
PROPOSAL:	Proposed Change of Use of agricultural land to residential, and associated erection of solar "flower" and garden room. (In Retrospect)
LOCATION:	7 Sornhill Row Galston East Ayrshire KA4 8NF
REFERENCE:	26/0140/PP
RECOMMENDATION:	Approval with conditions
FINANCIAL AND LEGAL IMPLICATIONS:	None
OBJECTIONS: 0	SUPPORT: 0

SITE AND PROPOSED DEVELOPMENT DESCRIPTION

The red-line application site relates to an area of agricultural land to the east of an existing dwellinghouse located on the eastern side of the B7037 at 7 Sornhill Row south-east of Galston. The dwellinghouse itself sits on the end of the row of residential dwellings at Sornhill. The application site slopes from west to east and is located within the rural protection area as defined by East Ayrshire Council LDP2.

Planning permission is sought for the proposed change of use of agricultural land to residential, and associated erection of solar "flower" and garden room (in retrospect). The works have been undertaken on site, the solar "flower" is sited in the south easter corner of the site and the garden room on the northern edge of the site. The solar "flower" measures 4.82m in height and 4.8m in diameter. The garden room is timber in construction, and measures 5.1m by 3.9m and has a maximum height of 2.41m.

PLANNING HISTORY

13/0184/PP: Erection of a detached one and a half storey dwelling house - Approved with conditions - 02.07.2013

20/0141/PP: Erection of a balcony – Approved - 17.08.2020

CONSULTATION RESPONSES

Ayrshire Roads Alliance (Flooding) - No objections with advisory note in relation to water resistant forms of construction and materials.

REPRESENTATIONS

No representations were received

DEVELOPMENT PLAN POLICIES

The development plan for the area comprises the adopted East Ayrshire Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4).

East Ayrshire Local Development Plan 2 (LDP2):

Policy SS1: Climate Change

Policy RES3: Residential Amenity

Policy DES1: Development Design

Policy NE1: Protecting and enhancing landscapes and features

Policy NE4: Nature Crisis

Policy NE10: Protection of agricultural land

Policy RE1: Renewable energy

Policy CR1: Flood risk management

Policy SS2: Overarching Policy

LDP2 Supplementary Guidance

Energy and EV Charging

National Planning Framework 4 (NPF4)

Policy 1: Tackling the climate and nature crises

Policy 2: Climate Mitigation and adaptation

Policy 3: Biodiversity

Policy 5: Soils

Policy 11: Energy

Policy 16(g): Quality homes

Policy 14: Design, quality and place

Policy 29: Rural Development

ASSESSMENT OF APPLICATION

Sections 25 and 37(2) of the Town and Country Planning Scotland Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

As set out within Section 24(3) of the 1997 Act (as amended), where there is incompatibility between particular provisions of NPF4 and the Local Development Plan, the later in date will prevail. As the NPF4 predates LDP2, it is LDP2 which will prevail, where there is incompatibility between these.

The key considerations in the assessment of this application are:

- The principle of use, erection of solar "flower" and garden room
- Residential Amenity
- Loss of agricultural land
- Biodiversity
- Renewable Energy
- Climate Change

The principle of use of the agricultural land to garden ground, erection of solar "flower" and garden room

This proposal seeks to change the use of agricultural land to the rear of 7 Sornhill Row, Galston.

Policy 29 of NPF4 supports development in the rural area where:

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
 - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
 - iv. essential community services;
 - v. essential infrastructure;
 - vi. reuse of a redundant or unused building;
 - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
 - ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
 - x. improvement or restoration of the natural environment.

In this instance the proposed change of use to garden ground does not meet any of the circumstances where development would be supported by Policy 29 of NPF4, and there are no rural specific development policies within LDP2.

However, Policy NE1 of LDP2 seeks to protect the landscape within East Ayrshire by ensuring that all developments:

- (i) Are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish, lighting and colour.
- (ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise adverse impacts on the landscape.
- (iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced, where applicable or feasible to the development. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape are unacceptably diminished, will not be supported.

In this instance, as detailed previously, the area of ground was formerly part of an agricultural field between another field and 7 Sornhill Row- the land offers no agricultural function and does not appear to have been part of any maintenance regime. Given that the existing boundary arrangement comprising hedgerow will be reused, visually, there will be very little difference in the appearance of the property and rural landscape.

The solar 'flower' and garden room (both erected in retrospect) are considered to represent typical domestic features and the principle of which can be supported. It is noted that the solar 'flower' has been in-situ within the application site and within the curtilage of 7 Sornhill Row for a significant period of time and is not deemed to adversely impact on residential amenity and nor will it result in landscape/visual harm. Similarly, the garden room is of a modest size and scale and is clearly compatible with the site and the wider locale, noting the sheds/outbuildings located within the rear gardens of adjoining and nearby properties.

It is therefore considered, in this particular instance, that the change of use, the solar flower and garden room, do not have an unacceptable impact upon the property or rural landscape and the proposed expansion of the garden can be appropriately accommodated on this area of land. The principle of the development can therefore be supported, albeit contrary to Policy 29 of NPF4.

Residential Amenity

Policy RES3 from LDP2 requires that residential character and amenity is protected and enhanced and Policy 16(g)(i) from NPF4 requires that proposals do not have a detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking.

