and garage to support the existing farming enterprise at Montgomerieston Farm. 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 succession of the business to the applicant's daughter and family. The case is accepted that the farming enterprise could benefit from an additional residential property to serve the farming operations/ succession of the business. However, there are significant concerns regarding the siting of the proposed dwellinghouse and the associated formation of a 168-metre-long access track within the rural landscape setting.

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/ in close proximity to an existing steading so as to reinforce the building grouping and operational base at the farm to which it is required to serve. The steading at Montgomerieston provides residential accommodation for persons employed in the farming enterprise in addition to various out-buildings to meet operational and storage requirements of the farming enterprise. The existing steading and the associated operational buildings are considered to 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 dwelling is located in a remote location and approximately 1km to the southwest of Montgomerieston Farmsteading and sits in an isolated location where no development or buildings exist. Criterion d. of the Rural Housing policy above, specifically states, that "*any proposed buildings or structures should form or complement a coherent group of buildings and are not visually intrusive.*" The proposal is considered contrary to this policy, as the proposed dwellinghouse does not complement the group of buildings at Montgomerieston Farm and is remote and isolated from the farm and constitutes sporadic development in the rural countryside.

From a planning perspective, it is considered that the applicant's needs could be equally fulfilled, if not better met by locating an additional dwellinghouse, justified under a labour requirement, on land adjacent to or closer to the existing access to the steading at Montgomerieston which it is intended to serve and is located to the east of the farm. In this regard, it is noted that land to the east of Montgomerieston Farm, is considered to better relate to and connect to the existing steading and its buildings. Additionally, it is also noted that land in the ownership of Montgomerieston is also available closer to the development at Ballycoach Smithy, which could present a more suitable location for the proposed development, and which could be sited adjacent to a grouping of buildings, which is closer to the operational base of the farm. The application site is located approximately one kilometre from Montgomerieston Farmsteading and is considered to be unsustainable given that the steading is the base from which the farm operates, and the proposed new house is proposed to serve. A dwellinghouse located on one of the alternative locations suggested by the Service or from in or around the steading itself would be a more sustainable location, limiting the number of vehicle trips to and from the steading.

The proposed dwellinghouse would also require the formation of a 168-metre-long track across an undeveloped field to access the dwellinghouse and garage. In terms of the character of the area, the unclassified road from which the new access is proposed, connects Dalrymple to Kirkmichael where dwellinghouses have been sited in close proximity to the road (Barnford Cottage, Carrick View, Homestead, Burnbank Farm, Ballycoach Smithy, Dairy Cottage, Guiltreehill Cottage, Guiltreehill Bungalow). In contrast, the proposed dwellinghouse and garage is to be sited approximately 168 metres from the road and sits in an elevated position which is considered uncharacteristic for the setting and rural landscape character. The proposed access would lead to further development and infrastructure on the currently undeveloped landscape at this location. This is considered uncharacteristic, excessive and intrusive infrastructure to access a single dwelling and garage.

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 Montgomerieston 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 Development Plan and the related guidance. Therefore, it is considered that the applicant's business needs could be fulfilled by locating an additional dwelling around the vicinity of Montgomerieston Farm. The application has been considered in this context.

While the applicant has advised that a new dwellinghouse to serve Montgomerieston Farm cannot be served from the steading area/ existing buildings due to private water supply issues, no evidence has been provided that supports this. The Council's Environmental Health Service has advised that a qualified opinion would need to be sought of a Hydrologist or hydrogeologist, who would then have to carry out studies and take into account the below in order to draw any conclusions on this matter.

- the type of ground
- the flow rates at differing times of year and weather conditions
- the sample analysis of the water for chemical and mineral quality, to ascertain the origins of the water catchment (ground water or surface water or combined)

Considering the above, there is no information that has been presented to the Service that evidences that an additional dwelling cannot be served from or close to the existing steading or alternatively, more suitable locations as suggested by the Service. It is also considered that the applicant's agent hasn't demonstrated beyond reasonable doubt that the application site may also have the same issues with water supply.

With regard to protected species, LDP Policy: Natural Heritage outlines that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The Council's ecological advisor, AECOM, has indicated that additional ecological information and surveys are required, including, as a minimum, a Phase 1 Habitat Survey. As set out elsewhere in the report, the application submission is not accompanied by any ecological information which considers what (if any) protected species might inhabit or use the site or any biodiversity enhancement measures. In the absence of any information to demonstrate otherwise, it is considered necessary and prudent to adopt a precautionary approach to the proposals, and to safeguard the setting of the site from development, and any protected species potentially contained therein. The application has been considered in this context.

Given the above concerns, the applicant's agent has been provided with an opportunity to withdraw the current application so as to explore with the applicant, the potential to site an additional dwellinghouse on land adjacent to/ closer to Montgomerieston Farm so as to avoid isolated and sporadic development within the countryside. While it is understood that the applicant/ agent does not consider it desirable or viable to site an additional dwellinghouse on the land adjacent to/ closer to the farmsteading/ operational base at Montgomerieston Farm, it has not been proven to the satisfaction of the Council, as planning authority, that it would not be viable to site a dwellinghouse closer to the farmsteading. It is considered that the applicant's operational needs could be fulfilled, by locating an additional dwelling around, or closer to the vicinity of Montgomerieston Farm, which would be preferential in planning terms. The applicant's agent wishes the application to be considered, as originally submitted, and has provided additional correspondence dated 21st September 2023. The agent has advised that they will appeal against any decision to refuse the current application to the Council's Local Review Body.

For the reasons noted above, the proposal is considered contrary to the framework of planning policy. The premise underpinning the strategy and policies of the adopted Local Plan accords with the objective to rural housing, within the NPF4 is to curtail sporadic development within the countryside; thereby protecting the countryside for its own sake whilst also ensuring that an unsustainable increase in infrastructure and resource demands and costs are occasioned by reason of the unrestrained proliferation of development in the countryside. The primacy of the development plan is noted above, and the application has been considered in this context.

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 development plan, and that there are no material planning considerations that would outweigh 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.

Reasons:

- (1) That the development proposal is contrary to National Planning Framework 4 (NPF4), specifically National Policy 14 Design, Quality and Place; National Policy 17 Rural Homes; South Ayrshire Local Development Plan (LDP2) Core Principle B8, LDP policies Rural Housing and Landscape Quality; South Ayrshire Council's Rural Housing Guidance and the provisions of Scottish Planning Advice Note PAN 72 in relation to Housing in the Countryside, as the proposed dwellinghouse and garage does not form or complement a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Montgomerieston Farm, is visually prominent and uncharacteristic to the detriment of the rural landscape setting at the locality and no robust justification having been provided for a departure from these policies.
- (2) That the development proposal is contrary to the National Planning Framework 4 (NPF4) National Policies 3 and 4 – Biodiversity and Natural Places and Local Development Plan (LDP2) Natural Heritage policy as no information on any potential protected species or habitats at the site has been provided and no biodiversity enhancement measures have been considered and which does not justify a departure from these policies.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** LOCATION PLAN

Drawing - Reference No (or Description): **Refused** L01

Drawing - Reference No (or Description): **Refused** L02

Drawing - Reference No (or Description): **Refused** L03

Drawing - Reference No (or Description): **Refused** L04

Drawing - Reference No (or Description): **Refused** L05

Other - Reference No (or Description): **Refused** SUPPORTING STATEMENT

Other - Reference No (or Description): **Refused** MONTGOMERIESTON LABOUR REPORT
CONFIDENTIAL

Other - Reference No (or Description): **Refused** SUPPORTING LETTER FROM ACCOUNTANT
CONFIDENTIAL

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:	<i>Appointed Officer</i>
Date:	<i>16th November 2023</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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 100635288-003

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)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Donna Kennedy Architecture and Design		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Donna	Building Name:	<input type="text"/>
Last Name: *	Kennedy	Building Number:	32
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Treebank Crescent
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Ayr
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	KA7 3NF
Email Address: *	<input type="text"/>		

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:	<input type="text"/>	Building Name:	Montgomerieston Farm
First Name: *	W	Building Number:	<input type="text"/>
Last Name: *	Mair	Address 1 (Street): *	Dalrymple
Company/Organisation	Montgomerieston Farm	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	By Ayr
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KA6 6AU
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

MONTGOMERIESTON FARM

Address 2:

DALRYMPLE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA6 6AU

Please identify/describe the location of the site or sites

Northing

612448

Easting

236863

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)

New dwelling, garage, access road and associated infrastructure to serve existing agricultural business.

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 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.

