



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 25 January 2023 at 14:15** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the meeting held on 26 October 2022 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 22/00454/PP - Arran, Whiting Bay, Dippenhead Farm

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

4 Notice of Review: 22/00331/PP - Kilbirnie, Tennox Farm

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

5 Notice of Review: 22/00540/PP site to the northwest of West Bankside Farm, Kilbirnie

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

6 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

**Local Review Body Committee
26 October 2022**

At a Meeting of the Local Review Body of North Ayrshire Council at 3.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Timothy Billings, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

Present (Remote Participation)

Scott Davidson, Amanda Kerr and Jim Montgomerie.

In Attendance (Physical Participation)

A. Hume, Senior Development Management Officer (Planning); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services) and A. Little and D. McCaw, Committee Services Officers (Chief Executive's Service).

Apologies

Ian Murdoch and Chloé Robertson.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minute of the meeting of the Local Review Body held on 8 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 22/00408/PP - 2 Lovat Street, Largs

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning Decision Notice, further representations and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. The Planning Adviser advised that no site visit had been requested by the applicant. The Committee was also advised that following clarification with the application, a hearing had not been requested.

Councillor Inglis, seconded by Councillor Billings, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice. There being no amendment the motion was declared carried.

The meeting ended at 3.55 p.m.

NORTH AYRSHIRE COUNCIL

25 January 2023

Local Review Body

Title: **Notice of Review:** **22/00454/PP - Arran, Whiting Bay, Dippenhead Farm**

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00454/PP for a change of use for the temporary siting of a static caravan to enable the development of agricultural land and eco-tourism business at Dippenhead Farm, Whiting Bay, Arran
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan; and
 - Appendix 4 - Planning Decision Notice.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

Background Papers

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Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100576995-004

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

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="Wildwood Croft"/>
First Name: *	<input type="text" value="duncan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Dowie"/>	Address 1 (Street): *	<input type="text" value="Whiting Bay"/>
Company/Organisation	<input type="text" value="wildwood croft ltd"/>	Address 2:	<input type="text" value="Largiemeanoch"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Arran"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="North Ayrshire"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="KA27 8RJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

DIPPENHEAD FARM

Address 2:

LARGIEMEANOCH

Address 3:

MAIN STREET

Address 4:

Address 5:

Town/City/Settlement:

BRODICK

Post Code:

ISLE OF ARRAN

Please identify/describe the location of the site or sites

Northing

624232

Easting

204935

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)

Change of use for temporary sitting of a static caravan to enable development of agricultural land and eco-tourism 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? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> Provided as a separate document in "Supporting Documents" section </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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) <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> We have had time to observe the site and surrounding area which has led us to propose a new and hopefully better site for the static caravan in addition to changing the aesthetics of the caravan to enhanced the current environment and character of the site </div>							
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) <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> proposed new caravan siten1 to 1250 scale pdf PLANNING REVIEW Nov 2022 A. Bill doc. </div>							
<h3>Application Details</h3> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Please provide the application reference no. given to you by your planning authority for your previous application.</td> <td style="border: 1px solid black; padding: 5px;">22/00454/PP</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">22/06/2022</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">22/08/2022</td> </tr> </table>		Please provide the application reference no. given to you by your planning authority for your previous application.	22/00454/PP	What date was the application submitted to the planning authority? *	22/06/2022	What date was the decision issued by the planning authority? *	22/08/2022
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00454/PP						
What date was the application submitted to the planning authority? *	22/06/2022						
What date was the decision issued by the planning authority? *	22/08/2022						

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We would appreciate the opportunity to present ourselves and our proposal and discuss specific issues

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It may be beneficial to have a site visit by the review persons in order to clearly visualize the current land situation, the old chicken shed and where the newly proposed caravan site is - in addition to the wider environment and business plans.

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: Mr duncan Dowie

Declaration Date: 21/11/2022

Proposal Details

Proposal Name	100576995
Proposal Description	to support the temporary sitting of a static caravan
Address	DIPPENHEAD FARM, LARGIEMEANOCH, MAIN STREET, BRODICK, ISLE OF ARRAN
Local Authority	North Ayrshire Council
Application Online Reference	100576995-004

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Planning_Review	Attached	A4
Proposed_site_location	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

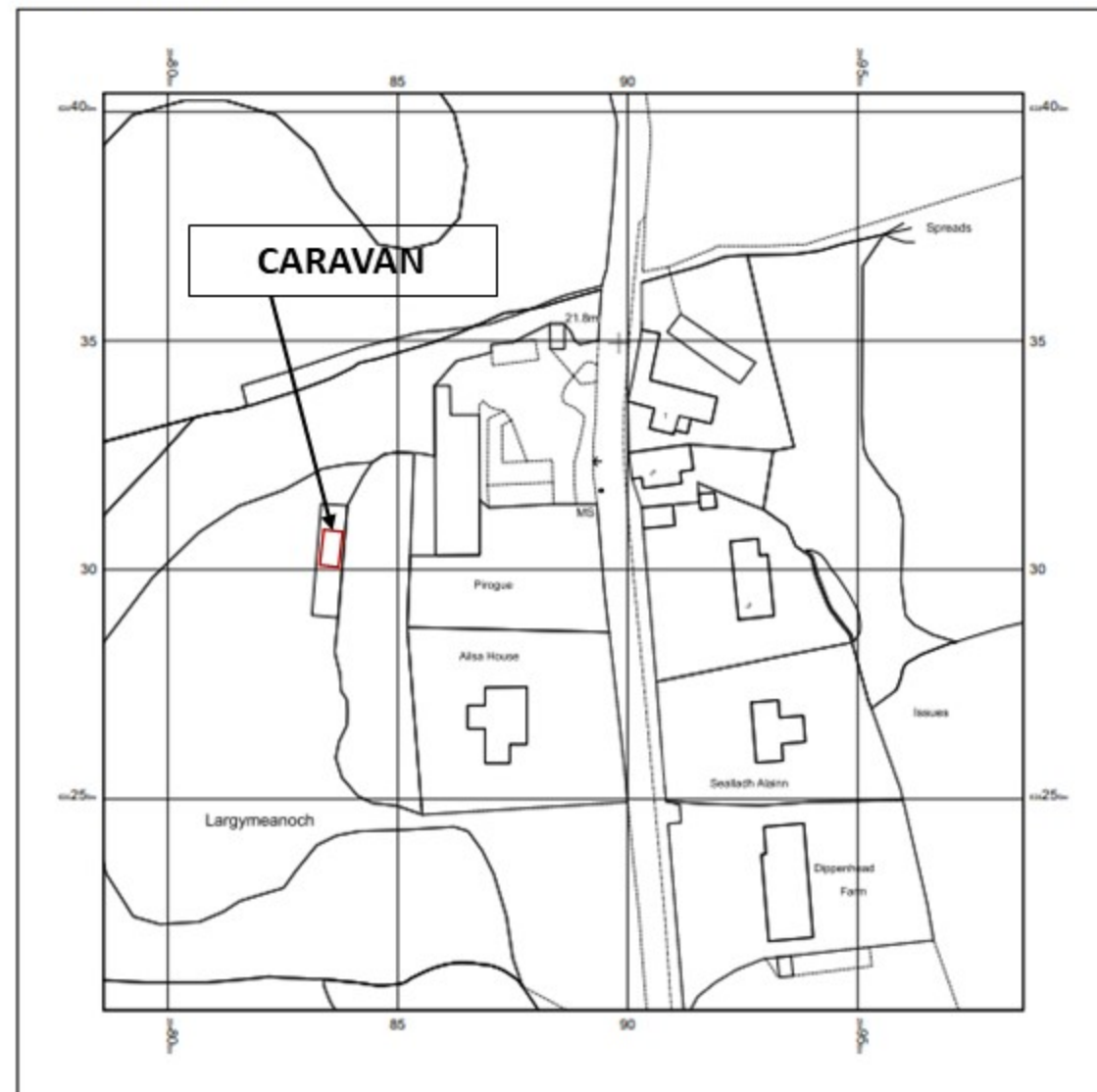
DIPPENHEAD FARM, WHITING BAY, ISLE OF ARRAN, KA27 8RN

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PLANNING APPEAL

Reference No:	22/00454/PP
Online Reference Number:	100576995-004
Proposal:	Change of use for temporary sitting of a static caravan to enable development of agricultural land and eco-tourism business
Location:	Dippenhead Farm, Largiemeanoch, Whiting Bay, Ayrshire KA27 8RJ
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 23.06.2022 Neighbour Notification expired on 14.07.2022
Advert:	Regulation 20 (1) Advert Published on:- 08.07.2022 Expired on:- 29.07.2022

For reference in this document “We” – refers to the applicants Dr Anwên Rose Bill and Mr Duncan Dowie

We are appealing the decision referenced above which denied the temporary licence of a static caravan, and list our reasons for appeal below. We refer to the Report Handling document we received when our planning application was refused and our previously submitted Supporting Statement and Design and Access Statement.

Please note the static caravan has now been temporarily situated immediately adjacent and horizontally too, the large green agricultural building. The provides distance from the road and neighbours and prevents any current views to the sea etc being obstructed. We also request within this appeal that the temporary license for the static caravan be considered for situation on the site where the dilapidated old chicken shed currently sits (though the caravan has a much smaller footprint). We suggest the caravan be clad in larch to fit with the environment and improve the aesthetics of the site and a septic tank and soakaway installed in accordance to government and SEPA guidelines. The caravan will be powered predominantly by solar power as we intend the whole business to be carbon neutral as soon as we have the correct permissions.

We now proceed with our appeal;

In the Report Handling (referred to hereafter by "RH"), the fourth paragraph under APPLICANTS sections states

"A temporary consent is therefore sought for a period of three years to allow the business to become established. The applicants would thereafter apply for a permanent residence at the site"

We would like to clarify that after the three years (perhaps sooner), we would not apply for permanent residence on the same site but would make alternative arrangements and if looking to build a home this would be on a separate plot of land far removed from the current cluster of homes that are in close proximity to the green agricultural building. The static caravan will simply allow us to live and work as an inter-dependant family while building the business - we are highly dependent on each, other due to our daughters autism and mental health issues and Mr Dowies disabilities.

As set out in the RH the site is located the countryside, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: Spatial Strategy (the Countryside Objective) of the LDP is relevant, as is Strategic Policy 2: Placemaking

We highlight the following under RH **"Consultations and Representations"**

1) No objections from local residents and homeowners were received to the temporary sitting of the static caravan. On the contrary, they have all expressed positive feedback for our plans, which living on the land will enable, particularly the organic agriculture and opening up the dilapidated paths to allow community access to the woodlands on site and link to the paths to the network of cycle and walking forestry paths adjoining the topmost section of the property.

2) NAC ACTIVE TRAVEL AND TRANSPORT: A potential issue was noted in regard to water issuing onto the public road and that potential hard surfacing and design may be required to prevent this. We would suggest that hard surfacing will promote water runoff and though use of SuDS (sustainable urban drainage systems) compliant surfaces may help the volume of runoff observed during a heavy rainfall event would more likely overwhelm such measures. Following on-site observation we would suggest the water comes from two separate sources; 1. The large green agricultural building which has a considerable catchment area, and which the current gutters and drainage systems are insufficient to retain run off in a deluge, and so the water currently flows down the path of least resistance and onto the road. The other source of water comes from the ephemeral stream to the north of the property. The land adjacent and south of the stream has been previously removed, lowering the land height and effectively removing the southern bank of the stream this results in the channel overflowing during times of heavy rainfall events. In addition large boulders in the channel and old fencing are causing obstruction, catching debris and

having a damming affect adding to the overflow. We would therefore suggest that we fix the water drainage on the barn (and will harness this resource by having rainwater catchment system for our animals and agriculture). Also we suggest that we rebuild the bank on the southern side of the stream (which we have begun already) in addition to removing some large boulders and debris that have previously blocked the flow of water.

The main determining issues in the application were considered to be whether the development accords with Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking of the 2019 Adopted North Ayrshire Local Development Plan and whether any other material considerations indicate that planning permission should be granted. As such Criterion cited under the Countryside area and the Countryside Objective of Strategic Policy 1 including;

1. **Criterion (b):** *ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry. In response to this criterion it is noted that there is no existing agricultural business at the site;*

In response we state that we are an agricultural business, albeit in the infancy stages, our business is registered as Wildwood Croft Limited with VAT returns and with a County, Parish Holding (CPH) number registered to the land. The land is being improved and work has begun already to clear overgrowth, fence areas to contain future livestock and the barn which was unused and filled with old cattle faeces etc has been cleared and is being used as a workshop for the agricultural work including housing the materials (all re-used and recycled) we will use to build the greenhouse and farm infrastructure. As a new business we needed time to demonstrate this and would welcome a visit to discuss work undertaken to date and future proposals.