The application site is within the rural area and adjacent to the B7037. The application site is adjacent to No 6 Sornhill Row and is on the end of the row of houses and as result is not expected to detrimentally impact residential amenity. It will not result in the overlooking or overshadowing of any neighbouring dwellings. The garden room, solar flower and astroturf area is not therefore considered to detract from the amenity of the area. The proposed extension to the garden ground is not considered to detrimentally impact the nearest residential property (No 6 Sornhill Row) or the amenity of the area.

Loss of agricultural land

The proposal includes the change of use of part of an agricultural field to expand the existing garden area of 7 Sornhill Row. The land that is proposed within the change of use is classified as 3.2 on the Macauley Land Capability for Agriculture maps of Scotland, which does not fall within the prime quality agricultural land classification. The proposal is therefore not considered to detrimentally impact nationally or locally important agricultural land. Overall the change of use is not considered detrimentally impact the rural area or adjacent farms in accordance with LDP2 Policy NE10 and NPF4 Policy 5.

Biodiversity

Policies NE4 of the LDP2 and 3 of NPF4 require all development to consider the biodiversity impacts of the development and provide an overall enhancement in biodiversity, proportionate to the development. In this instance, while the land was grassed, it does not offer significant biodiversity value and given it would become private garden ground, there is not considered to be a loss in biodiversity with the biodiversity contribution remaining within the boundary of the private garden.

Renewable energy

Policy RE1 of LDP2 states that all applications for renewable energy proposals should be accompanied by detailed supporting information to allow a detailed assessment to be made against the criteria, both in terms of the impacts of the development itself and the cumulative impacts when considered alongside other developments. Applications for renewable energy will be assessed against the relevant Renewable Energy Assessment Criteria including climate change impacts and environmental impacts, set out with the policy and within East Ayrshire Councils Supplementary Guidance on Energy and EV Charging.

The application includes the siting of a solar flower, noting that the solar flower has been positioned within the application site and within the curtilage of 7 Sornhill Row since at least 2019 and relates to a small-scale residential development. Noting that the applicant's supporting information which details the overall dimensions of the solar flower and its capacity and efficiency, the proposal represents a local development that is relatively small in scale and as a result it is not considered proportionate to request additional supporting

information as noted within the policy. It is noted that Policy RE1 states detailed supporting information 'should' be provided, and not 'must' be provided, which represents an important distinction and allows for a degree of flexibility depending on the nature of the development. It is considered appropriate with regard to this development proposal to exert that flexibility.

The proposed solar flower has been re-positioned from an area of garden ground to the south of the existing dwelling at 7 Sornhil Row and within close proximity to the B7037, to an area located in the south-eastern corner of the application site, further from the public domain. The re-siting of the solar flower will reduce the overall visual impact when viewed from the public domain. The size of the solar flower is considered to be of a suitable scale within a domestic setting and within the rural area. It is not considered to have a significant negative impact on the rural environment through its siting, scale and design. The visual impact of the proposal is localised and will not have a significant adverse landscape and visual impact.

Overall the proposal is in accordance with Policy RE1 of LDP2.

Climate change

Policies SS1 of the LDP2 and 1 and 2 of NPF4 require that consideration be given to the impacts that development may have on climate change and set out any potential mitigation. Given the site is highlighted as being at risk of flooding in the latest SEPA flood maps Ayrshire Roads Alliance flooding section were consulted in relation to the application and have advised that there will be negligible impact from the proposal on the floodplain. Policy CR1 on flood risk management states that The Council will take a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. It is considered that the proposal which is small in scale, will not alter the existing capacity will not have an impact on flood risk, overall there are no mitigation measures considered to be necessary. The proposal is therefore not considered to be at risk of current and future impacts of climate change.

CONCLUSIONS

The proposed garden room, solar flower and change of use of the agricultural field in retrospect is considered to be acceptable. The proposal is considered to preserve the residential amenity and character of the locale, adjoining and nearby residential properties, as well as the existing dwellinghouse at 7 Sornhill Row. The proposed change of use is acceptable as it will not negatively impact prime or locally important soils or the surrounding rural area, noting the extent of adjoining garden areas of those existing dwellings located to the north of the application site.

In conclusion and noting the above assessment, the proposed development is considered to be acceptable under the terms of the relevant policies of the development plan. Whilst the application is contrary to policy 29, it is appropriate in terms of the EALDP which is the later of the documents that form the Development Plan. Having considered all the relevant material considerations highlighted within this report, there are none that would warrant the refusal of the application to outweigh the provisions of the development plan.

RECOMMENDATION

Approval with conditions

REASONS FOR DECISION

The proposed development is considered to be in accordance with the policies of LDP2 and NPF4 (other than policy 29) and there are no material considerations in respect of the proposal that would justify refusal of the application

CONDITIONS:

1. The permission hereby granted shall be taken to have commenced on 31/08/2024.

Reason: The development has already commenced and therefore the provisions of Section 58 of The Town and Country Planning (Scotland) Act 1997 (as amended) do not apply.

ADVISORY NOTES:

ARA Flooding

It is required that the applicant be made aware of this flood risk, and that they utilise water resistant forms of construction and materials during the works all as specified in the B>S> technical handbook section. [3.3 Flooding and groundwater - Building standards technical handbook 2022: non-domestic - gov.scot](#)

Case Officer – Alexandra Linn

Appointed Officer – Fiona Finlay

Chief Planning Officer – Pamela Clifford