Evidence has been provided to show the proposal is required to support an existing, well established farming business. The employment of a farm worker and therefore suitable accommodation is essential to ensure that the farm can continue to operate. There is no option to build directly next to the existing farm and the proposed location will help with animal welfare at the furthest point on the land. Further details have been provided within the appeal statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

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)

Supporting Statement Supporting letter from Accountant Labour report Email information provided to planning officer Appeal statement All drawings

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00537/PPP

What date was the application submitted to the planning authority? *

14/07/2023

What date was the decision issued by the planning authority? *

16/11/2023

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. *

Yes No

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? *

Yes No

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. Failure 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 and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes 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 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 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 of Review

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

Declaration Name: Ms Donna Kennedy

Declaration Date: 22/01/2024

Appeal Statement – January 2024 Application

Reference: 23/00537/PPP

Planning Permission in Principle for the Erection of a Dwellinghouse at Montgomerieston Farm, Dalrymple, KA6 6AU

1.0 Introduction

The above noted application was refused by SAC on the 16th November 2023. The application is for a farm workers house. The requirement for the house has not been questioned by the planning department but the location of the proposed house has, and this is the main reason for the refusal. We disagree with the decision to refuse this application and the reasons provided. Options were considered for other locations but there is no other viable option for the dwelling, which is needed to ensure the future of the business.

2.0 Reasons for refusal

Two reasons were provided for refusal:

1. The proposed dwellinghouse and garage does not form or complement a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Montgomerieston Farm, is visually prominent and uncharacteristic to the detriment of the rural landscape setting at the locality and no robust justification having been provided for a departure from these policies.
2. No information on any potential protected species or habitats at the site has been provided and no biodiversity enhancement measures have been considered and which does not justify a departure from these policies.

3.0 Response to reasons for refusal

We have reviewed the planning officer's report in detail and make note of the following:

1. No objections were received from any public members.
2. No objections were received from any consultees.

The planning officer does not dispute the requirement for the proposed dwelling and has confirmed in previous correspondence that *"an additional dwellinghouse is acceptable and sufficient justification has been submitted"*. Furthermore, as outlined in the submitted labour report:

1. There is a labour requirement for an additional full-time farm worker to ensure continued farming operations at Montgomerieston,
2. The land at Montgomerieston is not prime agricultural land,
3. An additional farm worker would be required to **reside on site** at [Donna Kennedy Architecture and Design, 32 Treebank Crescent, Ayr KA7 3NF](#)

T: [REDACTED]
E: [REDACTED]

Montgomerieston at all times to ensure the welfare, safety and security of the livestock and the farm.

Therefore, by agreement of the council, the application has proved and justified the requirement for an additional dwelling house.

The first reason for refusing the application is the siting of the proposed dwelling. South Ayrshire Rural Design Guidance states:

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

The planner states:

- “the locational preference for the siting of any new dwelling would require to be sited closer to the existing steading so as to reinforce the existing operational base and building grouping, rather than in an isolated location at the periphery of the farmland.”

There is no mention in any policy or guidance for reinforcing the existing operational base of the farm. Furthermore, policy does not specify that the proposed building needs to be part of an existing group of buildings. The planner's opinion of what should be reasonable does not meet current policy nor do they have any first-hand experience of how the applicant's business operates. We have precisely detailed multiple reasons as to why the proposed site has been chosen and the planner's *preference* is not viable, which can be found in the email correspondence and supporting statement provided. In brief, the reasons are as follows:

1. The proposed location provides a secondary base for the farm at a point which is not overlooked by the existing steading, on land which is purely grazing and of low agricultural value. A presence in this location would allow improved supervision to grazing animals, which is important for animal welfare all year round but is vital during lambing/calving seasons. Furthermore, it improves security of the farmland at a location which is not visible from the current operational base.
2. There is no area of land next to the steading that would provide a suitable area for building a new dwelling on, as detailed in the letter and map submitted to planning on 23rd September 2023.
3. There is no building within the existing steading that could be converted.
4. There is no mains water supply to the existing farm steading, and it is not finically viable to install a new water main, considering the access road to the steading is almost 1 mile long.
5. The location of the new dwelling has been chosen to ensure it is not visually intrusive. The new position sits back from the road on the hill, but not at the top of the hill as the landscape continues to rise beyond the development site, with some trees and hedgerows visible beyond. As part of the detailed design, additional planting will be introduced to thicken up the existing hedgerows and provide additional screening to the development.
6. The proposed location is connected to the main operational base by private road that gives easy access to the wider farmland and livestock and causes no disruption to the local community.

Further to this, we feel that the proposed house and garage can form a cohesive group of buildings, together with the agricultural shed for which a prior notification has already been submitted (Application ref: 24/00018/PNF). Policy allows for this; it **does not state** that a proposed dwelling **must** be next to the existing steading. As this is a PPP application, the layout of the site can be agreed in a detailed application with planning to ensure the design forms a cohesive group of buildings, but the principle should be acceptable under a PPP application in the proposed location.

The second reason for refusing the application is the potential impact on biodiversity.

The National Planning Framework 4 Policy 3 criterion c states:

- “proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.”

The planner states:

- various ecological information (baseline information noted below) is required so as to establish if constraints are present or not;

We believe there is sufficient evidence in the application of very minimal impact at the proposed site. An initial ecological review was carried out on 27th July 2023 by AECOM which confirms that:

1. the proposed site **is not** within or connected to any sites designated for nature conservation
2. there is **no evidence** of protected or notable habitats or species found

The review concluded that *“it is therefore very unlikely that the Proposed Development would have adverse effects on any nature conservation site”*. Additionally, in the submitted labour assessment stated that, *“the preferred site of the proposed development will not involve the loss of any environmental features.”*

Furthermore, we disagree that *“no biodiversity enhancement measures have been considered”*. On the contrary, the proposed site has been chosen with minimal environmental impact in mind and we have detailed in the application how we propose to conserve, restore, and enhance biodiversity as follows:

- The site is located on low grade farmland with very limited disruption to existing hedgerows.
- We have explained our intention to introduce additional planting of native trees and hedging to further enhance biodiversity and allow wildlife to thrive.
- Additional planting will also be introduced to thicken up the existing hedgerows to provide additional screening to the development.
- The house itself will be built with sustainability in mind to ensure minimal environmental impact and to maximise energy efficiency in line with NPF4.

We have confirmed that full ecological and habitat surveys will be conducted at the full planning stage, that this can be conditional to any approvals, and that we see no reason to refuse the application on these grounds.

Therefore, it is the client's goal to further enhance biodiversity and have **only a positive ecological impact** at the proposed site.

Finally, NPF4 also supports the requirement for "a single home for the retirement succession of a viable farm holding". The proposed dwelling will serve as a farmworkers house in the immediate future, but this is part of the long-term plan for when they eventually retire. Policy 17 within NPF4 also states that development will be supported where "it is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking a majority control of a farm business) to live permanently at **or near to** their place of work". We have demonstrated there is a need for a farm worker (which the planner does not dispute) and that the proposed development is on the farmland, near to their place of work.

4.0 Conclusion

The council agrees that there is a need for an additional farmworker to ensure the future viability of the business and that an additional dwelling house at Montgomerieston Farm is justified.

The reasons for refusal are the location of proposed site and uncertainty around ecological impact.

We have clearly demonstrated previously, and reiterated within this statement, multiple reasons why the specific site has been chosen. All potential sites have been duly considered and there is no viable alternative. Furthermore, we have explained plans to minimise environmental impact and further enhance biodiversity as well as the intention to submit all necessary reports and audits at the full planning stage.

It is of our professional opinion that the proposal is in full accordance with all relevant SAC LDP policies and that the LRB should overturn the decision. If the decision to refuse this application is upheld, this will demonstrate a lack of support to the farmer from South Ayrshire Council and the chances of this well-established business being able to continue will be greatly reduced as a direct result.

Considering the above and all the information provided within this submission, we ask that the LRB show support for this proposal, which in turn shows support for a local farming business, ensuring its future and potential for economic growth.



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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 100635288-001

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)

New dwelling, garage, access road and associated infrastructure to serve existing agricultural business.

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 Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Donna Kennedy Architecture and Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Donna"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Kennedy"/>	Building Number:	<input type="text" value="32"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Treebank Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Ayr"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KA7 3NF"/>
Email Address: *	<input type="text" value="██"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Montgomerieston Farm"/>
First Name: *	<input type="text" value="W"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mair"/>	Address 1 (Street): *	<input type="text" value="Dalrymple"/>
Company/Organisation	<input type="text" value="Montgomerieston Farm"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="by Ayr"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA6 6AU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

MONTGOMERIESTON FARM

Address 2:

DALRYMPLE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA6 6AU

Please identify/describe the location of the site or sites

Northing

612448

Easting

236863

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.36

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Grazing

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

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? * ≤ 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.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * 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 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 and supporting information: *

Dual package treatment plant to soakaway to ground.

Do your proposals make provision for sustainable drainage of surface water?? * 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? *

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? * ≤ Yes No ≤ Don't Know

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? * ≤ Yes No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes No

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.