In addition we note the guidance points for Criterion (b) as listed and responded to below, from the North Ayrshire's Housing in the Countryside, Policy Guidance Note June 2021, as follows;

- i. The applicant should provide a robust business case or justification that highlights the need for the housing and the benefit it will serve.

As stated in our original application and supporting statement our justification is describe as multi-functional; we require to be on site for the welfare of the animals we are due to have for conservation grazing, there is one main road on Arran and if it is blocked in winter etc we would be unable to travel to check on them or be site for births etc. In addition there is no available local housing for year round rentals across Arran especially in Whiting Bay. The temporary residential licence will enable this business to become established with a suite of benefits to the environment, community and local economy. We cannot build and develop this business if we cannot live on the site. Even if it were feasible to run the croft/farm and be off-site, as stated in our previous application, Arran has a well-documented housing shortage (crisis), the cost of property is above the national average. 40% of the homes on

Arran are holiday homes, when rare rentals do become available they for the most part run September to March to profit from the summer tourism trade. There is no affordable housing and the island, it's community and commerce is suffering as a result.

- ii. The dwelling must be solely occupied by workers.

We are agricultural workers, we are building this agricultural and sustainable eco-tourism business and only we will occupy this dwelling.

- iii. The ancillary development should support the rural economy and support local employment.

Wildwood Croft will be sustainable, carbon neutral, enhance biodiversity, enhance accessibility to green and blue spaces for the community and visitors, create employment, provide organic produce, be an important contributor to the visitor economy, and form a focal point for conservation education while protecting this valuable and beautiful countryside. Our business will and already does use local trades and businesses and will feed back into rural economy via produce and tourism.

- iv. The proposed development should not cause loss of prime agricultural or forestry land nor should the development impact on any land or features of environmental or ecological interest.

By using the existing areas of hardstanding or building foundations the static caravan will not causes any losses and is not a permanent fixture leaving no lasting impact.

2. *Criterion (h): new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. None of these considerations apply to this proposal*

The Housing in the Countryside, Policy Guidance Note June 2021, lists the following for guidance and we appreciate we failed to address this in our initial application;

- i. In relation to 'replacement or converted building' the main consideration is the impact of the proposed building both relative to the one being replaced / converted and as a building within the setting in its own right i.e. is it suitable for the location and local context and character

We are not building a home but have requested a temporary licence, so perhaps this does not apply to our application, however we propose to move the static caravan to replace the old dilapidated chicken shed - removing this unsafe eye-sore and the asbestos. We propose to clad the caravan with larch to blend with the natural and agricultural environment, minimising the visual and environmental impact and, hopefully, significantly improving it.

- ii. The visual impact of the proposal must not be any more detrimental than what is currently on the site. When assessing proposed replacement building(s), scale

and massing are key considerations. Building footprint and ridge height should not be dissimilar to existing conditions.

The footprint of the static caravan (at 11m x 3.7m and 3m high) is significantly smaller than the derelict chicken shed at 25m x 5m and 5m high. As a lower building than the chicken shed it would be mostly hidden by the mature shrubs surrounding it currently. Certainly it will not be more detrimental than what is currently on the site (see Images 1,2 and 3).



Image 1. Aerial view of old chicken shed



Image 2. The Chicken Shed as it is



Image 3. Example of a static caravan clad in larch

3. **Criterion (i)** *sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity and visually identifiable as a group. It is noted that additional houses have previously been approved and subsequently built under this policy (15/00189/PP) and that the adjacent group has therefore reached its limit for expansion under the policy.*

In response we are not suggesting a permanent property but suggest relocate the non-permanent caravan onto the footprint of the old “chicken shed”.

In addition could this site be termed out-side of the existing nucleated group ? We suggest this by way of a) the elevated position and b) the large agricultural barn - both of which may be classed as natural breakages in a visually identifiable cluster.

We put forward that our temporary licence application sits well under the Strategic Policy 1, for the following reasons;

“In principle, we will support proposals outwith our identified towns and villages for:”

“Criterion d) *tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure”*

Our agricultural site, organic produce, food forest, eco-tourism cabins and environmental education will boost economic and coastal tourism activity, but we need to live (together), on the land in order to develop this business. We are also passionate about starting up the charity for well-being on site for children and parents/carers of those with autism, anxiety, depression. This will blend the benefits of green and blue nature and community, filling a gap that is currently unmet due to a lack of resources on Arran.

“Criterion e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks”

Our temporary licence to live on the land will enable us to re-use the footprint of the old chicken shed, removing asbestos from the environment and a safety hazard. We have already begun to rehabilitate the land which has not been worked for years, removing some of the dominant bracken, bramble and gorse to allow diversification. As part of our business and land management we will be introducing conservation grazing, planting an orchard and wild flower meadow and creating water catchment systems such a pond creation to build in wildlife resilience to increased droughts and high water events that come with changes to our climate. In addition we are improving and putting in new paths to link with the forestry land, enabling people to travel all the way to Lamlash and beyond without using a single road, or simply to access the natural environment and historical sites above Whiting Bay.

In regards to Strategic Policy 2: Placemaking, we hope it can be recognised that the temporary sitting of a larch clad static caravan in the newly suggested site, will meet all the criteria under this policy as described below;

- 1. Distinctive; The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity*

This land and site has been agricultural for many years, our caravan situated on the old chicken shed site will create a more positive environment, lower in topography, and blended to the environment by being clad with larch, fitting in with the landscape, rural character and also enhancing it.

- 2. Welcoming; The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.*

The paths we will create to the croft and caravan and further to higher slopes will be clearly signposted and maintained as a route to enjoy the sea views from the top of the land, a route to take in the historical chambered tombs of Giants Graves, which would also links into the Glenashdale Falls loop walk

- 3. Safe and Pleasant; The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces. The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.*

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Having a working croft with sustainable tourism and ecological benefits will meet this criteria and improve this land which had been looking abandoned, run down and was unsafe to those who may enjoy roaming here. We believe we have already improved the sense of place here, clearing the dense overgrown land at the front, removing refuse and dangerous items from the land, building fences and a gate that improves accessibility to all users. Visually it is already much improved and when we move the caravan it will be even more so.

- 4. Adaptable; The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.*

A versatile multi-functional green space is absolutely what we aim to achieve, with improved access to and through the croft, for leisure, education, foraging, and health. We mean to enhance and protect the environment and biodiversity here and having a temporary caravan means no negative lasting impact to the land for future users, only benefits for access and use of the land.

- 5. Resource Efficient; The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks*

By installing solar energy to run the caravan and barn we will minimise our use of Arrans resources, also by capturing rainwater for agricultural uses means we will not have to diminish the finite reserves of freshwater on the island (reserves which were tested some years ago and which will face increasing pressure in the future due to climate change). Our waste will be treated via septic tanks and soakaways in accordance to legislation

- 6. Easy to Move Around and Beyond; The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.*

The site is well connected with easy walking or cycling into Whiting Bay, a distance of 400m, and by using the local bus service 323 linking the site to Whiting Bay, Lamlash and Brodick to the North and East and Blackwaterfoot to the South and West. In addition will be re-establishing the old path that leads through the site to the forestry land and paths that link to the whole of Arran by foot, cycle or horseback.

The RH concluded that the sitting of a residential caravan did not accord with the Local Development Policies but we hope we have now amended our plans and also more clearly defined how it does.

Following are the additional comments and points in the RH which we would like to address;

1. *"The previous planning history of the site is also a material consideration which indicates that this location has at several points been considered and found not to be suitable for residential use."*

The need for our temporary accommodation needs are very different to the previous owners, though we note they were approved a temporary licence for a portacabin. Further because of the temporary aspect to this application and this being for the primary reason of an agricultural and tourism business (both important to the local area), we hope this application and our merits, will be viewed on a separate and individual basis.

2. *"The personal circumstances of an applicant, i.e.. the medical need to be present at the site in this case, are rarely a material planning consideration which outweighs the non-compliance with the Local Development Plan and **are not considered** as such in this case, given the short distance to the settlement of Whiting Bay where options for residential accommodation, including an established caravan park, can be found"*

We respond to this on two separate terms;

Firstly, all disability *must be considered by law* under the Disability Act of 2010, reasonable adjustments are required to be made and disabilities taken into account. We understand there is complexity here that perhaps only those with specialised knowledge of Mr Dowie's conditions can appreciate but with ME and Fibromyalgia in addition to neurological pain and leg weakness, the medical need to be on site, to rest when needed, sleep when needed is crucial for Mr Dowie and the future of this business. Often there is limited warning and he certainly could not walk or cycle to town and would not be safe to drive if and when his fatigue and pain flare up. A disability is not a choice and can be limiting, preventing an individual (if adjustments are not made) from contributing to society, from using the transferable skills they possess and thereby forcing them to a stunted life with no progression or satisfaction, easily leading to mental health issues and dependency on the state. This circumstance is one part of the motivation for us to move here and begin this endeavour now, following Mr Dowies health issues after an accident that change our family dynamic forever.

Secondly, regarding the short distance to Whiting Bay regarding accommodation, in addition to the disability issues mentioned above, also as we described our daughter aged 12 is autistic, with a PDA profile and complex developmental trauma following PTSD from our accident. As her mother and main carer, as well as an agricultural worker on the croft, in addition to working remotely, Anwên Bill needs to be with our daughter and in close proximity at almost all times. To be able to work on the croft in between, or alongside caring for her daughter, and between work commitments Anwên must be on site and so must our daughter. This requires us to have a home here so that her additional needs are met as a priority.

In addition, even if Whiting Bay could be suitable (which it is not, especially for animal welfare) there is no accommodation available. As previously stated, there is a

shortage of affordable housing, no year-round rentals and the established caravan park is full in addition to not being open all year round.

It was previously mentioned that we may ourselves be the two agricultural workers we stated we would create employment for,, however we will create two full-time employment positions or equivalent in part-time flexible working hours, which are *in addition* to ourselves as workers, adding to the local community and economy.

We hope we have now adequately identified how our amended application now complies with LDP. We would also draw attention to section 3.1.1 of Scottish Planning Policy as aim for our business to fit the ethos and priorities expressed;

“3.4. The Scottish Government have a clear stance on the need to deliver quality housing within the countryside with importance placed on setting and sustainable development. Rural development should promote a pattern of development that is appropriate to the character of the area, ensure rural communities are sustained and growth is supported while protecting the existing natural environmental quality.

3.5. Accommodation which supports rural businesses and/or repopulates and sustains rural areas to stimulate rural economic growth and sustainability will be encouraged. Support will be provided to developments that proactively rebuild the resilience of rural communities and economies by enabling well designed, sustainable development “

We hope this clarifies our position and application, please do not hesitate to contact us for any further information.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	22/00454/PP
Proposal:	Change of use for temporary sitting of a static caravan to enable development of agricultural land and eco-tourism business
Location:	Dippenhead Farm, Largiemeanoch, Whiting Bay, Ayrshire KA27 8RJ
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 23.06.2022 Neighbour Notification expired on 14.07.2022
Advert:	Regulation 20 (1) Advert Published on:- 08.07.2022 Expired on:- 29.07.2022
Previous Applications:	03/00680/PP for Widening of access road to field and erection of a portacabin (retrospective) Approved subject to Conditions on 17.05.2005 08/00964/PP for Modification of condition 4 of planning approval N/03/00680/PP to retain portacabin for agricultural use Application Refused on 30.06.2009 18/01034/PP for Conversion of redundant agricultural building to form dwelling house LRB Dismissed on 21.01.2019 20/00077/PP for Conversion of redundant agricultural building to form dwelling house Local Review Requested on 26.03.2020

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role

in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of

successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Description

Planning permission is sought for the siting of a static caravan for a temporary period to provide a residential base to enable the applicants to restore and improve the surrounding agricultural land and existing barn to form a new crofting business.

The eventual proposed business detailed in the supporting information relates to the former farm of c.16.5 hectares extending to the south and west but this application relates only to the site of c.1000m² immediately to the west of the C147 road. The site is c.400m south of the settlement boundary of Whiting Bay.

The caravan has already been sited and is a static white residential caravan of standard design, measuring c.11m x 3.7m and 3m high. It is sited in an elevated position at the northeast of the site c.8m west of, and parallel to, the C147 which runs along the east side of the site and is accessed via the existing field access gate. Power is taken from the adjacent barn to the west. The applicants claim that this is not the final position of the caravan within the site.

The site is agricultural in character and slopes uphill from east to west. It is adjoined by agricultural land to the north and west. Uphill to the west is a steel clad agricultural shed and a dilapidated timber former chicken shed; to the south is a recently built detached house (18/00615/PP); to the east, across the A841 are established dwellinghouses.