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) *

≤ Yes No ≤ Don't Know

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? *

≤ Yes No

Certificates 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 applicant the sole owner of ALL the land? *

≤ Yes No

Is any of the land part of an agricultural holding? *

Yes ≤ No

Do you have any agricultural tenants? *

≤ Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes ≤ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Matt Drummond

Address:

Cassington, Maybole, By Ayr, Scotland, KA19 7LF

Date of Service of Notice: *

12/07/2023

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

Donna Kennedy

On behalf of:

Montgomerieston Farm

Date:

11/07/2023

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 Not applicable to this application

b) If this is an application for planning permission or planning permission in principle 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

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 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:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

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. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	T	Yes	≤	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

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: Ms Donna Kennedy

Declaration Date: 12/07/2023

Payment Details

Pay Direct

Created: 12/07/2023 14:09



DESIGN AND ACCESS STATEMENT

PPP Application for New Farm workers house with Garage

Lands of Montgomerieston, Dalrymple, KA6 6AU

For Mr W Mair

July 2023



1.0 Introduction

- 1.1 Development of new farmworkers house with garage to lands of Montgomerieston Farm, Dalrymple.
- 1.2 The development site is used by Mr Mair as low grade sheep grazing. It is classed as less favoured area by the Department of Agriculture.
- 1.3 The proposed development is for a family home with associated infrastructure to aid farming practices on this land and is for the use of 1 no. Full time farm worker and their family.
- 1.4 There is currently no presence or buildings associated with Montgomerieston to this extreme boundary of the land ownership. The new dwelling will allow for year round full time supervision to ensure animal wellbeing and safety as well as good farming practices.

2.0 Context

- 2.1 The location of the proposed new farm workers house has been carefully considered to benefit the farm as it provides a vantage point over lands that are at the furthest boundary from the farm steading and are not visible from the existing steading.
- 2.2 The layout of the proposed development will take design influences from neighbouring, traditional layouts by adopting a courtyard arrangement for the buildings.
- 2.3 The farm buildings are set back one field from the public road, which is characteristic of many surrounding farms.
- 2.4 The orientation of the proposed dwelling and buildings allow the development to take advantage of the solar gain from the sun to the south and its location in the middle of the slope allows the drainage to be gravity lead with minimal cutting and filling across the site.
- 2.5 The land rises up gradually behind the dwelling and the extensive mature planting surrounding the development allows the buildings to sit within the landscape with minimal disruption to the skyline.
- 2.6 Existing site photographs show key features which ensure minimal visual and environmental impact of the proposed development.



Rising land with backdrop of mature trees

3.0 Design

3.1 Proposed Dwelling and Garage

The proposed design will be a 1.5 storey, 4 bedroom dwelling. The final design has not been agreed but it will be considered against the rural design guidance to ensure that the design suits its setting.

The site plan shows an approximate location and size for the new dwelling with a large garage. The site plan has sufficient space for the new dwelling and the garage as well as a large garden area, which is of a similar proportion to the neighbouring properties.

3.2 Orientation and Sustainability

As previously noted the site layout allows advantage to be taken of the solar gains from the sun. The property will be highly insulated to limit the heating requirement and energy consumption of the dwelling. It will be highly air tight to the point where a MHRV system will perform efficiently. PV panels will be installed and the client is considering the option of installing a battery to minimise their demand on the grid and subsequently the environmental impact of the dwelling.

A full environmental statement will be prepared during the detail design stage for the property but the site also allows for Ground Source Heat pump and ground mounted solar panels to be considered.

3.3 Landscaping

The location of the new farmhouse will be screened on the two public elevations by existing mature planting. The other elevations face onto the farm land and are less

visible from the public road. The rise of the land and the trees planted beyond the site help to minimise the visual impact of the proposed dwelling.

Any new boundaries/fencing will be in the form of post and wire fencing with beech hedge planting. All existing planting will be retained where possible.

A mixture of permeable stone paving and natural stone gravel will form the finish to the courtyard to minimise the impact of the development on land drainage.

3.4 Access

The proposal will require the formation of a new access road to access the property as it is not feasible to take an access direct from the existing farm due to the distance. Also, the proposed visibility at the new junction with the main road allows for 166m x 2.5m to the corner to the North, looking towards Dalrymple and at least 215m x 2.5m to the South, looking towards Kirkmichael.

4.0 Planning Policy

4.1 SAC Local Plan: LDP policy: Rural housing

As demonstrated in both the labour assessment provided with this submission, the proposed dwelling is essential to the existing business and therefore complies with policy. The supporting letter from the applicant's accountant advises that the business is also in a financial position to support the additional worker.

4.2 SAC SG Rural Housing

The detail design of the proposal will follow the guidance set out in the above document to ensure the house is suited to its rural setting.

4.3 PAN 72: Housing in the Countryside

As noted in the design section of this report, proposals will take key traditional design principles and adopted them into the design, allowing for a sensitively designed dwelling within a rural context. Key considerations such as orientation, shelter and solar gain are critical in the design development of not just the dwelling but also the associated buildings and the proposed site layout. The simplicity of the proposed dwelling in scale, form and materials should reflect traditional rural dwellings and ensures this development is as unobtrusive as possible.

4.4 NPF4

The key goal of NPF4 is to move towards a zero carbon Scotland. By 2045 it is hoped that Scotland will have net zero emissions. Productive farming is Scotland needs to be supported in order to minimise imports from other countries and ultimately minimising emissions from transport. Every farmer in Scotland needs to be encouraged and helped to keep going. The requirement for a farmworker at Montgomerieston is not only essential to the current activities which are too much for

one person but also necessary to ensure the farm can continue to operate as part of Mr Mair's succession planning.

Previous policy, SPP 15 encouraged rural development, particularly when ensuring the future of agricultural practices. As part of ensuring the future of the business, it is important to introduce staff which are not just required for farming practices now but are in fact essential in safe guarding the future of the business. NPF4 supports this too.

5.0 Conclusion

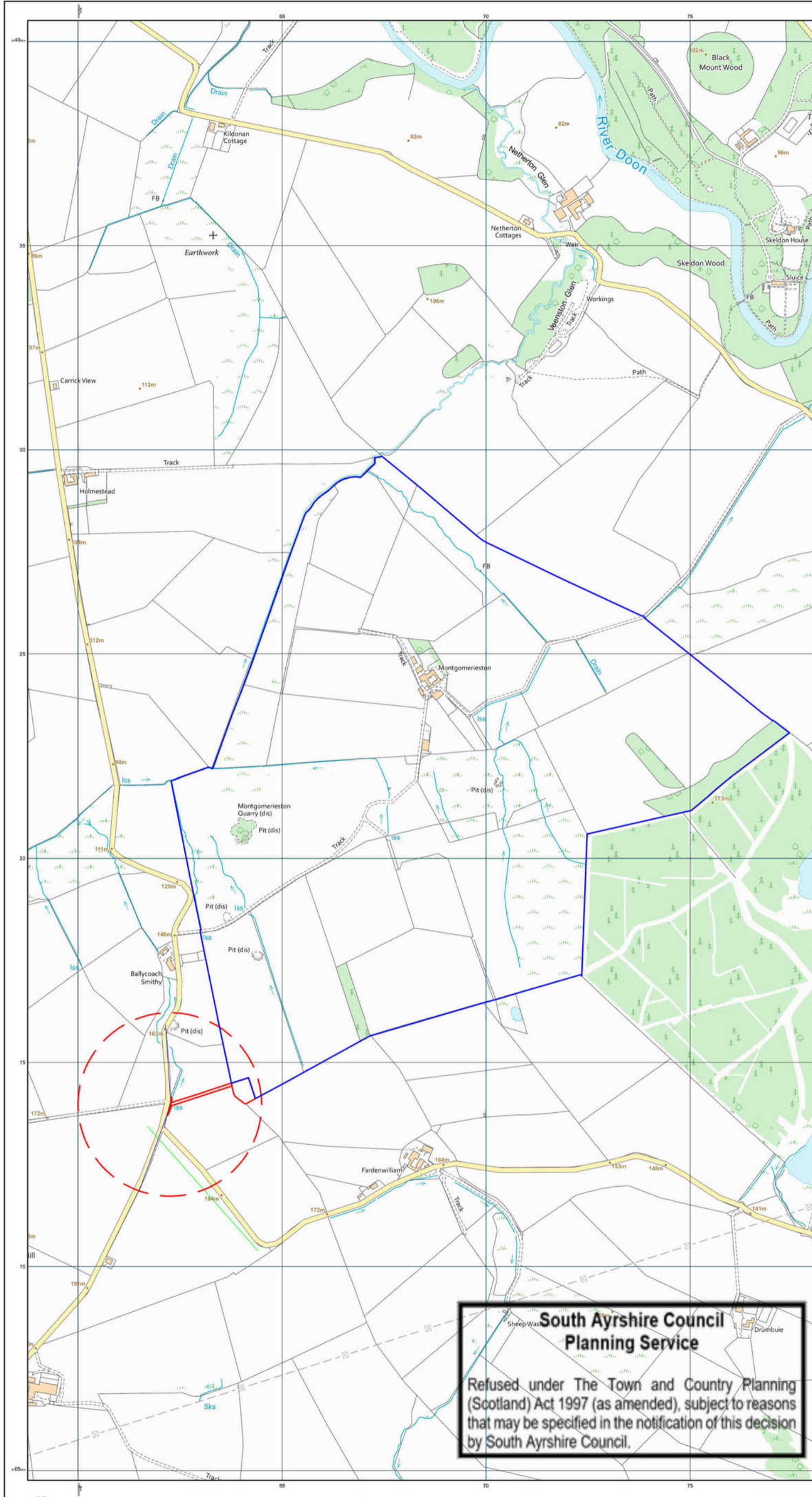
The proposal has been carefully considered to meet and adhere to policy from both South Ayrshire Council and the Scottish Government.

The requirement for a farm workers house has been demonstrated in the Labour Assessment Report prepared for this application.

As a well-established agricultural business it can continue to thrive well into the future and the importance of succession planning is key. The opportunity to employ and house a staff member at this stage will help to enhance existing farming practices by becoming more efficient and allow potential for new ideas and growth of the business in the future.

NOTES:

- Do not scale from drawings.
- Use written dimensions only.
- Any discrepancies to be reported to the Architect immediately.
- All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
- The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
- All drawings and information prepared by Donna Kennedy of Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.



REV	DESCRIPTION	DATE
...



PLANNING

Project:
New Dwelling and associated infrastructure.

Address:
Land at Montgomeryeston, Dalrymple, KA6 6AU

Client:
Mr W Mair

Drawing:
Location Plan

Drawing No: 22-071 L00
Scale: 1:10,000 @ A3

Date: Mar 2022
REV: .

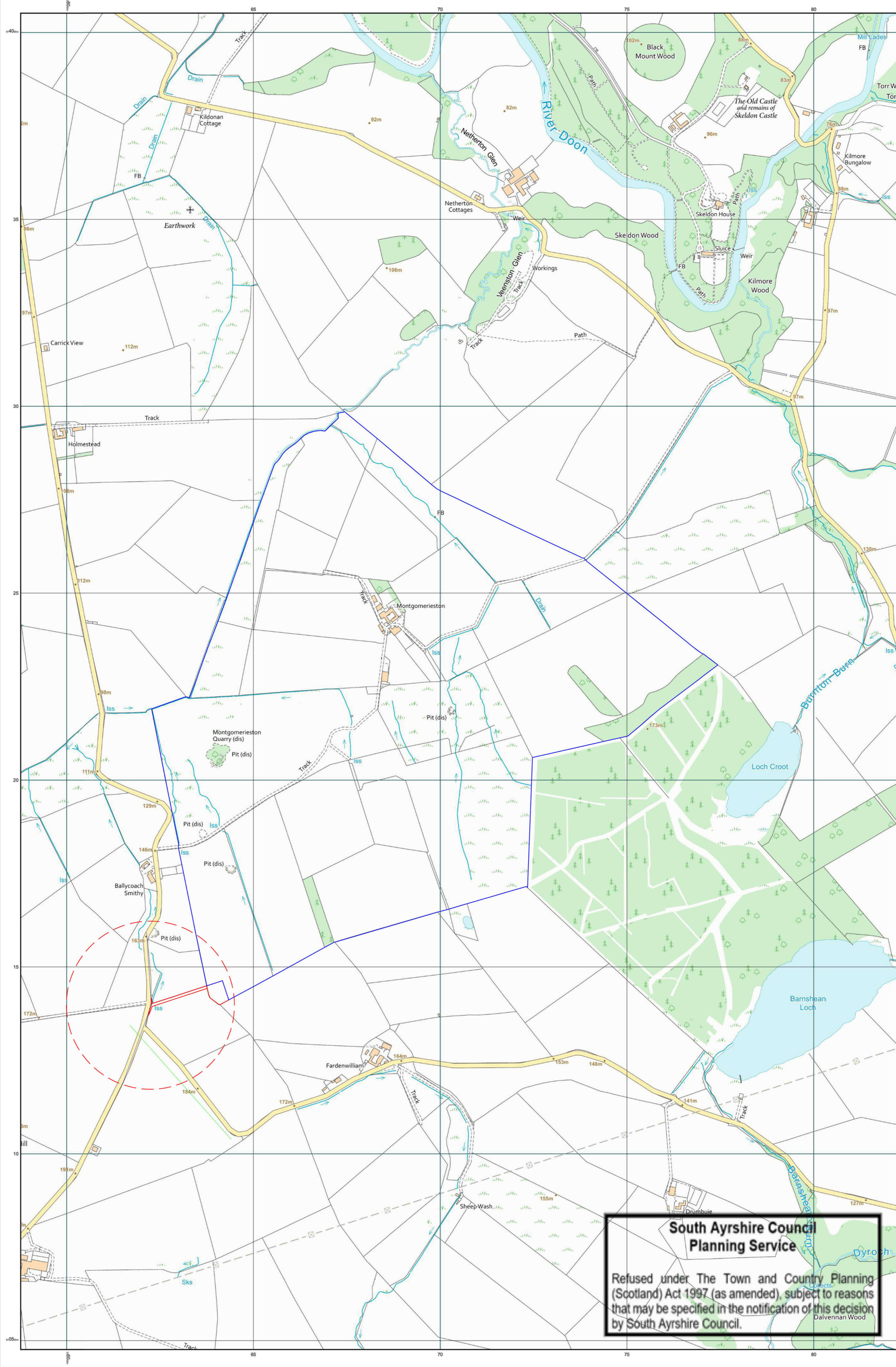
Email: [REDACTED]

**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

© Crown copyright and database rights 2022 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

- NOTES:**
- Do not scale from drawings.
 - Use written dimensions only.
 - Any discrepancies to be reported to the Architect immediately.
 - All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
 - The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
 - All drawings and information prepared by Donna Kennedy of Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.



**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

REV	DESCRIPTION	DATE
...



PLANNING

Project:
New Dwelling and associated infrastructure.

Address:
Land at Montgomerieston, Dalrymple, KA6 6AU

Client:
Mr W Mair

Drawing:
Location Plan

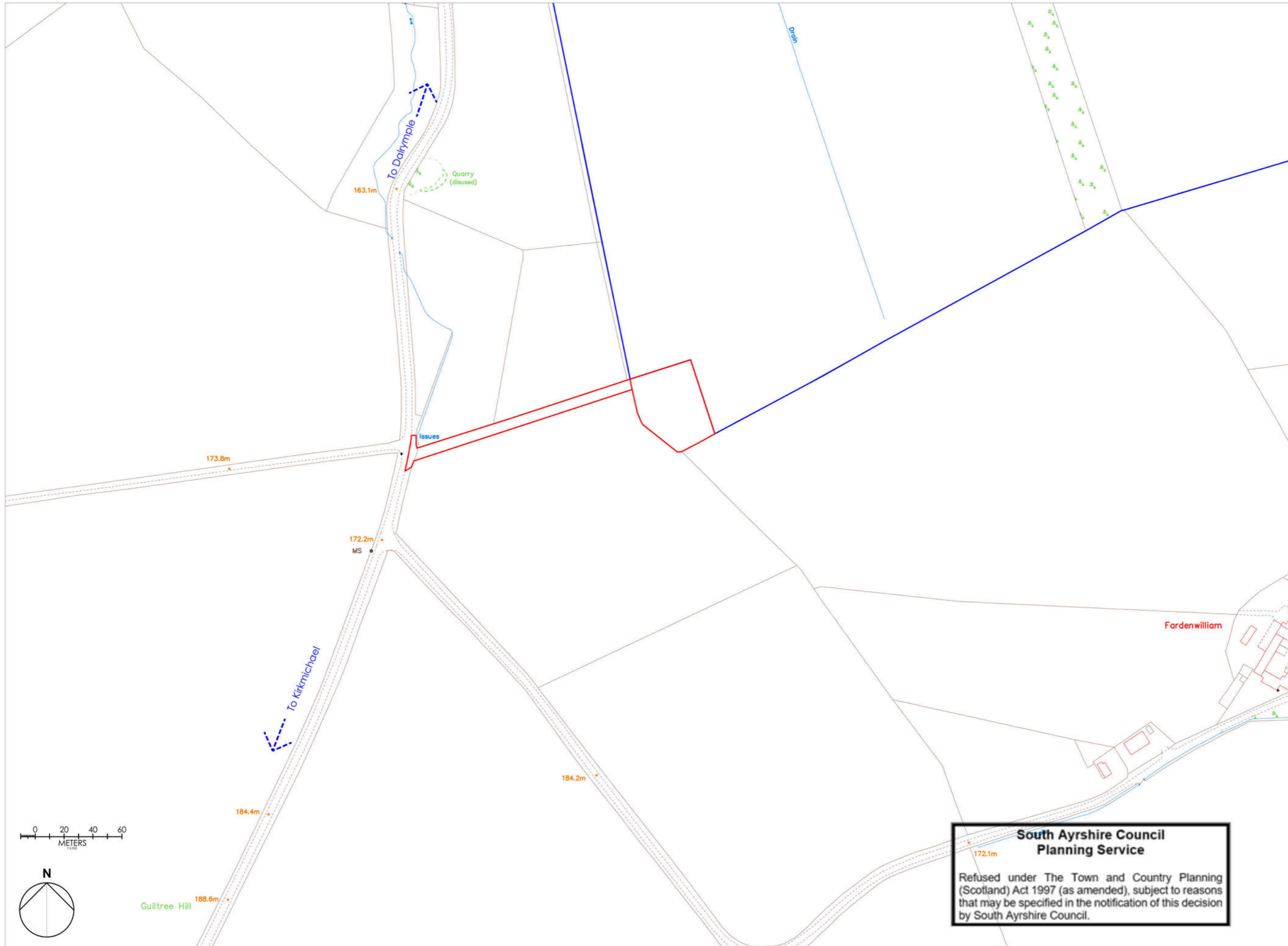
Drawing No: 22-071 L01
Scale: 1:5,000 @ A1

Date: Mar 2022
REV: .