STATEMENTS

The application was accompanied by a Supporting Statement and a Design and Access Statement which describe plans for the future proposals for the site and the qualifications and personal circumstances of the applicants which have led them to the current proposal.

The Reports state that the surrounding land had been previously used and classed as agricultural for many years, formerly as Dippenhead Farm, and that the applicants' intentions are to continue that use and to take on the agricultural holding number if possible. The aim is ultimately to create a family run croft producing woodland products and organic vegetables, eggs and honey through the incorporation of a sustainable blend of socio-agro-environmental techniques, thereby enhancing biodiversity for wildlife and humans.

The future proposals include: creation of an additional 12 acres of native woodland planting and forestry; creation of a minimum 2 FTE jobs with seasonal increases and forecast rising future employment; Annual Reporting on changing bio-diversity and carbon sink estimates; monitoring of bird, invertebrate and plant diversity before and during to demonstrate how sustainable organic vegetable and fruit production using 'no dig hügelkultur' is, and will become, as climate and weather changes now and in the future. The aim is for the holding to be an example of carbon neutral, organic agricultural produce.

Future plans also include sustainable eco-tourism with up to 10 cabins in the woodland, woodland creation, management and access, forest garden and woodland trails. The intention being to involve and educate people and enhance access for the community and community projects and provide a safe, demand free space for children and carers dealing with anxiety and/or autism. Future livestock

22/00454/PP

would include highland cows, goats, pigs, chickens, goats, two horses for conservation grazing, honey bees and a wormery for organic farming.

APPLICANTS

The applicants are a family group, one of whom has a PhD in Ecology and is employed by the Scottish Government Agricultural Census as a Statistician and one who has qualifications in Animal Biology. The owners also have over 20 years' experience in the leisure and catering industry managing successful hospitality businesses. The Statements claim that these experiences have led to the proposal to create this sustainable agriculture and eco-tourism business which will lead to the creation of at least two full time employment positions.

In terms of the justification for the siting of a caravan, the Statements claim the need for the applicants' to sell their home elsewhere and move to live on the land to undertake the work to prepare the land for the introduction of livestock and ensure the wellbeing of the livestock. It is claimed there is a lack of affordable accommodation elsewhere on Arran and no available rentals.

One of the applicants is registered disabled retired and while he can and will work on the land, he cannot also reasonably manage this with a commute to reach the site as well as he needs the ability to pace himself and rest for periods as required throughout the day as his condition demands it. It is claimed a caravan onsite would allow this.

A temporary consent is therefore sought for a period of three years to allow the business to become established. The applicants would thereafter apply for a permanent residence at the site.

The site is located the countryside, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: Spatial Strategy (the Countryside Objective) of the LDP is relevant, as is Strategic Policy 2: Placemaking.

PLANNING HISTORY

There has been previous agricultural use of the site including agricultural sheds built under Permitted Development rights in 2004 (04/00702/AN) and 2007 (07/00009/AN).

There has also been consent given previously for a temporary portacabin for agricultural purposes in 2003 (03/00680/PP) although an application to retain it permanently was later refused in 2008 (08/00964/PP).

Planning permission for conversion of a former agricultural building on the site to form a residence has been previously refused twice. 18/01034/PP was refused in January 2019 as contrary to the Local Development Plan and that refusal was upheld by the Local Review Board of the Council on 30th July 2019.

A pre-application (20/00077/PP) was then made in January 2020 on the basis that a new Local Development Plan had been adopted in the interim period, that an adjacent approved house site to the south was then being built and that these were material considerations which justified re-application and that the proposal complied

with the policies of the new Adopted LDP. Planning permission was again refused, and that refusal was upheld by the Local Review Board in September 2020.

Consultations and Representations

The statutory neighbour notification was carried out and the application was advertised in the local press (Arran Banner). No objections have been received.

CONSULTATIONS

NAC ACTIVE TRAVEL AND TRANSPORT: No objection on transport related grounds, subject to conditions regarding visibility splays at the junction with the public road and requiring the private access/driveway to be hard surfaced and designed so as to prevent water issuing onto the public road.

Response: Noted. Appropriate planning conditions and informative notes could be applied to any planning permission.

Analysis

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations.

The determining consideration in this application is whether it would be an appropriate site for residential use. It is noted that the LDP does not allocate any land for the temporary siting of residential caravans and each such case must be considered on its individual merits.

The main determining issues in the application are therefore considered to be whether the development accords with Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking of the 2019 Adopted North Ayrshire Local Development Plan and whether any other material considerations indicate that planning permission should be granted.

The site is within the Countryside area and the Countryside Objective of Strategic Policy 1 sets out circumstances in which residential proposals outwith Towns and Villages can be supported in principle. These include:

Criterion (b): ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry. In response to this criterion it is noted that there is no existing agricultural business at the site;

Criterion (h): new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. None of these considerations apply to this proposal; and

Criterion (i) sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity and visually identifiable as a group. It is noted that additional houses have previously been approved and subsequently built under this policy (15/00189/PP) and that the adjacent group has therefore reached its limit for expansion under the policy.

The principle of residential use at the site does not therefore accord with Strategic Policy 1: the Countryside Objective of the LDP.

Strategic Policy 2: Placemaking requires that development proposals meet the qualities of successful places which are outlined in the policy without significant adverse environmental or amenity impacts. The six qualities of a successful space outlined in the policy are:

Distinctive: proposals should draw on positive characteristics of the surrounding area, including building forms, landscapes, spaces and scales etc.

Safe and Pleasant: proposals should create attractive places by providing a sense of security and creating a pleasant positive sense of place by promoting visual quality and should respect the amenity of existing and future users;

Resource Efficient: proposals should maximise the efficient use of resources;

Welcoming: proposals should consider future users of the site and make the most of gateway features to and from a development;

Adaptable: proposals should ensure that the design is adaptable to the needs of future users of a site; and

Easy to Move Around and Beyond: proposals should consider connectedness of sites for people before motor vehicles and prioritise sustainable and active travel choices.

The siting of a static caravan would be a piecemeal form of development and would not satisfactorily deliver on any of the above qualities. It would not therefore improve on or add to the sense of Place of the surrounding area and given this consideration, the proposal does not accord with Strategic Policy 2 Placemaking.

Given the foregoing, the proposed siting of a residential caravan does not accord with the relevant Local Development Plan policies.

The previous planning history of the site is also a material consideration which indicates that this location has at several points been considered and found not to be suitable for residential use.

The personal circumstances of an applicant, ie. the medical need to be present at the site in this case, are rarely a material planning consideration which outweighs the non-compliance with the Local Development Plan and are not considered as such in this case, given the short distance to the settlement of Whiting Bay where options for residential accommodation, including an established caravan park, can be found.

The proposed wider re-development of the associated land has not been considered in detail in this application which is for the siting of a temporary caravan, but it is not considered that the proposed re-use of the land or the potential creation of two jobs (presumably for the applicants) is a material consideration sufficient to outweigh the above conclusion that the proposal does not accord with the Local Development Plan.

Planning permission should therefore be refused.

Decision

Refused

Case Officer - Mr Neil McAteer

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan		
Proposed Plans and Elevations		
Location Plan		

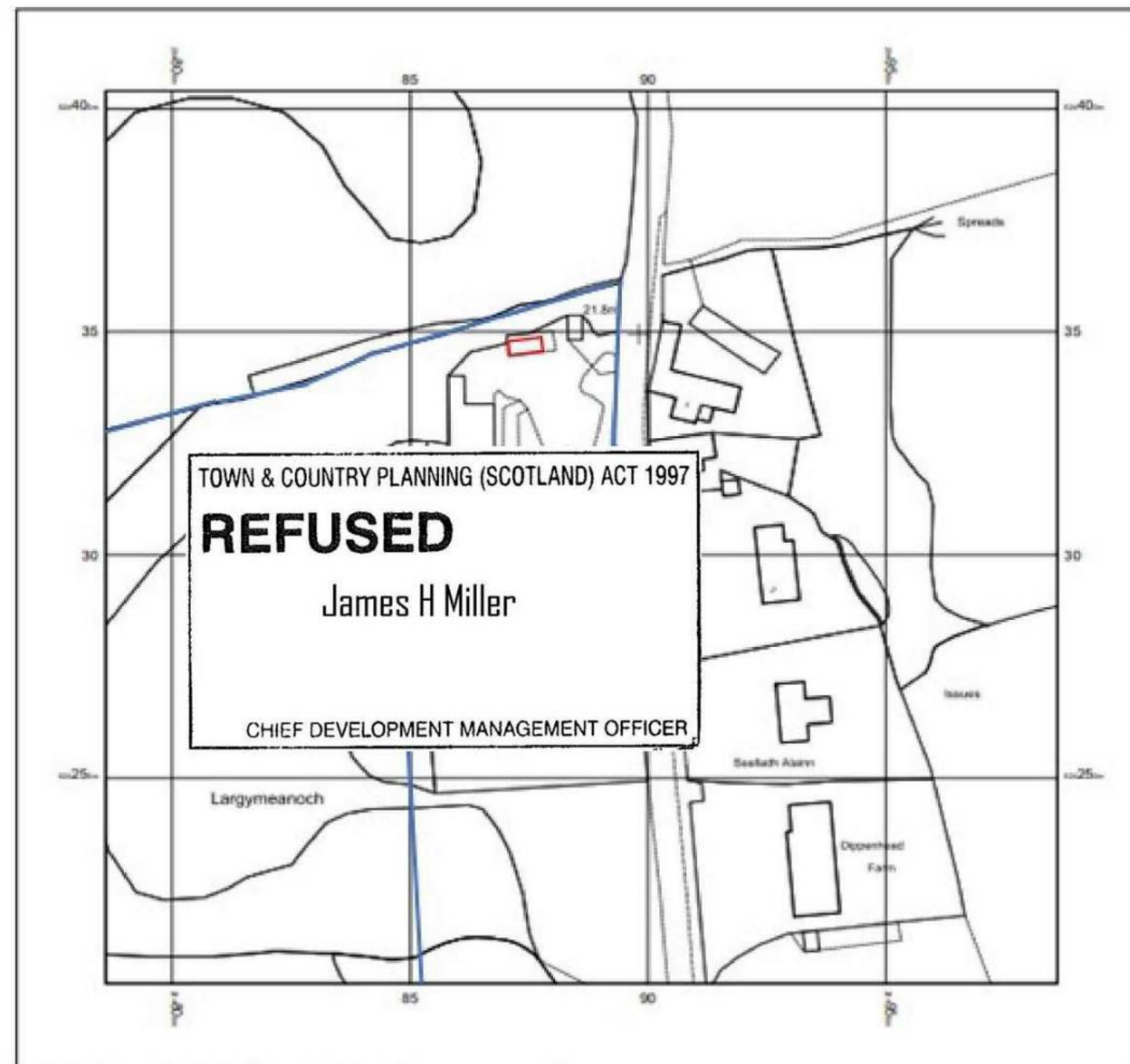
DIPPENHEAD FARM, WHITING BAY, ISLE OF ARRAN, KA27 8RN

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0m 1cm = 12.5m 62.5m
Scale 1:1250



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00454/PP

(Original Application No. N/100576995-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Duncan Dowie
1 Laburnum Grove
Lenzie
Kirkintilloch
Glasgow
G66 4DF

With reference to your application received on 23 June 2022 for planning permission under the above mentioned Acts and Orders for :-

Change of use for temporary sitting of a static caravan to enable development of agricultural land and eco-tourism business

at Dippenhead Farm
Largiemeanoch
Whiting Bay
Ayrshire
KA27 8RJ

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. That the proposed development would be contrary to (i) Strategic Policy 1: the Countryside Objective and (ii) Strategic Policy 2: Placemaking of the adopted North Ayrshire Local Development Plan as (i) the proposed site is not an appropriate location for residential use and (ii) the proposal would be a piecemeal form of development which would not safeguard or enhance the environmental quality of the existing place.

Dated this : 23 August 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NORTH AYRSHIRE COUNCIL

25 January 2023

Local Review Body

Title: **Notice of Review:** **22/00331/PP - Kilbirnie, Tennox Farm**

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00331/PP for an Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective) at Tennox Farm, Kilbirnie.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:
- Appendix 1 - Notice of Review documentation including Location Plan;
Appendix 2 - Report of Handling; and
Appendix 3 - Planning Decision Notice.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received..