Email: [REDACTED]

© Crown copyright and database rights 2022 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.





- NOTES:**
- Do not scale from drawings.
 - Use written dimensions only.
 - Any discrepancies to be reported to the Architect immediately.
 - All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
 - The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
 - All drawings and information prepared by Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.

REV	DESCRIPTION	DATE
...

DKAD DONNA KENNEDY ARCHITECTURE & DESIGN
PLANNING

Project:
 New Dwelling and associated infrastructure.

Address:
 Land at Montgomerieston, Dalrymple, KA6 6AU

Client:
 Mr W Mair

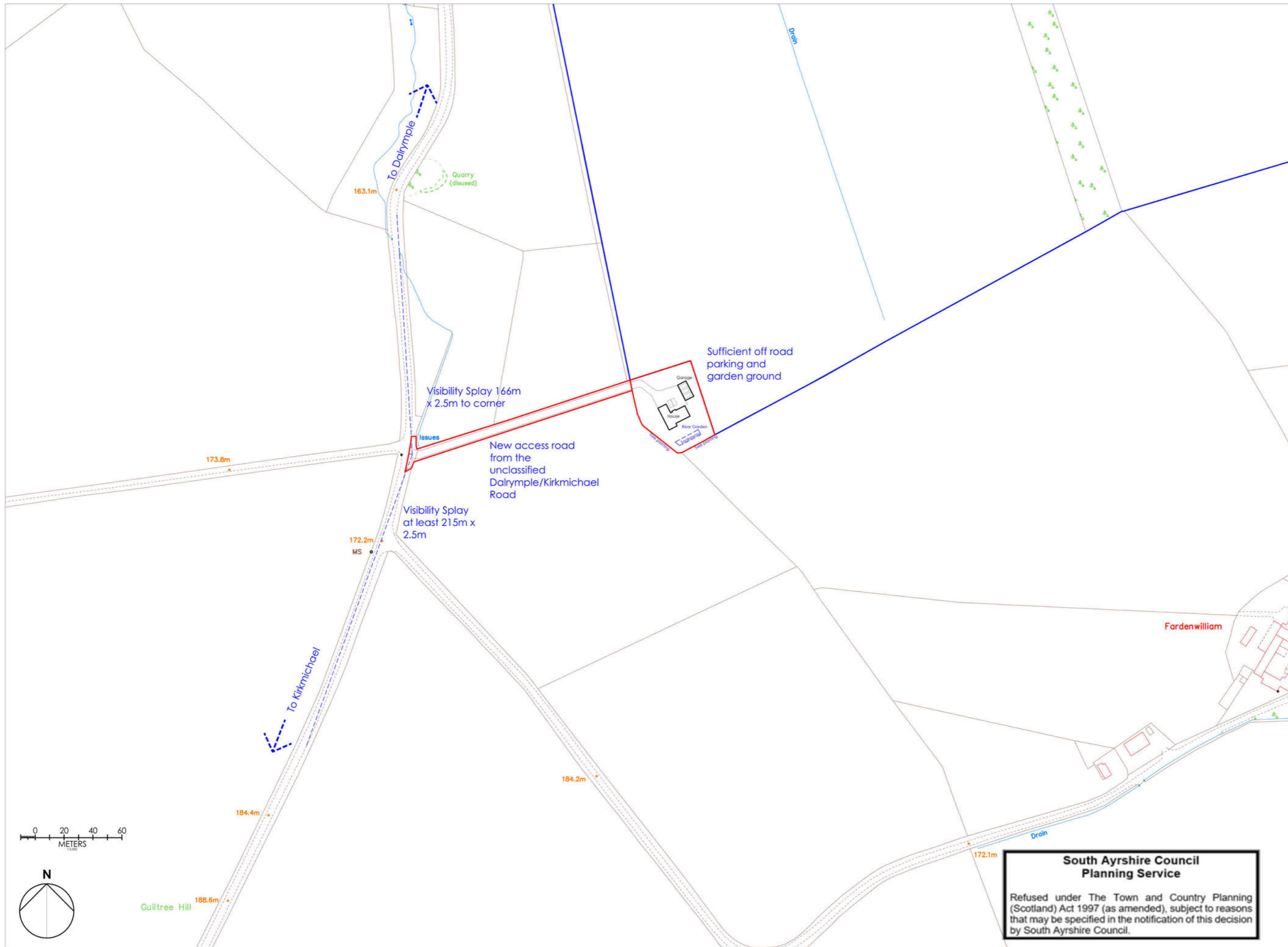
Drawing:
 Proposed Block Plan

Drawing No: 22-071 L03 **Scale:** 1:2,500 @ A3

Date: Mar 2022 **REV:** .

Email: donna.dkad@outlook.com

South Ayrshire Council Planning Service
 172.1m
 Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



- NOTES:**
- Do not scale from drawings.
 - Use written dimensions only.
 - Any discrepancies to be reported to the Architect immediately.
 - All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
 - The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
 - All drawings and information prepared by Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.

REV	DESCRIPTION	DATE
...

DKAD DONNA KENNEDY ARCHITECTURE & DESIGN

PLANNING

Project:
New Dwelling and associated infrastructure.

Address:
Land at Montgomerieston, Dalrymple, KA6 6AU

Client:
Mr W Mair

Drawing:
Proposed Block Plan

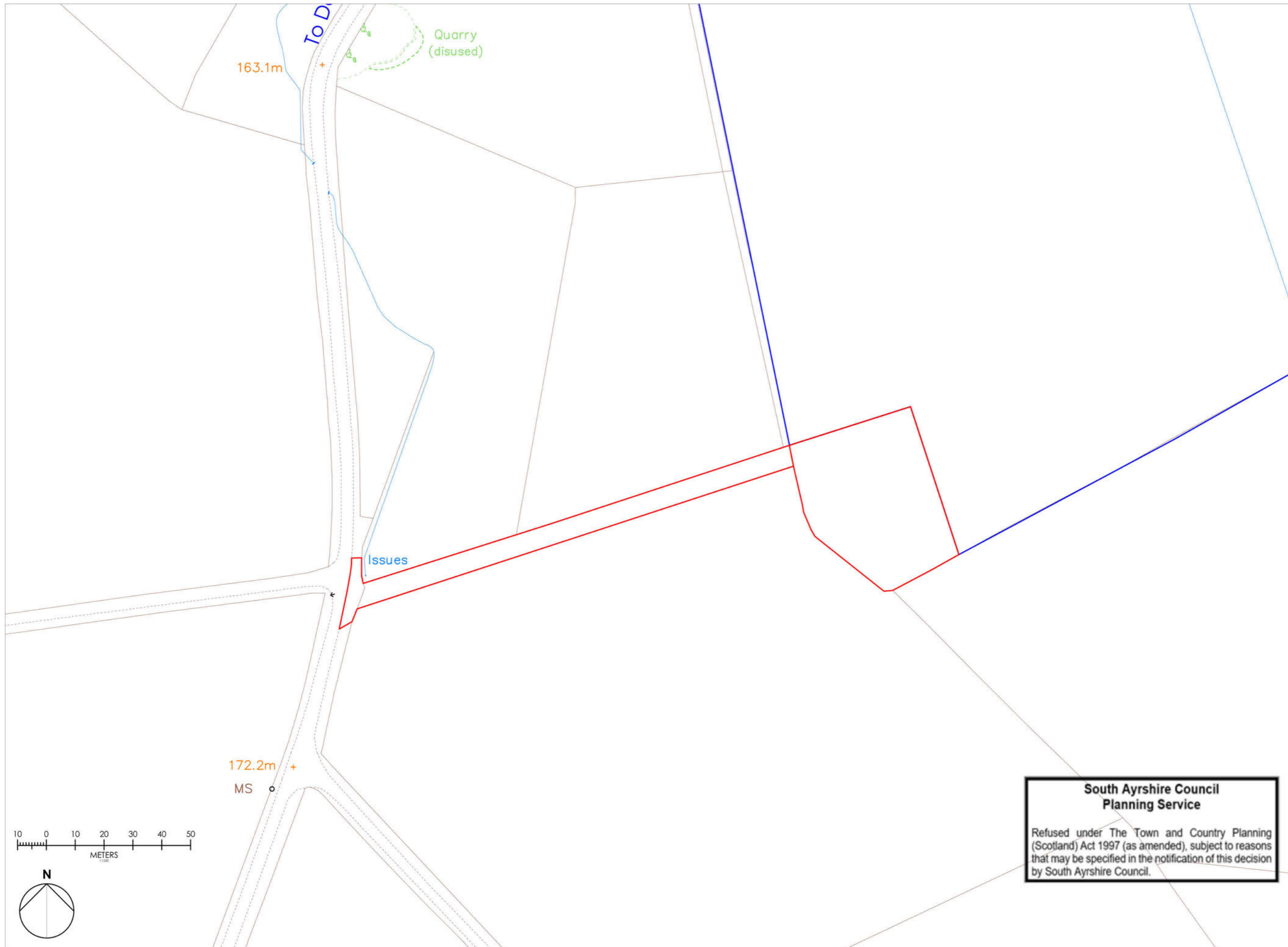
Drawing No: 22-071 L03 **Scale:** 1:2,500 @ A3

Date: Mar 2022 **REV:** .

Email: [REDACTED]

South Ayrshire Council Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



- NOTES:**
- Do not scale from drawings.
 - Use written dimensions only.
 - Any discrepancies to be reported to the Architect immediately.
 - All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
 - The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
 - All drawings and information prepared by Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.

REV	DESCRIPTION	DATE
...

DKAD DONNA KENNEDY ARCHITECTURE & DESIGN

PLANNING

Project:
New Dwelling and associated infrastructure.

Address:
Land at Montgomerieston, Dalrymple, KA6 6AU

Client:
Mr W Mair

Drawing:
Existing Site Plan

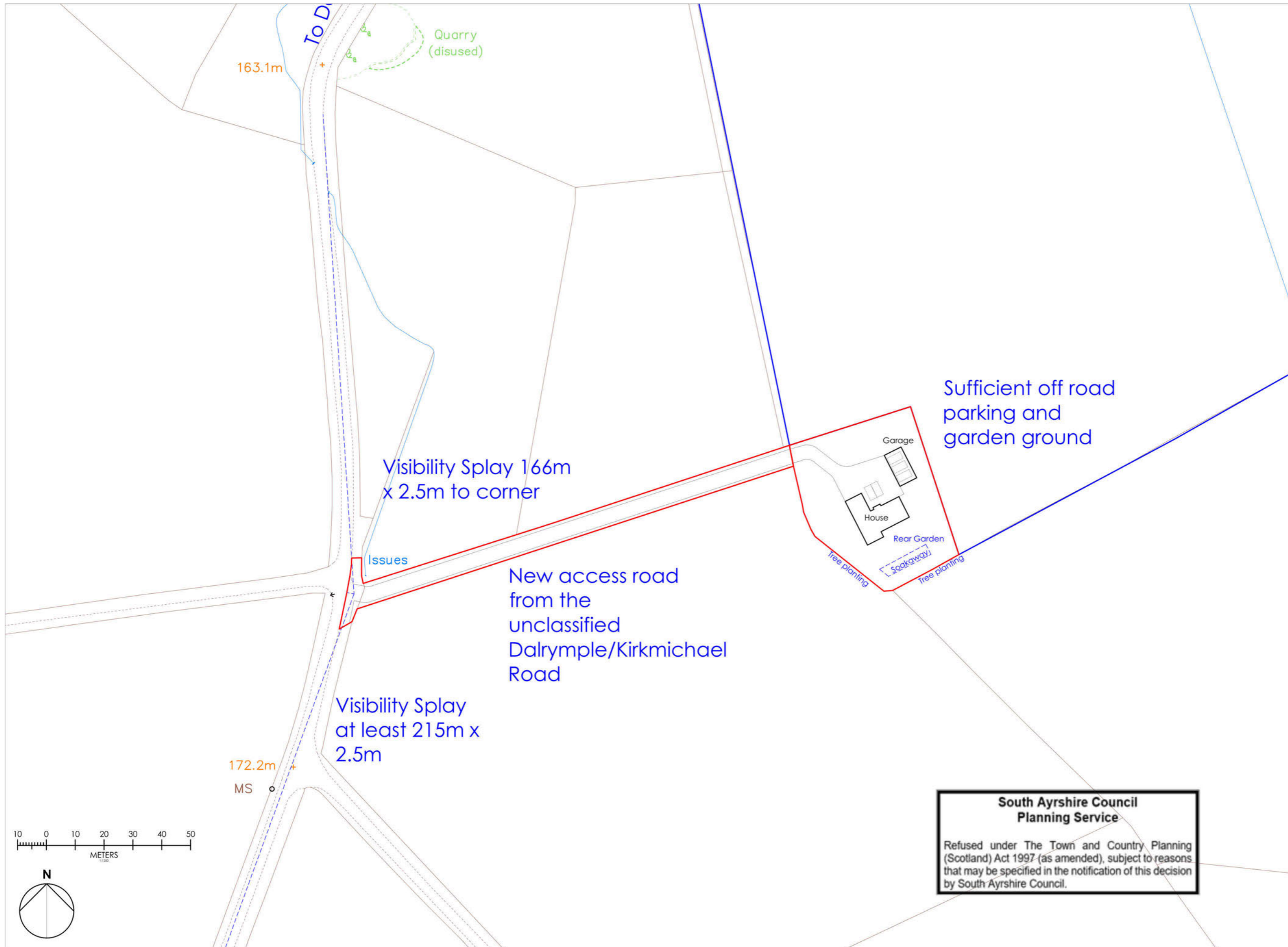
Drawing No: 22-071 L05 **Scale:** 1:1250 @ A3

Date: Mar 2022 **REV:** .

Email: [REDACTED]

**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



- NOTES:**
- Do not scale from drawings.
 - Use written dimensions only.
 - Any discrepancies to be reported to the Architect immediately.
 - All dimensions are to be site checked by the contractor prior to commencement on site and order of any materials.
 - The Architect does not take on the role of Principle Designer in terms of the Construction (Design and Management) Regulations 2015 unless otherwise agreed.
 - All drawings and information prepared by Donna Kennedy of Donna Kennedy Architecture & Design, unless otherwise noted and agreed with Client.

REV	DESCRIPTION	DATE
...



PLANNING

Project:
New Dwelling and associated infrastructure.

Address:
Land at Montgomerieston, Dalrymple, KA6 6AU

Client:
Mr W Mair

Drawing:
Proposed Site Plan

Drawing No: 22-071 L05
Scale: 1:1250 @ A3

Date: Mar 2022
REV: .

Email: [REDACTED]

**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

LOCAL DEVELOPMENT

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE
(Delegated)**

Ref No: 23/00537/PPP

SOUTH AYRSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS**

**To: Mr W Mair
per Donna Kennedy Architecture And Design
32 Treebank Crescent
Ayr
Scotland
KA7 3NF**

With reference to your **Application for Planning Permission in Principle** dated **14th July 2023**, under the aforementioned Regulations, for the following development, viz:-

Planning permission in Principle for the erection of a dwellinghouse

at: Montgomerieston Farm U55 From B742 Junction At Barnford Cottage South East To U35 Junction Near Kilmore Dalrymple South Ayrshire KA6 6AU

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission in Principle for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above these and represent the refused scheme.

The reasons for the Council's decision are:

- (1) That the development proposal is contrary to National Planning Framework 4 (NPF4), specifically National Policy 14 Design, Quality and Place; National Policy 17 Rural Homes; South Ayrshire Local Development Plan (LDP2) Core Principle B8, LDP policies Rural Housing and Landscape Quality; South Ayrshire Council's Rural Housing Guidance and the provisions of Scottish Planning Advice Note PAN 72 in relation to Housing in the Countryside, as the proposed dwellinghouse and garage does not form or complement a coherent group of buildings so as to reinforce the existing operational base of the farming enterprise at Montgomerieston Farm, is visually prominent and uncharacteristic to the detriment of the rural landscape setting at the locality and no robust justification having been provided for a departure from these policies.
- (2) That the development proposal is contrary to the National Planning Framework 4 (NPF4) National Policies 3 and 4 - Biodiversity and Natural Places and Local Development Plan (LDP2) Natural Heritage policy as no information on any potential protected species or habitats at the site has been provided and no biodiversity enhancement measures have been considered and which does not justify a departure from these policies.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** LOCATION PLAN

Drawing - Reference No (or Description): **Refused** L01

Drawing - Reference No (or Description): **Refused** L02

Drawing - Reference No (or Description): **Refused** L03

Drawing - Reference No (or Description): **Refused** L04

Drawing - Reference No (or Description): **Refused** L05

Other - Reference No (or Description): **Refused** SUPPORTING STATEMENT

Other - Reference No (or Description): **Refused** MONTGOMERIESTON LABOUR REPORT
CONFIDENTIAL