Craig Hatton
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100609069-001

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

Applicant or 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:	James Harper Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	Langslie
Last Name: *	Harper	Building Number:	
Telephone Number: *		Address 1 (Street): *	Langstilly Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lochwinnoch
Fax Number:		Country: *	Scotland
		Postcode: *	PA12 4DR
Email Address: *			

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="Tennox Farm"/>
First Name: *	<input type="text" value="Gareth"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): * <input type="text" value="Dalry Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Kilbirnie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KA25 6LX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="TENNOX FARM"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILBIRNIE"/>
Post Code:	<input type="text" value="KA25 6LX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="652395"/>	Easting	<input type="text" value="230019"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)

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.

See the attached supporting documentation.

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)

Detailed site investigation works including the drilling of site boreholes has only been carried out and a detailed report prepared by the environmental consultant. It was only a desktop study that was available at the time of submission. The lack of this information was a material factor in the grounds for refusal of the application.

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)

Application Cover letter. Support Statement. Site Investigation and Borehole Report - Mason Evans Partnership Ltd.

Application Details

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

N/22/00331/PP

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

13/06/2022

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

06/09/2022

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access to the farm is controlled by electrically - keypad - operated gates. Access is freely available by arrangement with applicant or agent.

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: Mr James Harper

Declaration Date: 01/12/2022

Mr James Harper
James Harper Architects
The Langslie
Lochwinnoch
Renfrewshire
PA12 4DR

Our ref: [REDACTED]

16 November 2022

Dear James

**LETTER ON MINERAL INVESTIGATIONS
TENNOX FARM, KILBIRNIE
PLANNING REF No: 22/00331/PP**

Introduction

In October 2022, we were requested by James Harper Architects on behalf of Mr Gareth Wilson (the Client), to investigate the shallow mining conditions below the site in relation to a proposed residential development (refer to Appendix A).

The purpose of our investigation was to provide comment in relation to the possible presence of shallow mine workings below the site and whether a ground stability risk exists.

In June 2022, we undertook a Mining Risk Assessment at the site (report included in Appendix B) which concluded that the proposed development is at potential risk of mineral instability as a result of shallow (unrecorded) mine workings. As such, mineral investigations were recommended to confirm (or otherwise).

The Coal Authority did not record any mine entries within 50 m of the proposed house.

Intrusive Mineral Bore Investigations

Based on the initial knowledge of coal seams potentially underlying the site at shallow depths, we undertook intrusive mineral investigations to confirm, the presence of historical shallow underground mining activities. In November 2022, 3 No. mineral bores (BH1 to BH3) were sunk (by Phoenix Drilling Ltd) to a maximum depth of 35.00 m bgl within the development area. Rockhead was encountered between 23.70 m bgl and 26.60 m bgl.

A copy of the mineral bore logs are included in Appendix C and the findings are summarised on Table 01 below.

Table 01 – Summary of Mineral Investigations

Borehole	Depth Encountered (m bgl)	Thickness (m)	Comments
BH1	0.00	24.60	Superficial Deposits (boulder clay)
	24.60	35.00	SANDSTONE and SILTSTONE
BH2	0.00	23.70	Superficial Deposits (boulder clay)
	23.70	35.00	SANDSTONE and SILTSTONE
BH3	0.00	26.60	Superficial Deposits (boulder clay)
	26.60	35.00	SANDSTONE and SILTSTONE

Mason Evans Partnership Limited Registered Office:
The Piazza, 95 Morrison St, Glasgow, G5 8BE. Registered in Scotland No SC 156317 | t. 0141 420 2025 | e. mail@masonevans.co.uk | www.masonevans.co.uk

Directors: Niall D Lawless BSc (Hons) MSc CEng CGeol MIMMM FGS | Neil M Thomson BSc (Hons) FGS | Patrick Barry BSc (Hons) MSc CEng MIMMM FGS | David D A Mason BSc (Hons) CEng CGeol MIMMM FGS | Maureen MacKay Associates: Ian Cochrane BA (Hons) AIEEMA MSEE | Neil Hands BSc (Hons) FGS

The mineral bores did not record any evidence of coal seams or shallow mine workings, proven to 35 m below existing site levels.

Mine Gas Risk

The recent CL:AIRE publication entitled; 'Good Practice for Risk Assessment for Coal Mine Gas Emissions, dated October 2021' has been consulted during our mine gas risk assessment, with reference made to the 'Design Support Tool for Mine Gas Risk Assessment'.

In accordance with the preliminary assessment procedures outlined in Figure 13.1, we have assessed the proposed development site as being within a 'low risk zone', given that mine workings exist between (minimum) 35 m and 150 m but are covered by 10+ m of low permeability superficial deposits (i.e. boulder clay) and any recorded mine entries are >50 m from the site boundary.

In addition, The Coal Authority do not record any known mine gas emissions within 500 m of the site (refer to Appendix C).

Furthermore, upon completion of the recent drilling works, the bores were fully backfilled with a cement bentonite grout to prevent any potential gas pathways from future developing.

Given the above, we consider that the proposed development area is at low risk of potential mine gas emissions.

Conclusions

The superficial soils recorded boulder CLAY deposits, proven to be approximately 25 m thick. The Coal Authority have recorded mine workings to exist below the site at 95 m (at its shallowest). Mineral boreholes sunk within the development area did not identify any evidence of shallow coal seams or shallow mine workings to a depth of 35 m.

We therefore can conclude that the proposed development area is not at risk of mining related ground instability in relation to historical underground mine workings to a depth of 35 m.

There were no records of mine entries within the defined planning area or immediate surrounding area.

Finally, in accordance with the CL:AIRE guidance 'Good Practice for Risk Assessment for Coal Mine Gas Emissions', and based on the recorded ground conditions (i.e. low permeability clay deposits to 25 m depth underlain by sandstone / siltstone to minimum 35 m depth, with no shallow mine workings present) plus information from The Coal Authority (i.e. no mine entries within 50 m or records of mine gas within 500 m), we consider that the proposed development area is at low risk of potential future mine gas emissions.

In respect of historical mining therefore, no further works are considered necessary.

Hopefully the above is self-explanatory, but if there are any queries please do not hesitate to contact the undersigned.

Yours sincerely
MASON EVANS PARTNERSHIP LIMITED



Patrick Barry
Managing Director

Encs

Appendix A
Site Location Plan



Tennox Farm

Appendix B

Phase I Mining Risk Assessment Report
(Mason Evans Partnership, 1st Edition, June 2022)

TENNOX FARM, KILBIRNIE

**PLANNING REF No: 22/00331/PP
PROPOSED HOUSE
PHASE I MINING RISK ASSESSMENT**

DATE

June 2022

CLIENT

Mr. Gareth Wilson

APPROVED BY

Patrick Barry
Director

Mr. Gareth Wilson

**Tennox Farm,
Kilbirnie**

**Planning Ref No: 22/0033 I/PP
Proposed House
Phase I Mining Risk Assessment**

Date of Issue:	June 2022
Report Status:	First Edition
Project Reference:	P20-406A
Prepared and Approved by:	Patrick Barry – Director

Mason Evans Partnership Limited
The Piazza
95 Morrison Street
GLASGOW
G5 8BE

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APPENDICES

Appendix A	Site Location Plan
Appendix B	Site Specific Report from The Coal Authority (Ref. No: 51003135337001, dated 20 May 2022)

EXECUTIVE SUMMARY

We understand that Mr. Gareth Wilson (the Client) is involved in the development of a residential unit (the 'site') within existing grounds of 'Tennox Farm, Kilbirnie'.

The site lies within an area defined by The Coal Authority as a 'Development High Risk Area', meaning that it lies within a surface area that could be affected by past shallow underground mining. As such, North Ayrshire Council have advised that a Phase I Mining Risk Assessment Report is required to be submitted in support of planning application No. 22/00331/PP. We were appointed to undertake the necessary examinations and this report provides an account of our assessments with advice on the risks to the proposed development from mining related impacts.

The report presents available information on the geological and mining conditions within the site. The object of the report is to demonstrate to North Ayrshire Council that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

The report has established:

- a) There is a record of mine workings below the site at the level of the Wee Coal, Smithy Coal and Dalry Blackboard Ironstone.
- b) The shallowest workings ie. the Wee Coal (0.91 m extraction thickness) has been worked at a depth of 95m.
- c) The Smithy Coal and Dalry Blackband Ironstone have also been worked below the site, at depths of 126 m and 164 m.
- d) The Coal Authority record that 'unrecorded shallow' mine workings probably exist below the site.
- e) There is no record of mine entries within 20 m of the proposed residential unit.

Taking all relevant information into account we conclude that the proposed development area is potentially at risk of ground instability as a result of historical (unrecorded) shallow mine workings. Mineral bore investigations are therefore recommended to confirm, or otherwise.

1.0 INTRODUCTION

1.1 General

1.1.1 We understand that Mr Gareth Wilson (the Client) is proposing the development of one residential unit within the grounds of 'Tennox Farm, Kilbirnie' (refer to proposed development layout drawing included in Appendix A). In relation to the proposed development, the Client has requested a Mining Risk Assessment be undertaken in support of the development. As a specialist geo-environmental consultancy firm with experience of impacts related to shallow mine-workings, we were subsequently requested to advise accordingly.

1.1.2 The purpose of the Mining Risk Assessment Report is to present available information on the mining issues which are relevant to the site, and to identify and assess any potential risk to the proposed development, as a result of coal mining.

1.1.3 The object of the report is to demonstrate that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

1.1.4 This report provides the findings of our examinations of the site, which have been based on researches of available geological and mining maps, plans and information provided by The Coal Authority. The scope of the investigations has been restricted to fulfil the necessary enquiry regarding the mining context of the site alone.

1.2 General Methodology

1.2.1 Our examinations involved researches of various published documents on the geological and historical background of the site, in-house sources and reports, and consultations with The Coal Authority. In assessing the potential site instability impacts, we considered typical mine stability assessment criteria and have reviewed the area relative to our expectations of the geological conditions. Our confidence on the geology and the potential impacts of mining are discussed relative to the quality of the data available to us, with recommendations provided on the scope of future intrusive investigations (where required).

1.3 Context

1.3.1 It should be recognised that the report is prepared in accordance with current recommended practice and existing legislation.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Site Details

2.1.1 The summary details of the site as understood from supplied survey information are as follows:

- Site Name - Proposed Residential Unit within Tennox Farm, Kilbirnie.
- Local Authority - North Ayrshire Council.
- Topography - Relatively flat lying.

3.0 SITE GEOLOGY AND MINING

3.1 Superficial Soils

- 3.1.1 The British Geological Survey (BGS) Geology of Britain Map recorded cohesive glacial till ('boulder clay') to underlie the site.

3.2 Solid Geology

- 3.2.1 The solid strata beneath the site is indicated to belong to the Carboniferous aged Clackmannan Group comprising SANDSTONE, SILTSTONE, MUDSTONE, LIMESTONE and COAL.
- 3.2.2 The Wee Coal (up to 0.8 m thick) is indicated to have been worked below the site at a depth of 95 m, dipping to the south-east at 24.3°. The Smithy Coal (1.26 m thick) is indicated to have been worked below the site at a depth of 126 m, dipping to the east at 4.8°. The Dalry Blackband Ironstone (up to 0.76 m thick) outcrops approximately 250 m to the south-east of the site and is recorded to have been worked below the site at a depth of 164m, dipping to the north-west at 1.7°.
- 3.2.3 Overlying the Wee Coal are a number of limestone bands i.e Index (2.5m thick), Third Post (1.6m thick) and Lower Linn (5.5m thick).

3.3 Mining History

- 3.3.1 According to The Coal Authority Interactive Viewer map (refer to Appendix B), the proposed house is located within a 'Development High Risk Area' and in an area of 'probable shallow coal mine workings'.
- 3.3.2 In our researches, we examined a report compiled by The Coal Authority (copy included in Appendix B). It states that the property is 'within a surface area that could be affected by past recorded underground coal mining'. The Coal Authority also highlights the potential for unrecorded shallow mine workings below the site.
- 3.3.3 In addition, our researches extended to the Memoirs of the Geological Survey, Scotland (refer to Appendix C), which indicated the Wee Coal and the Smithy Coal to be of economic value which have been worked in the past south of Kilbirnie. The memoirs also indicates that the Dalry Blackband Ironstone was primarily worked in the western side of the Garnock valley between Kilbirnie and Dalry.
- 3.3.4 At present we have no record of historical limestone mine workings (but this would have to be confirmed via rotary bore drilling).

4.0 MINING

4.1 Past Mining

- 4.1.1 The Coal Authority has recorded past mining activities within the site and the surrounding area in the Wee Coal, Smithy Coal and Dalry Blackband Ironstone.

4.2 Present Mining

- 4.2.1 The Coal Authority have advised that the site is not within a surface area that could be affected by present underground mining. Thus, we are not aware of any present mining operations taking place within or below the site.