Other - Reference No (or Description): **Refused** SUPPORTING LETTER FROM ACCOUNTANT
CONFIDENTIAL

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

Dated: 16th November 2023

.....
Craig Iles
Service Lead – Planning and Building Standards

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

LOCAL REVIEW BODY

Planning Permission in Principle for the Erection of a dwellinghouse

At Montgomerieston Farm

U55 From B742 Junction At Barnford Cottage South East To U35 Junction Near Kilmore

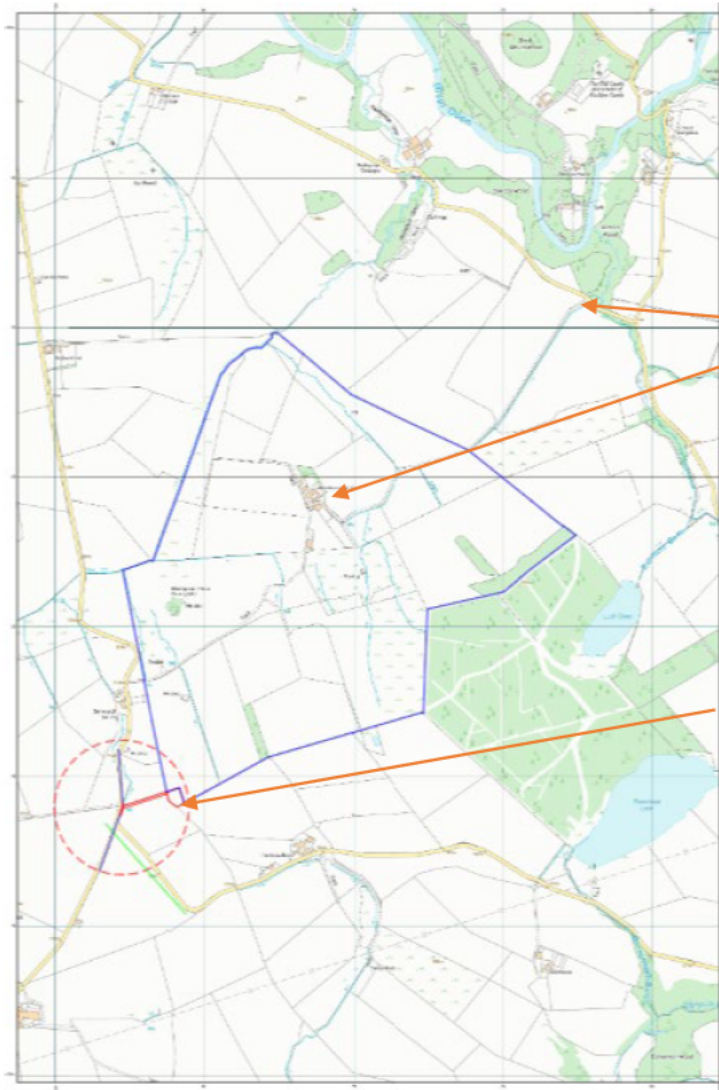
Dalrymple

South Ayrshire

KA6 6AU

Planning Application Ref:23/00537/PPP

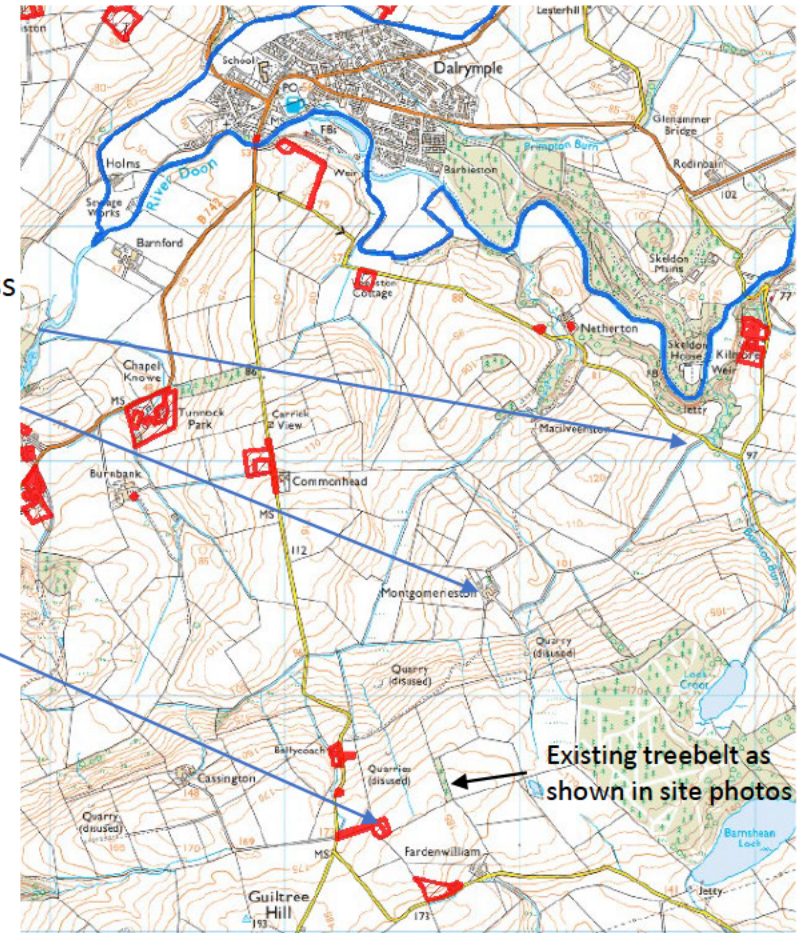
Location Plan



Montgomery Farm showing existing access road. Blue line noting land in ownership of the farm

Application site and proposed new access road

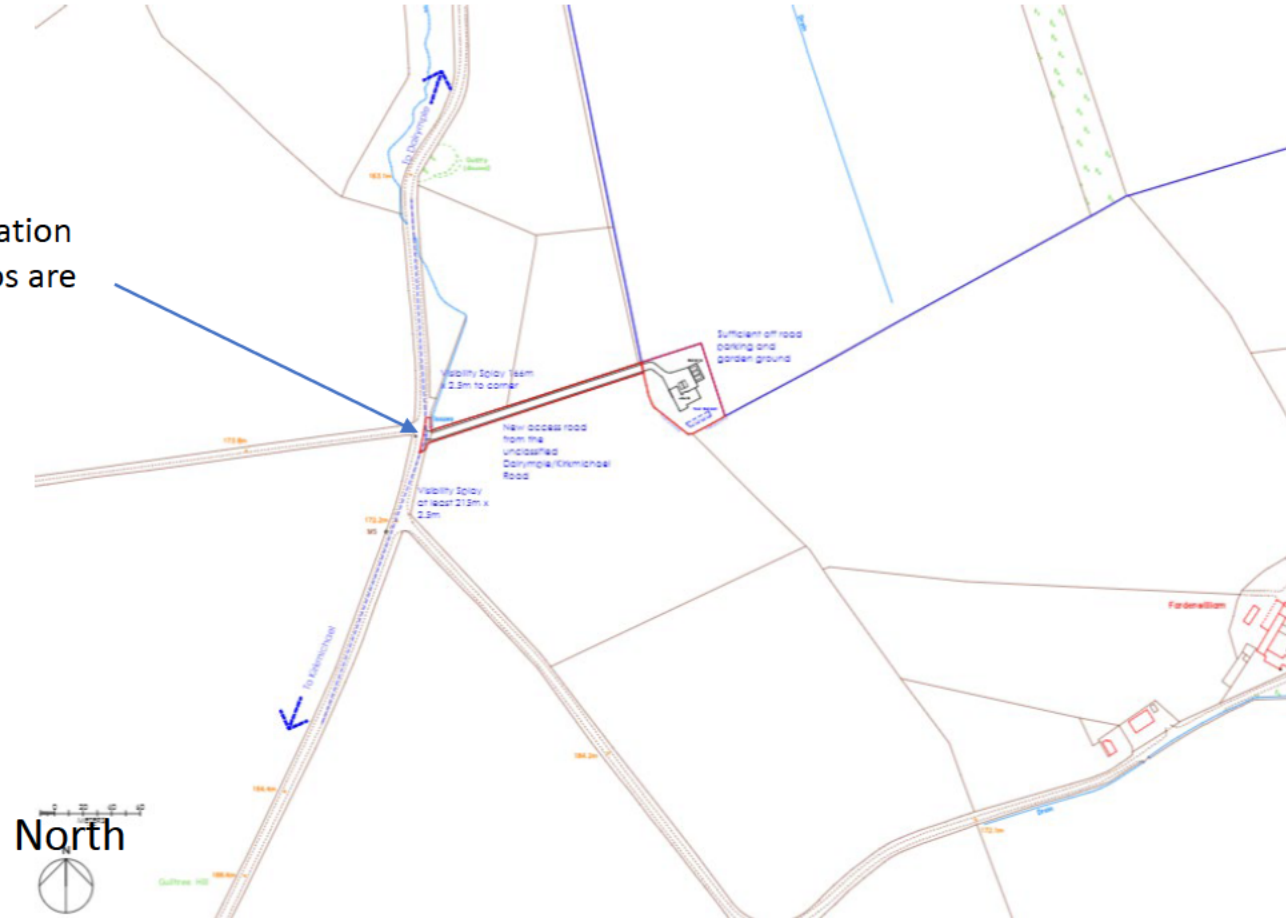
Map demonstrating location from Dalrymple and topography of land between the existing farmsteading and proposed application site