4.3 Mining Methods

- 4.3.1 The methods of mining historically adopted in the area were the 'stoop and room' and 'longwall' systems of extraction. We envisage that variations of both systems of mining could have been undertaken beneath the site. The stoop and room mining operations involved partial excavation of the mineral, with the seam recovered from 'rooms' and the roof supported by retained 'stoops' or 'pillars' of mineral. The pillar or stoops widths varied depending on the depth and the condition of the roof. For seams of the thicknesses involved here, the stoops would typically be rectangular or square with a typical minimum dimension of 4 metres by 4 metres. Where more slender stoops were left, often by 'robbing' of the edges of the stoop, additional support to the roof was often provided by artificial props, which would usually be timber.
- 4.3.2 In the 'longwall' method of mining, extraction was virtually total with the seam face accessed via supported roadways. It is unlikely that this system was employed in the seam here. In the areas from which the seam had already been removed, the roof was generally allowed to collapse behind the face or was partially supported by spoil or 'waste' deposited within the works. While the workings would be generally closed on abandonment with the withdrawal of roof support, roadways would be expected to remain open and artificially supported long after the operations had ceased. A variation of the longwall method is the technique commonly used in deep mining today but was generally only applied to the recovery of ironstones or coals of restricted thickness in the nineteenth century.
- 4.3.3 Opencast mining is a more recent method generally when improved plant allowed large scale excavations to be opened up with seams recovered and the mines subsequently backfilled with rock and soil arisings. Such operations rarely exceeded 50m in depth and, in this instance, appeared to be generally considerably shallower with the typical depth range shown to be between 6m to 30m. The depth of the excavations and backfill would normally increase in the direction of the strata dip.

4.4 General Principles of Surface Instability for Underground Mineworkings

4.4.1 It is generally accepted that old abandoned mineworkings are susceptible to collapse. This is generally the consequence of on-going deterioration within the mines and failure can occur a considerable time after abandonment. The mechanisms of collapse are varied and complex, but generally involve either a yield in the roof of the mine between supports or collapse as a direct result of failure of the supports. Except in instances where the mineworkings are very shallow for example, less than 10 m deep, the stability is comparatively unaffected by enhanced loadings from buildings or by vibrations from heavy traffic. Progressive deterioration within the workings can, however, advance to a stage where instability is reached, and collapses occur. In most cases, however, it is impossible to predict with any degree of accuracy if, and when, such movements will take place.

4.4.2 The subsidence assessments consider various elements of the geological and mining configuration. These include the nature and thickness of the rock and soil overburden, the extracted height of the workings and the typical mine configuration. **Assessments typically seek to achieve a rock/overburden cover thickness of 10 times the seam extraction height.** This is consistent with a number of recent studies in the field of mining stability assessment.

4.5 Surface Instability Due to Underground Mining

4.5.1 The shallowest recorded mine workings below the site are approximately 95m below ground level at the level of the Wee Coal (coal seam thickness of 0.91 m). Based on the depth of these workings we therefore conclude that they pose a low risk to the proposed house.

4.5.2 However, The Coal Authority indicate that there could be mine workings above the Wee Coal (i.e. at the level of the limestone bands) and therefore mineral investigations will be required to confirm, or otherwise.

4.6 Mine Entries

4.6.1 No recorded mine entries are recorded while the site or immediately adjacent. However as in all areas of historical mining, unrecorded mine entries could exist. As such, during future development works, vigilance should be monitored for potentially unrecorded mine entries.

4.7 Opencast Mining

4.7.1 The Coal Authority has confirmed that the site is not impacted by past, present or future open cast mining.

4.8 Potential for Future Mineral Extraction

4.8.1 The Coal Authority have advised that there are no existing plans to carry out mining by opencast or underground methods below/within the site.

4.9 Mine Gas

4.9.1 The Coal Authority have advised that there is no record of past mine gas emissions, requiring action by them.

5.0 IDENTIFICATION AND ASSESSMENT OF SITE-SPECIFIC COAL MINING RISKS

5.1 Mason Evans Risk Assessment Process

5.1.1 We have developed a qualitative approach in risk assessment to determine the potential impact on the proposed development. It is based on three categories of 'High', 'Moderate' and 'Low' risk. These are defined as follows

- a) High Risk – where records exist which indicate a significant impact requiring mitigation for development to proceed. In the case of mining subsidence, it will be determined by an expectation of seams which are known, or strongly suspected to have been mined within depths of potential influence on the surface. Where mine entries are indicated, they will be considered high risk unless information exists to suggest that these have been adequately secured. In every case where mineworkings are known or suspected, gas emissions are considered to be of 'high risk'. In each instance, investigations are advised and mitigation likely.
- b) Moderate Risk – where coal /limestone seams are suspected to lie at shallow depth, but may not be worked. In the case of gas emissions, a moderate risk is considered where there is uncertainty on the existence of former mineworkings. In each instance, investigations are necessary, but mitigation may not be necessary.
- c) Low Risk – where coal seams are not indicated at shallow depths or are known to be unworked. For mine entries, a low risk would be interpreted where stabilisation is known to have taken place to an adequate specification. For gas emissions, this category relates to areas known to be clear of mineworkings.

5.1.2 The desk-top assessment indicates that the risk of ground instability below the site is considered to be low. Table 03 has been derived from the researches, highlighting the risk relating to impact of coal mining within the site.

Table 03 – Coal Mining Issues Risk Assessment

Coal Mining Issue	Yes	No	Risk Assessment
Shallow underground (coal and/or limestone) mining (Refs 1 and 2)			Moderate
Recorded mine entries (shafts and adits) (Ref 1 and 2)			Low
Coal mining geology (fissures) (Ref 2)			Low
Record of past mine gas emissions (Ref 2)			Low
Recorded coal mining surface hazard (Ref 1 and 2)			Low
Surface mining (opencast workings) (Ref 1 and 2)			Low

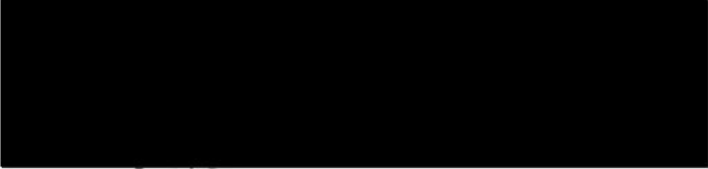
Ref 1: BGS Geological Map – NS35SW

Ref 2: Coal Authority Report – Ref 51002353789001, dated 11th January 2021

5.2 Conclusions

- 5.2.1 Our desktop researches indicate that there are potentially shallow mine workings below the site (i.e. either coal and/or limestone).
- 5.2.2 There are no recorded mine entries within 20m of the proposed house. However during future construction works vigilance should be maintained for the presence of unrecorded mine entries.
- 5.2.3 As such, we consider the proposed house to be at moderate risk of ground instability as a result of historical shallow (unrecorded) mine workings.
- 5.2.4 The site is not at risk of ground instability as a result of historical quarrying activities.
- 5.2.5 **Concluding, the proposed development is potentially at risk from shallow (unrecorded) mine workings. Mineral bore investigations will be required to confirm, or otherwise.**

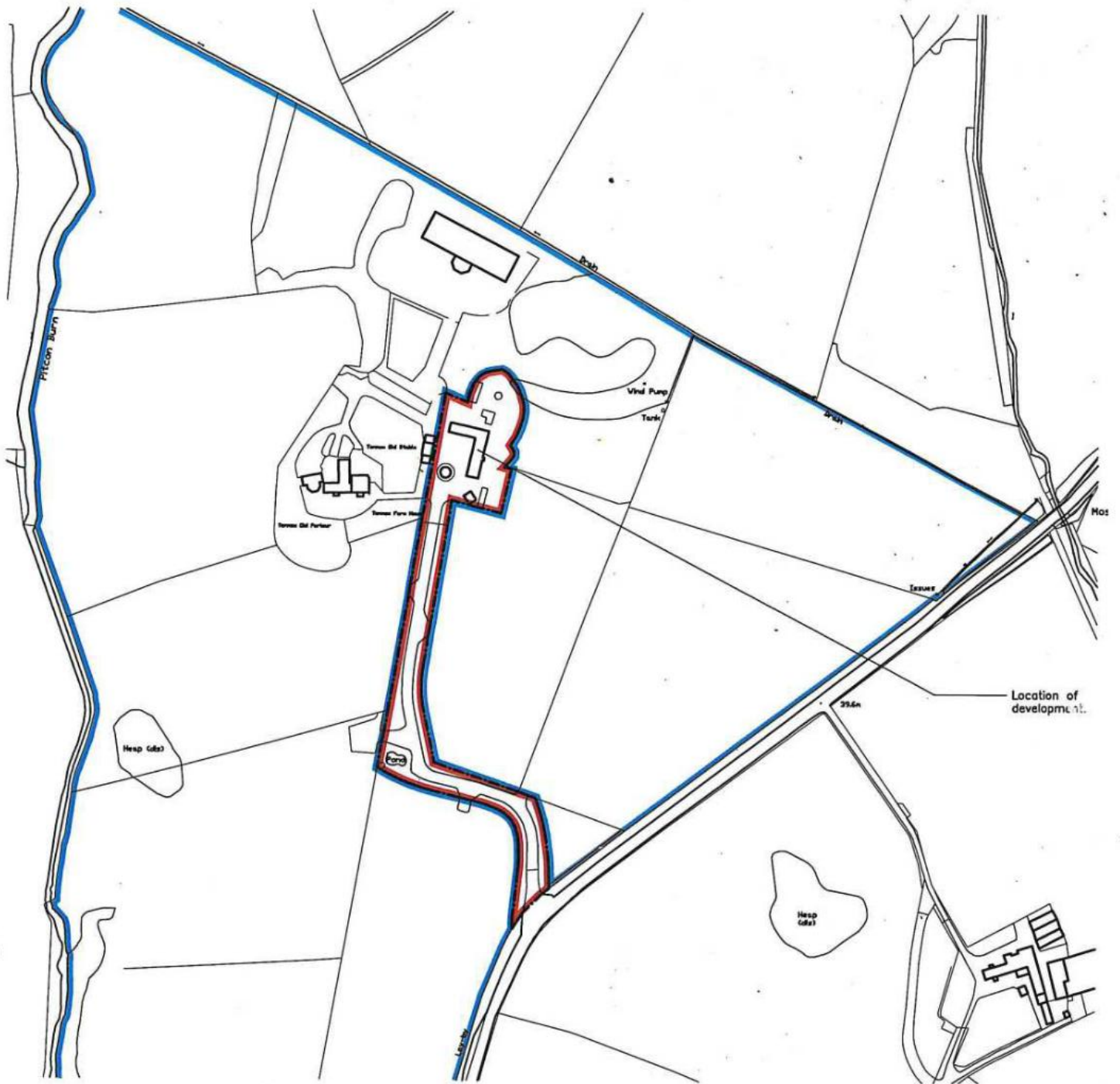
We trust that this will meet your current requirements. However, should you require any further information, please do not hesitate to contact the undersigned.



Patrick Barry
Director

Appendix A

**Proposed Residential Unit location
(Planning Ref. No. 22/00331/PP)**



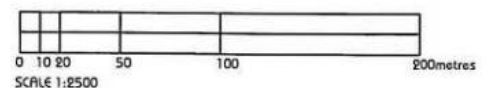
Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

THIS IS A TRUE COPY OF THE
DRAWING REFERRED TO IN THE
APPLICATION.

DATE :

SIGNED :

JAMES HARPER ARCHITECT



Location Plan

Client	Mr. Gareth Wilson	Drawn Title	Location Plan
Project	Proposed Erection of Dwelling House (In Retrospect) at: Tennox Farm, Hilbirnie, HA25 6LX	Scale	1:2500
		Drawn No	1648
		Paper Size	A3
		Date	Apr. 22'
		PL	00

Revisions



James Harper Architect

The Langage, Langatilly Road, Lochwinnoch, Renfrewshire, PA12 1DR.
Telephone/Fax: 01505 545007 E-mail: mal@jharperarchitect.co.uk

Appendix B

**Site Specific Coal Authority Report
(Ref No. S1003135337001, dated 20 May 2022)**



The Coal
Authority

Consultants Coal Mining Report

The Old Stables, Tennox
Access From B780 To Tanox Farm
Kilbirnie
North Ayrshire
KA25 6LX

Date of enquiry: 20 May 2022
Date enquiry received: 20 May 2022
Issue date: 20 May 2022

Our reference: 51003135337001
Your reference: 295796051_1



Consultants

Coal Mining Report

This report is based on and limited to the records held by the Coal Authority at the time the report was produced.