Existing treebelt as shown in site photos

Proposed Site Plan showing indicative layout of new dwellinghouse within application site

Approximate location where site photos are taken from



Site photos August '23



Views towards the application site from the proposed access point from the unclassified road (East)



Proposed Application Site showing views northeast towards Montgomerieston Farm which sits on lower ground beyond the treebelt



Views looking east towards the application site – noting rising topography and treebelt (as demonstrated on slide 1)

Contact: [REDACTED]
ARA Case Officer: AP
Planning Case Officer: D Lewis
Planning Application No: 23/00537/PPP
Location: Montgomerieston Farm U55, Dalrymple

Date Received: 17/07/2023
Date Returned: 27/07/2023
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:

Access Construction (single access or small development):

That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 4.8 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development.

Reason:

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

Private Access Surfacing:

That the private access shall be surfaced for a minimum of 10 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.

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 (PPP):

That 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, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy.

Reason:

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

MEMORANDUM

Tel: [REDACTED]
Our Ref: [REDACTED]
Your Ref: 23/00537/PPP
Date: 20 July 2023

From: Service Lead: Trading Standards & Environmental Health
5 – 7 River Terrace
Ayr
KA8 0BJ

To: Planning Service
County Buildings
Wellington Square
Ayr
KA7 1DR

SUBJECT: Planning Application Reference No. 23/00537/PPP

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

PROPOSAL: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLINGHOUSE

SITE ADDRESS: MONTGOMERIESTON FARM, DALRYMPLE SOUTH AYRSHIRE KA6 6AU

I refer to the above planning application consultation submitted to this section on 17 July 2023 and can advise as follows.

There are no objections to this application so far as this Service is concerned.

RECOMMENDATIONS

1. SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk

2. The Council as Environmental Health Authority has advised that the Waste Water/Sewage System is to be constructed and installed in accordance with BS6279 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended). BS 6279 is applicable to systems for handling discharges from domestic and commercial sources from single households and upwards. These sources are typically septic tanks and package sewage treatment plants.

3. In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

This response with recommendation(s) was prepared by Elaine Little , to whom any further enquiries can be made on [REDACTED]

From: Local Review Body [REDACTED]
Sent: 09 April 2024 16:58
To: Local Review Body [REDACTED]; 'Donna Kennedy'
[REDACTED]
Subject: RE: Local Review Body 23/00537/PPP Montgomerieston Farm By Dalrymple

Good afternoon,

Please see attached in regards to the above case.

If you wish to make comment on the attached, please do so by Tuesday the 23rd of April.

Many thanks and kind regards,

South Ayrshire Council Local Review Body

County Buildings, Wellington Square, Ayr, KA7 1DR

E: [REDACTED]

T: [REDACTED]

W: www.south-ayrshire.gov.uk

From: Local Review Body [REDACTED]
Sent: 11 April 2024 13:02
Cc: Local Review Body [REDACTED]
Subject: FW: Montgomerieston Farm
Importance: High

Good afternoon,

Please see attached in regards to the above case.

The Applicant's Agent has been advised to make comment by the 23rd of April, if you are able to do the same, we would greatly appreciate this. Officially you have until Thursday the 25th of April as stated in the above letter.

Many thanks and kind regards,

South Ayrshire Council Local Review Body

County Buildings, Wellington Square, Ayr, KA7 1DR

E: [REDACTED]

T: [REDACTED]

W: www.south-ayrshire.gov.uk"

From: Donna Kennedy [REDACTED]
Sent: 22 April 2024 09:24
To: Local Review Body [REDACTED]
Subject: Re: Local Review Body 23/00537/PPP Montgomerieston Farm By Dalrymple

Dear Sir/madam,

Having reviewed the conditions set out should the application be approved, we feel all conditions are fair with the exception of Condition 7.

It is currently extremely difficult to get a mortgage on self-build properties and this condition would make it impossible for the client to obtain a mortgage, if they decide this is the preferred option for financing the new dwelling. This is one of the main reasons that this type of condition is discouraged, as stated in the letter from the Chief Planner in November 2011.

This condition would limit how the project could be financed by my client and could ultimately stop this dwelling being built. It has been demonstrated and accepted that there is a requirement for a farm workers house that needs to be met in order to support the business and we have provided justification for the house to be located where shown. For this condition to be applied to any approval on this site could potentially stop this requirement being fulfilled.

We ask that this condition be removed.

Kind regards,

Donna Kennedy

Sent from [Outlook for Android](#)

From: Lewis, Dianne [REDACTED]
Sent: 24 April 2024 12:14
To: McPartlin, Lorraine [REDACTED]
Subject: LRB further comments

In my opinion, I consider that, as the premise of the application for a new dwellinghouse is to support the farming business, that condition 7 should remain. This will ensure that the proposed dwellinghouse (if approved by the LRB) cannot then be sold/ leased on the open market and is tied in with farming business at Montgomerieston Farm.

The proposed house isn't sited near the farmsteading, and if this condition wasn't attached, this could result in a random standalone development which could be built and sold as it would have no association with the farm at Montgomerieston.

Regards,

Dianne Lewis | Planner – Place Planning | Housing, Operations and Development Directorate | [REDACTED] | Direct Line: [REDACTED] South Ayrshire Council | County Buildings, Wellington Square, Ayr KA7 1DR | www.south-ayrshire.gov.uk

Dianne Lewis | Planner – Planadh Àite | Buidheann-stiùiridh Taigheadais, Obrachaidhean is Leasachaidh | [REDACTED] | Loidhne dhìreach: [REDACTED] Comhairle Shiorrachd Àir a Deas | Togalaichean na Siorrachd, Ceàrnag Wellington, Inbhir Àir KA7 1DR | www.south-airshire.gov.uk

Web: www.south-ayrshire.gov.uk

Web: <http://www.south-ayrshire.gov.uk/planning>

Submit Planning Applications online at;

<https://www.eplanning.scot/ePlanningClient/>

Please note that the Planning Service currently has a short term reduction in available staff and there may be a resultant delay in the processing of your application/enquiry. We apologise for any inconvenience that this may cause and can assure you that our team are working hard to process cases as quickly as possible.

From: Little, Elaine [REDACTED]
Sent: 24 April 2024 08:46
To: Local Review Body [REDACTED]
Subject: FW: Montgomerieston Farm
Importance: High

To Whom it May concerns

Please see email below, Environmental Health have no objection to this application.

Kind regards

Elaine

DRAFT 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 full details of the proposed development, 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 this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below.
- (4) 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 character of the surrounding area. The design statement shall have cognisance of the Council's guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing.
- (5) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed house which shall not exceed one and a half storeys in height with the wall-head not extending above ground level ceiling level.
- (6) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed Sustainable Urban Drainage Systems (SUDS) which shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8.
- (7) That the new house shall not be sold, assigned, disposed, leased or in any other way disposed of separately from the existing farm operations at Montgomerierston Farm, and shall remain part of the same single inter-connected planning unit.
- (8) That at the Approval of Matters Specified in Conditions stage, details of biodiversity enhancement measures shall be submitted to and agreed by the Planning Authority prior to any works commencing on site.
- (9) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 4.8 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development.
- (10) That the private access shall be surfaced for a minimum of 10 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.

- (11) 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.
- (12) That 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, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy.

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) To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006.
- (4) In order to retain the rural character and amenity of the area.
- (5) In the interest of visual amenity, and so as to retain the rural character and setting of the locality.
- (6) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (7) The site lies within a rural area where the Planning Authority considers that new residential development is appropriate when justified as before required to support an existing rural business within South Ayrshire.
- (8) In the interests of ecology, and to safeguard the natural environment.
- (9) In the interest of road safety and to ensure an acceptable standard of construction.
- (10) In the interest of road safety and to ensure an acceptable standard of construction.
- (11) In the interest of road safety and to avoid the discharge of water onto the public road.
- (12) In the interest of road safety and to ensure adequate off-street parking provision.

Advisory Notes

- 1. SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk
- 2. The Council as Environmental Health Authority has advised that the Waste Water/Sewage System is to be constructed and installed in accordance with BS6279 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended). BS 6279 is applicable to systems for handling discharges from domestic and commercial sources from single households and upwards. These sources are typically septic tanks and package sewage treatment plants.
- 3. In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

4. 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.
5. 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.
6. 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.