Client name

NLIS Hub

Enquiry address

The Old Stables, Tennox
Access From B780 To Tanox Farm
Kilbirnie
North Ayrshire
KA25 6LX


How to contact us


0345 762 6848 (UK)
+44 (0)1623 637 000 (International)

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

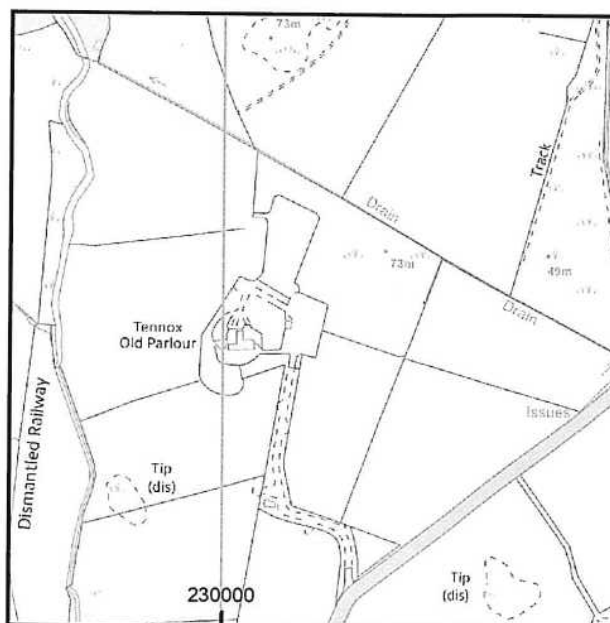
www.groundstability.com

 @coalauthority

 /company/the-coal-authority

 /thecoalauthority

 /thecoalauthority



Approximate position of property



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Section 1 – Mining activity and geology

Past underground mining

Colliery	Seam	Mineral	Coal Authority reference	Depth (m)	Direction to working	Dipping rate of seam worked (degrees)	Dipped direction of seam worked	Extraction thickness (cm)	Year last mined
BALGRAY	WEE	Coal	76GY	95	Beneath Property	24.3	South-East	91	1877
BALGRAY	SMITHY	Coal	76GV	126	Beneath Property	4.8	East	91	1848
KILBIRNIE	DALRY BBI	Ironstone	76H6	164	North	1.7	North-West	76	1866

Probable unrecorded shallow workings

Yes.

Spine roadways at shallow depth

No spine roadway recorded at shallow depth.

Mine entries

Entry type	Reference	Grid reference	Treatment description	Mineral	Conveyancing details
Shaft	230652-008	230115 652522		Ironstone	

Abandoned mine plan catalogue numbers

The following abandoned mine plan catalogue numbers intersect with some, or all, of the enquiry boundary:

761	S4916	S1679
S2337	OM12411	OM576
S2971	S4845	OM14657

Please contact us on 0345 762 6848 to determine the exact abandoned mine plans you require based on your needs.

Outcrops

No outcrops recorded.

Geological faults, fissures and breaklines

No faults, fissures or breaklines recorded.

Opencast mines

None recorded within 500 metres of the enquiry boundary.

Coal Authority managed tips

None recorded within 500 metres of the enquiry boundary.

Section 2 – Investigative or remedial activity

Please refer to the 'Summary of findings' map (on separate sheet) for details of any activity within the area of the site boundary.

Site investigations

None recorded within 50 metres of the enquiry boundary.

Remediated sites

None recorded within 50 metres of the enquiry boundary.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

None recorded within 500 metres of the enquiry boundary.

Mine water treatment schemes

None recorded within 500 metres of the enquiry boundary.

Section 3 – Licensing and future mining activity

Future underground mining

None recorded.

Coal mining licensing

None recorded within 200 metres of the enquiry boundary.

Court orders

None recorded.

Section 46 notices

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

Withdrawal of support notices

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Section 4 – Further information

The following potential risks have been identified and as part of your risk assessment should be investigated further.

Development advice

The site is within an area of historical coal mining activity. Should you require advice and/or support on understanding the mining legacy, its risks to your development or what next steps you need to take, please contact us.

For further information on specific site or ground investigations in relation to any issues raised in Section 4, please call us on 0345 762 6848 or email us at groundstability@coal.gov.uk.

Section 5 – Data definitions

The datasets used in this report have limitations and assumptions within their results. For more guidance on the data and the results specific to the enquiry boundary, please **call us on 0345 762 6848** or **email us at groundstability@coal.gov.uk**.

Past underground coal mining

Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.

Probable unrecorded shallow workings

Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).

Spine roadways at shallow depth

Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.

Mine entries

Details of any shaft or adit either within, or within 100 metres of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.

Abandoned mine plan catalogue numbers

Plan numbers extracted from the abandoned mines catalogue containing details of coal and other mineral abandonment plans deposited via the Mines Inspectorate in accordance with the Coal Mines Regulation Act and Metalliferous Mines Regulation Act 1872. A maximum of 9 plan extents that intersect with the enquiry boundary will be included. This does not infer that the workings and/or mine entries shown on the abandonment plan will be relevant to the site/property boundary.

Outcrops

Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.

Geological faults, fissures and breaklines

Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.

Opencast mines

Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.

Coal Authority managed tips

Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.

Site investigations

Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.

Remediated sites

Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures.

Coal mining subsidence

Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given.

Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice.

Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.

Mine gas

Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission.

Mine water treatment schemes

Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body.

These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial – mitigating the impact of existing pollution or Preventative – preventing a future pollution incident.

Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.

Future underground mining

Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.

Coal mining licensing

Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.

Court orders

Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.

Section 46 notices

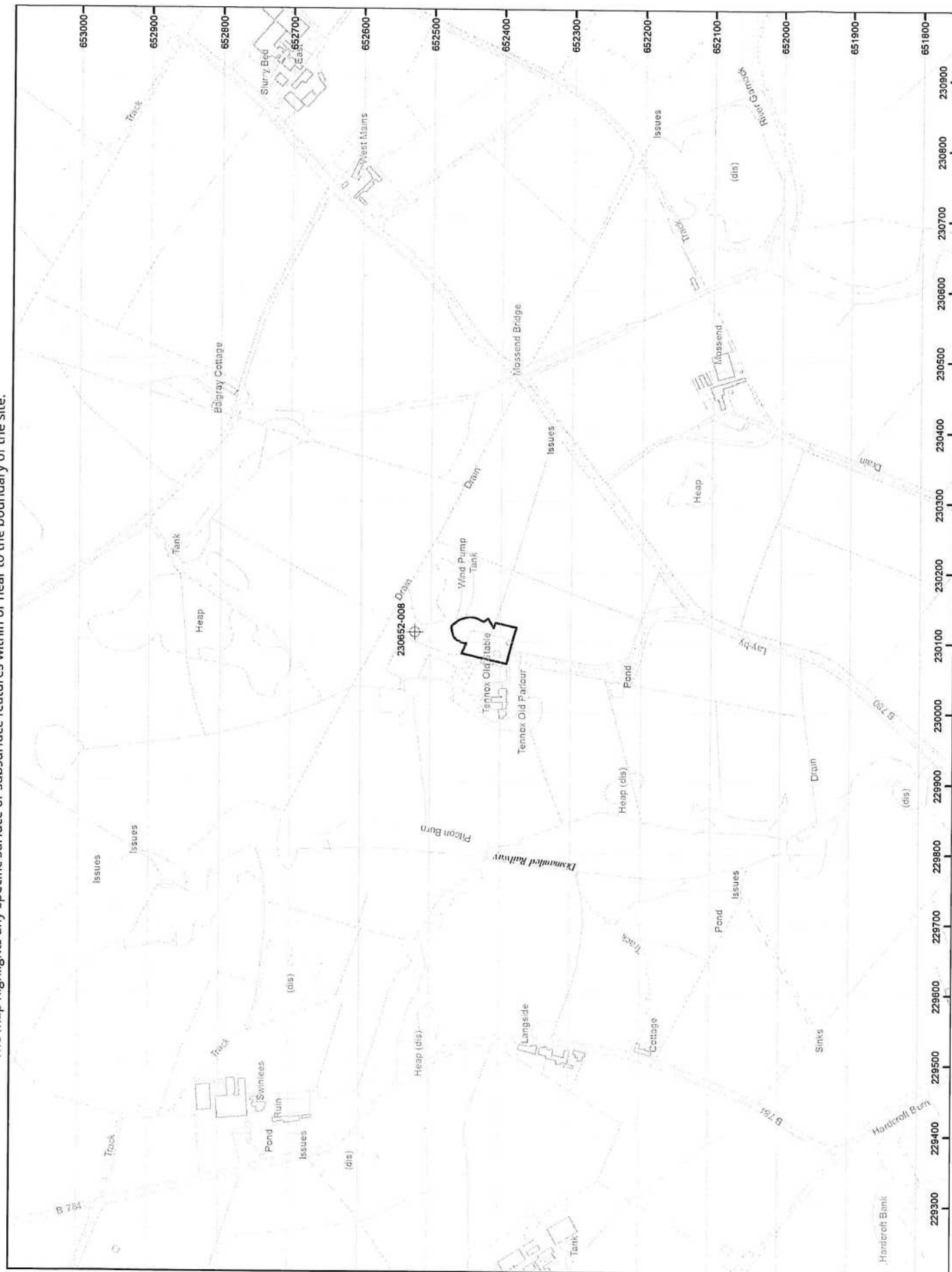
Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.

Withdrawal of support notices

Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.

Payment to owners of former copyhold land

Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.



Appendix C

**Record of Mineral Bore Logs plus Location Plan
(Phoenix Drilling Ltd, November 2022)**






Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH01		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 2 of 4


Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles and large boulders.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
25.00	139	25.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH01		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								25.60			# Dark BOULDER CLAY with cobbles and large boulders.	21					
										22							
										23							
										24							
										25							
										26							
										27							
										28							
										29							
										30							
				Type/FI	TCR	SCR	RQD	D/R/(SPT)									
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
25.00	139	25.00	139									1.20	35.00	Water			100
35.00	115																

Remarks


Description based on drillers records.
 Inspection pit dug to 1.20m and CAT scanned.
 Borehole backfilled with Bentonite and grout upon completion.



Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnership			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH01		Hole Type RO		Level		Logged By CG		Page Number Sheet 4 of 4

Well	Water	Depth (m)	Type /FI	Coring			Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD					
							31.00		# White SANDSTONE.	31
									XXXXXXXXXX	# Grey SILTSTONE.	32
									XXXXXXXXXX		33
									XXXXXXXXXX		34
							35.00		XXXXXXXXXX		35
										End of Borehole at 35.000m	36
											37
											38
											39
											40

Remarks															
# Description based on drillers records.															
Inspection pit dug to 1.20m and CAT scanned.															
Borehole backfilled with Bentonite and grout upon completion.															

Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 1 of 4

Well	Water	Depth (m)	Type /FI	Coring			Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD					
							0.10			# Red chips (MADE GROUND). # Soft brown CLAY.	1
							1.80			# Dark BOULDER CLAY with cobbles.	2
											3
											4
											5
											6
											7
											8
											9
											10

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks

Description based on drillers records.
 Inspection pit dug to 1.20m and CAT scanned.
 Borehole backfilled with Bentonite and grout upon completion.




Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnership			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 2 of 4

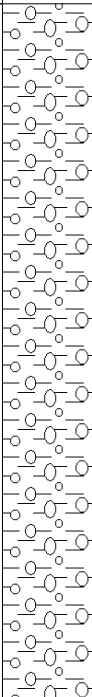
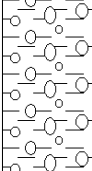
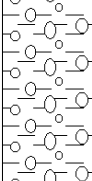
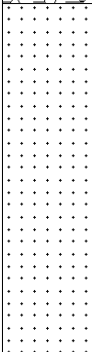
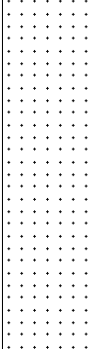
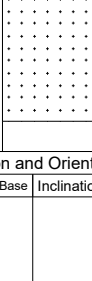

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20


Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnership			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description								
				TCR	SCR	RQD													
								24.60			# Dark BOULDER CLAY with cobbles.								21
																			23
																			24
											# White SANDSTONE.								25
																			26
																			27
																			28
																			29
																			30
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush							
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)		
24.00	139	24.00	139									1.20	35.00	Water			100		
35.00	115																		

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 4 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description				
				TCR	SCR	RQD									
								31.20	 					


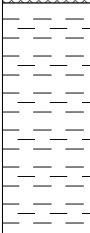
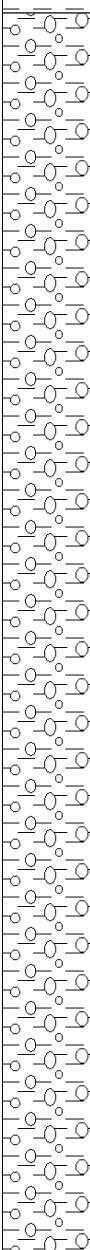
Remarks

Description based on drillers records.
 Inspection pit dug to 1.20m and CAT scanned.
 Borehole backfilled with Bentonite and grout upon completion.



Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 1 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description		
				TCR	SCR	RQD							
								0.20			# Grass turf (MADE GROUND).	1	
											# Soft brown CLAY.		
										1.80		# Dark BOULDER CLAY with cobbles and large boulders.	2
													3
													4
													5
													6
													7
													8
													9
													10
Type/FI	TCR	SCR	RQD	D/R/(SPT)									

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

Remarks

Description based on drillers records.
 Inspection pit dug to 1.20m and CAT scanned.
 Borehole backfilled with Bentonite and grout upon completion.




Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 2 of 4

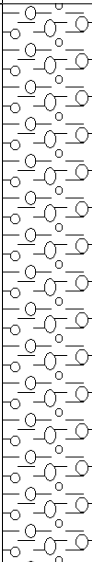
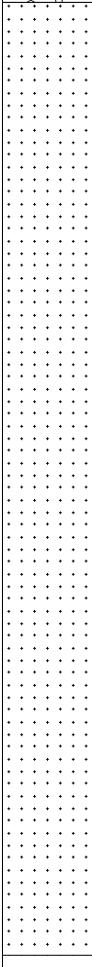
Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles and large boulders.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20


Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								23.70			# Dark BOULDER CLAY with cobbles and large boulders.	21					
											# White SANDSTONE.	24					
												25					
												26					
												27					
												28					
												29					
												30					
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																


Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Rotary Core Log

Project Name: Tennox Farm		Client: Mason Evans Partnship		Date: 10/11/2022	
Location: Kilburnie		Contractor: Phoenix Drilling Limited			
Project No. : 4446		Crew Name: RC		Drilling Equipment: Fraste XL	
Borehole Number BH03	Hole Type RO	Level	Logged By CG	Scale 1:50	Page Number Sheet 4 of 4

Well	Water	Depth (m)	Type /FI	Coring			Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD					
							31.20		# White SANDSTONE.	31
									XXXXXXXXXX	# SILTSTONE.	32
									XXXXXXXXXX		33
									XXXXXXXXXX		34
							35.00		XXXXXXXXXX		35
										End of Borehole at 35.000m	36
											37
											38
											39
											40

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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**Construction a new residential dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospectively) at
Tennox Farm, Dalry Road, Kilbirnie, KA25 6LX.
Mr. Gareth Wilson.**

Planning Ref : 22/00331/PP

This statement is in support of the application for review of the Planning Refusal decision made by the Planning Department for the above development. The statement sets out to demonstrate the grounds on which the decision was made were unjustified and requests that the review board overturns the decision.

The grounds on which the Planning Application was refused were stated as follows:

- 1) *The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (the Countryside Objective) in respect of the following:*

The locational need for a new house has not been established, given the presence of other domestic buildings at Tennox Farm.

The site is not within an established grouping of at least 4 dwellings which existed in January, 2005.

The site is not a gap site between existing buildings, nor would the development consolidate or round off the established grouping, and the house has encroached onto agricultural land beyond the original steading at Tennox.

In architectural terms, the design is not considered exceptional, bespoke or site specific in terms of the associated 'Housing in the Countryside Note' of June ,2021.

It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.

- 2) *The proposed Development would be contrary to the provisions of the North Ayrshire Council Local Development Strategic Policy 2 (Placemaking) in respect of the following qualities of a Successful Place:*

Safe and Pleasant:

The policy highlights that proposed development, "sufficiently investigates and responds to any issues of ground instability". In response to the submitted risk assessment report, significant concerns have been raised by the Coal Authority due to historical coal working and transient mine gas. The suitability of the chosen site for the house in terms of the health and safety of current and future occupants is therefore inconclusive.

Resource Efficient:

The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion". With regard to the submitted information, it does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises. The failure to consider alternatives at an early stage in the design process has resulted in the erection of a dwellinghouse on previously undeveloped agricultural land which cannot be supported in policy terms.

In response to the foregoing statements, I would refer to the original support documents submitted with the Planning Application. These clearly demonstrate the locational need for the new house at Tennox Farm given the holiday letting business activities as well as the equestrian and agricultural demands on the farm. It is the applicant's principal residence and he is required to be at the farm to manage the various operations as well as providing a security presence

It is accepted that there are other residential properties on the farm as referred to by the Planning Department. I can confirm that serious consideration was given by the applicant to the use of one of these properties for occupation, however, as it was explained these properties are 'rental' properties and form part of the holiday letting business and all of which are required to maintain a viable concern. Notwithstanding the foregoing, it should be noted there are considerable economic benefits to the local community resulting from the holiday letting business with visitors from outwith the district using the local shops, and facilities all of which is to the advantage of the area.

With regard to the siting of the house I would submit that the existing 4 dwellings form a well-defined cluster of development and that the proposed house blends with this cluster. The house in fact faces directly to the existing gatehouse and forms traditional courtyard enclosure with this building. The house design is also in keeping with the existing other houses in the farmstead with the use of similar materials, features, finishings, etc.

I submit therefore that there is sufficient justification in support of the locational need for the development and its siting within the existing building group.

The second ground stated for refusal of the development was that it would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 2 in respect of the following categories:

Safe and Pleasant.

This refers to the consultation response from the Coal Authority who raised concerns due to suspected historical coal workings. Following the original submitted risk assessment report further site investigation works were instructed and a series of boreholes were carried out by the specialist contractor Phoenix Drilling Ltd under the instruction and supervision of the Environmental Consultant, Mason Evans Partnership Ltd. A detailed record and account of the results of the boreholes was reported by the consultant and a copy of this report is attached to this statement. In summary the boreholes did not encounter any evidence of mine workings and the report concludes *"that the proposed development area is not at risk of mining related ground instability in relation to historical underground mine workings to a depth of 35m"*.

They have also stated that the *"proposed development area is at low risk of potential mine gas emissions"*.

Resource Efficient.

Quoting from the council policy resource efficiencies can be achieved by 're-using or sharing existing resources and by minimising their future depletion'.

The house location and footprint is actually formed on the base of a former intended stable block outbuilding within a hard landscaped yard which was present since 2016. The house is accessed by means of the existing private driveway leading from the public road and serviced entirely by private utilities infrastructure in the farmstead and therefore does not

impact or deplete existing resources. The loss of agricultural land which is stated as a ground for refusal was in the circumstances minimal and did not affect any environmental or ecological features.

Photographs of Front Yard at Tennox Farm taken in September, 2016, showing the outline of the stable block foundation which was incorporated into the house footprint.



15th. September, 2016.

It is further noted that, again as mentioned in the original planning application support statement, it is the applicant's intention to carry out landscaping works which would complement the existing building layout with tree and hedge planting and not only to provide a long-term visual impact on the setting but also for the appreciation of future generations and assist the wildlife ecology.

On a similar vein it is intended to carry out significant renewable energy measures including photovoltaic panel installation, wind power generation and electricity battery storage which would service all the properties. Given the nature and the close grouping of the buildings the return benefits would be outstanding for the outlay incurred leading towards greater self-sufficiency.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	22/00331/PP
Proposal:	Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)
Location:	Tennox Farm, Kilbirnie, Ayrshire, KA25 6LX
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 14-Green & Blue Infrastr / Detailed Policy 29 - Energy Infrastructure /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 14.06.2022 Neighbour Notification expired on 05.07.2022
Advert:	Regulation 20 (1) Advert Published on:- 22.06.2022 Expired on:- 13.07.2022 Contrary to Development Plan Published on:- 22.06.2022 Expired on:- 13.07.2022
Previous Applications:	06/00850/PP for Change of use of byres including alterations and extensions to form 2 dwelling houses Approved subject to Conditions on 27.02.2007 18/00273/PP for Conversion of outbuildings to form 2 no dwelling houses and widening of access driveway (retrospective) Approved with no Conditions on 10.05.2018

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while

promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts.

We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy.

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These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 14-Green & Blue Infrastr

Policy 14:

Green and Blue Infrastructure

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All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur. Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Description

The application seeks retrospective planning permission for the erection of a 1.5 storey house, garden ground and associated outbuildings on a greenfield site to the east of Tennox Farm in the rural area to the south of Kilbirnie.

Over a period of around 12 years, Tennox Farm has been developed by its current owners for various purposes, such as short and long term letting accommodation (including holiday homes), storage, equestrian and yard developments. The

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developments have typically been undertaken without planning permission, which have then been applied for retrospectively. In most instances, this has resulted in planning permission having been granted for unauthorised development. Tennox Farm is accessed from the B780 road which links Kilbirnie to Dalry via a gated private driveway.

During March 2022, enforcement notices were served on the owners in respect of various unauthorised uses and developments at Tennox following authorisation by the Council's Planning Committee in February 2022. An appeal was lodged by the site owners with Scottish Ministers in respect of an enforcement notice which required the reinstatement of an area of agricultural land which had been in use as a large yard area. The appeal was dismissed by the Scottish Ministers.

With regard to the dwellinghouse that is the subject of this report, an enforcement notice was served requiring the submission of a planning application before the end of April 2022. The intention was to provide the owners with the opportunity to submit an application and to enable due consideration to be given to the development in terms of statutory planning procedures.

The 295 square metre house is located on greenfield agricultural land towards the east of the original Tennox steading and outbuildings. On plan, the house has an L-shape. On one wing, there is a large open plan family/kitchen and living room with vaulted ceiling. On the other wing, there are five bedrooms (three downstairs and two upstairs) as well as bathroom/WC facilities.

Externally the house has been finished using buff coloured stone with a natural (Spanish) slate roof topped with terracotta ridge tiles. The slatework contains a number of decorated pattern features. There is also a decorative clock tower with a weather vane projecting from the rooftop. The east facing roof slope has three large dormer windows with glazed doors leading onto balconies. Parking for the house has been provided to the west on a large area surfaced with stone chippings. There is an extensive landscaped garden area to the east and north of the house which includes a large pergola with stone columns, a large timber outbuilding and a smaller timber 'barbeque hut' building as well as lawns and planting. Further landscaping is proposed within the garden area, including native tree planting, to give the house a more established and mature setting.

The land to the east, south and north of the site is open countryside. The site provides panoramic views over the landscape especially from the east and north garden areas. As noted above, the land to the west consists of other buildings and land associated with Tennox Farm.

In support of the application, the following documents have been provided:

- Planning Supporting Statement (April 2022);
- Additional Supporting Statement (August 2022);
- Coal Mining Risk Assessment.

In summary, the supporting statements make the following points:

- The applicant undertook the construction of the new dwelling house and ancillary buildings during the height of the Covid-19 Pandemic;

- It is acknowledged that planning permission should have been sought prior to embarking on construction and as such the Applicant is now seeking to address the planning breach;
- Tennox Farm is an established rural business and the new house and outbuildings accommodate the Applicant, who works on site at the farm;
- The new house accords with The Countryside Objective of the LDP as the dwelling house is ancillary to the existing operations within the farm holding, which include the management of short/long term residential rentals, the new riding arena and the management of livestock (10 cattle). There has been no loss or prime agricultural or forestry land nor has there been an impact on any land or features of environmental or ecological interest;
- There is considered to be a specific locational need as the house supports the holiday accommodation located within the site as well as farming activities;
- The house is considered to be sensitive, unobtrusive, high-quality professionally designed and in-keeping with the existing farm buildings;
- The house and outbuildings are not visible from the B784, which rises up a hill to the west of the farm, and is not located within a national or locally designated sensitive landscape area. Neither is the house visible from the B780 to the east;
- The new house forms part of a small cluster of existing residential and commercial buildings and is serviced entirely by private utilities including gas, electricity, clean and wastewater, which is stored via a septic tank.

The application requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021.

Consultations and Representations

The application was subject to the statutory neighbour notification process, and included a notice in a local newspaper. No representations were received.

Consultations

NAC Active Travel and Transportation - no objections. In terms of the Guidelines for Development Roads, a maximum of 5 houses can be served off a private access in a rural location. There is sufficient parking and turning space within the confines of the site.

Response: Noted. There are a number of other houses at Tennox, at least one of which is known to be used as a holiday let, with others let out on longer tenancies. In addition, there are stables/riding arena, a large storage facility and an unauthorised construction yard. The supporting information states that there are also agricultural activities which take place, such as cattle grazing. Whilst the total number of houses does not exceed 5, there are other uses at Tennox which would result in traffic generation. Nonetheless, the junction with the B780 has been designed and constructed to provide sufficient space for two way traffic entering/exiting the site. Sightlines at the junction are also adequate.

NAC Environmental Health - no objections subject to a condition that the applicant must ensure that the existing septic tank/small-scale sewage treatment plant to serve the development is of adequate capacity for the intended purpose and be capable of operating efficiently without giving rise to nuisance. Effluent soakaways must not be located in the proximity of private water extraction sites. In addition, it should be noted that the Phase 1 Mining Risk Assessment by Mason Evans

submitted in support of the application concludes that the proposed development area is potentially at risk of ground stability as a result of historical (unrecorded) shallow mine workings. Mineral bore investigations are therefore recommended to confirm, or otherwise. The applicant should satisfy themselves to this effect.

Response: Noted. In the event of planning permission being granted, the recommended condition could be attached. See also Coal Authority response, below.

The Coal Authority - no objections subject to conditions. The submitted report by Mason Evans confirms that there is evidence of workings in shallow coal seams below the site. The report confirms that without an intrusive investigation, it is impossible to establish whether there is sufficient rock cover to afford the stability of the development. The report therefore concludes that the drilling of boreholes will be necessary to identify any remedial measures. Notwithstanding the above, and in noting the retrospective nature of the application, the Coal Authority's records indicate that shallow coalmine workings underlie the site at a very shallow depth and that sufficient competent rock cover above the workings may not exist to afford the stability of the dwelling. New development and construction activity clearly has the potential to trigger new ground movement and the dwelling, as built, may therefore be at significant risk of collapse. Transient mine gases may also pose a risk to the health and safety of any future occupants. Please note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

Response: Noted. The matters raised would suggest that prior investigation of ground conditions should have taken place in advance of any development taking place. The comments stating there is "significant risk of collapse" are of particular concern. However, in the event of planning permission being granted, the recommended conditions could be attached.

Analysis

In terms of the adopted LDP, the site is located within a rural area allocated as countryside. The proposal therefore requires to be considered in terms of Strategic Policy 1 (The Countryside Objective). Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021 are also relevant considerations.

The Countryside Objective can support housing in the rural areas of North Ayrshire in a number of circumstances. Notwithstanding the arguments put forward in the applicant's supporting statement, it is considered that the following criteria are those most directly relevant to housing developments:

Criterion (i) states that sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity to one another and visually identifiable as a group with some common feature will be supported, up to a limit of 50% of dwellings existing in that group as of January 2005.

Tennox Farm originally had one house with planning permission having been granted for two additional dwellings (through conversion of existing buildings) in February 2007 under ref. 06/00850/PP. The permission was not implemented and lapsed in February 2011. Despite this, works were carried out to convert the outbuildings to form 2 dwellings, with permission then granted retrospectively in

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2018 under ref. 18/00273/PP. The history of the site therefore indicates that there was just one house at Tennox Farm in January 2005. Under this criterion, there is no opportunity for permitting the development that has taken place.

With regard to criterion (f), which provides support for the sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion, it is noted that the land was in agricultural or equestrian use before the development took place. It has taken place on land far beyond the edge of the original Tennox steading on a separate and distinct area that is linked by modern access roads and landscaped ground. However, historically, there were also coal workings below the ground at Tennox. These are not visible from ground level other than the coal bing which lies a short distance to the north of the site. Of particular concern is that The Coal Authority has raised a number of concerns, including shallow coal workings which pose risks of ground instability as well as the risks to occupants from transient mine gas. In conclusion, it is not considered that the application site constitutes a gap site, and given the potential risks to ground stability, it may not be an appropriate location even if it were.

The remaining criterion within The Countryside Objective is that of (h), new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. The proposal involves new build rather than conversion. It is not considered that the house as built is of exceptional design quality. This conclusion has been reached having given consideration to the Housing in the Countryside Note of June 2021. Section 5.5 states that there may be a presumption in favour when the following are met:

- A design led approach that achieves bespoke, one-off homes which embrace contemporary architecture whilst being identifiable within an Ayrshire and Scottish context, potentially referencing the history and cultural setting of the site or its locality in the design.
- High quality materials utilised throughout the proposal.
- Site specific access, where possible formed from existing entrance points.
- Sensitive boundary treatment which blends with existing landscape features.
- Keep window and door openings consistent.

Section 5.5 also states there should be a presumption against in the following circumstances:

- Avoid contemporary design that 'could be anywhere' - the intention of the policy is to produce exceptional design quality that is appropriate for a North Ayrshire context, whether coastal, rural or island.
- Avoid over complicated facades, avoid excess decoration.

In this case, it is considered that the design concept does not equate to a bespoke one-off home: it is an L-shaped stone and slate house with no special architectural merit or distinction. There are some similarities in terms of the design to the housing within the Tennox Farm steading, especially in relation to the external finishes of sandstone, slate and decorative features. However, the site itself is within an expansive rural area beyond the original developed area around Tennox Farm, where additional housing creates sporadic and unplanned development, regardless of design. There is no evidence within the application to suggest how the design has evolved nor how it has any site specific nor local architectural relevance.

The application was submitted in response to complaints that it had been built without planning permission, and was not, therefore, subject to any pre-application

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advice which would have provided an opportunity to discuss both the principle of development and potential design options. Had such discussions taken place, it is doubtful that the submitted design would have come forward, nor would have a site been selected where the risk of ground instability is considered to pose a significant risk to the health and safety of its occupants.

With respect to the matters raised in the supporting statement that the house has a specific locational need to be at Tennox for the management of a holiday letting business as well as other activities (equestrian and agricultural), it is noted that the applicant owns all of the properties within Tennox Farm. As such, there appear to be options available to meet the need for a site managers or workers dwellinghouse without the need for the house that has been built. Furthermore, the site is not in a remote location and is within easy reach of the nearby settlements of Kilbirnie (1.5 miles) and Dalry (2 miles).

In summary, the proposal would not, therefore, accord with Strategic Policy 1 (The Countryside Objective).

Strategic Policy 2 (Placemaking) sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. The stated purpose of the policy is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

A brief comment on each of the Six Qualities of A Successful Place follows below:

Welcoming

The proposed house has been sited with its main elevation facing onto a private courtyard at Tennox Farm. The house would be approached from the south via a private driveway access surfaced in gravel.

Distinctive

The house differs in its form from the original farm buildings at Tennox, having a large footprint on a modern L shaped plan, in contrast with the more compact buildings elsewhere that have been sited in a cluster.

Safe and Pleasant

The policy highlights that proposed development "sufficiently investigates and responds to any issues of ground instability." As noted above, this matter has been investigated by Mason Evans Partnership as part of the application. In response to the submitted risk assessment report, significant concerns have been raised by The Coal Authority, raising the question as to the suitability of the chosen site for the house.

Whilst such issues could potentially be overcome through intrusive investigation and (if necessary) remediation works, it is also noted that the house occupies previously undeveloped rural land beyond the edge of the existing steading at Tennox. As such, the house has contributed to the spread of sporadic and unplanned development around Tennox Farm. For the reasons discussed above, it is not considered there is adequate justification for doing so.

Notwithstanding the above, it is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing, and

its landscape impacts are not significant due to its relatively low height, which is further mitigated by its setting on a low plateau and back from the edge of the hillside.

Resource Efficient

The application does not provide any information in relation to the efficient use of resources. The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion." It does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises.

Easy to Move Around and Beyond

The site is located in a rural location which is not well served by walking or cycling routes. The B780 is a bus route although there is no bus stop nearby.

Adaptable

Not relevant.

It is therefore considered that the development would not accord with Strategic Policy 2.

Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and makes provision for including new features that would improve biodiversity. As the site has already been developed, there are no natural features remaining. However, the proposal includes hedgerow and tree planting to create new natural features and habitats potentially suitable for a variety of wildlife. In the event of planning permission being granted, a condition could be attached.

Policy 29 (Energy Infrastructure Development (Buildings))

In the event of planning permission being granted, a condition could be attached to meet the requirements of Policy 29, which applies to the erection of new buildings such as dwellinghouses.

In conclusion, it is not considered that the house has a specific locational need, nor is it within an established rural grouping of at least 4 houses which existed prior to January 2005. The house has not been built on a gap site. Furthermore, the design is not sufficiently bespoke nor original to meet with the objectives of Countryside Objective criterion (h) or the Housing in the Countryside Note of June 2021. Finally, it is known that the site has shallow coal workings close to ground level which may pose a risk to health and safety to its occupants at some point in the future, with concerns having been expressed by the Coal Authority. Taking all of these factors together, it is not considered that the applicant's arguments in support of the application can be accepted.

There are no other material considerations that would warrant a departure from the provisions of the development plan. In conclusion, since there is no justification to grant the application in terms of the LDP, which is not outweighed by other material considerations, planning permission should be refused.

Decision

Refused

Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	PL 00	
Block Plan / Site Plan	PL 01	
Proposed Floor Plans	PL 02	
Proposed Elevations	PL 03	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00331/PP

(Original Application No. N/100559011-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013

To : Mr Gareth Wilson
c/o North Planning & Development Fao Emma Moore
Tay House
300 Bath Street
Glasgow
G2 4JR

With reference to your application received on 13 June 2022 for planning permission under the above mentioned Acts and Orders for :-

Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)

at Tennox Farm
Kilbirnie
Ayrshire
KA25 6LX

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (The Countryside Objective) in respect of the following:
 - The locational need for a new house has not been established, given the presence of other domestic buildings at Tennox Farm;
 - The site is not within an established grouping of at least 4 dwellings which existed in January 2005;
 - The site is not a gap site between existing buildings nor would the development consolidate or round-off the established grouping, and the house has encroached onto agricultural land beyond the original steading at Tennox;
 - In architectural terms, the design is not considered exceptional, bespoke nor site specific in terms of the associated 'Housing in the Countryside Note' of June 2021.

It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.

2. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 2 (Placemaking) in respect of the following qualities of a Successful Place:

Safe and Pleasant

The policy highlights that proposed development "sufficiently investigates and responds to any issues of ground instability." In response to the submitted risk assessment report, significant concerns have been raised by The Coal Authority due to historic coal working and transient mine gas. The suitability of the chosen site for the house in terms of the health and safety of current and future occupants is therefore inconclusive.

Resource Efficient

The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion." With regard to the submitted information, it does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises. The failure to consider alternatives at an early stage in the design process has resulted in the erection of a dwellinghouse on previously undeveloped agricultural land which cannot be supported in policy terms.

Dated this : 6 September 2022



for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NORTH AYRSHIRE COUNCIL

25 January 2023

Local Review Body

Title:	Notice of Review: 22/00540/PP site to the northwest of West Bankside Farm, Kilbirnie
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00540/PP for the erection of a detached dwelling house at the site to the northwest of West Bankside Farm, Kilbirnie.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further Representations; and
 - Appendix 6 - Applicants Response to Further Representations.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received. Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5, with Appendix 6 providing the applicant's response to these representations.

Craig Hatton
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100605702-001

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

Applicant or 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:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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=""/>
First Name: *	<input type="text" value="T"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="W"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value=""/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="tommywotherspoon@hotmail.com"/>	

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WEST BANKSIDE FARM"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILBIRNIE"/>
Post Code:	<input type="text" value="KA25 7LQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="654698"/>	Easting	<input type="text" value="230617"/>
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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 on a vacant site to the north of West Bankside Geirston Road Kilbirnie

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.

The appeal is looking to review points raised in the Report of Handling. These include a previous planning approval, Ref. N/15/00464/PP contained in the description, SP1 - The Countryside Objective The Countryside Objective, consultations and analysis. The appeal includes material considerations which would warrant a departure from the provisions of the Local Development. Fuller appeal details are outlined in a separate document in the supporting documents.

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)

Planning Appeal Document, planning application, decision notice, existing and proposed site plans, location plan, proposed drawings, site image, Report of Handling, 9 images showing the proposed house and planting,

Application Details

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

22/00540/PP.

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

14/07/2022

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

02/09/2022

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:

[REDACTED]

Declaration Date:

07/11/2022



Cunninghame House Friars Croft Irvine KA12 8EE Email: epanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100584368-001

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 at vacant ground to the north of West Bankside, Geirston Road Kilbirnie

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * ☒ Yes ☐ No

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:	ADNR		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	
Last Name: *	Rodgers	Building Number:	26
Telephone Number: *		Address 1 (Street): *	LINDSAY AVENUE
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Saltcoats
Fax Number:		Country: *	Scotland
		Postcode: *	KA21 5SQ
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="radio"/> Individual <input type="radio"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	TOM	Building Number:	
Last Name: *	WOTHERSPOON	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Geirston new house

Northing

654742

Easting

230530

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

PRE APP DISCUSSIONS ON VIABILITY OF DEVELOPING THE LAND FOR A DWELLING

Title:

Mr

Other title:

First Name:

ANTHONY

Last Name:

HUME

Correspondence Reference
Number:

21/01108/PREAPP

Date (dd/mm/yyyy):

03/12/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3284.00

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)

VACANT LAND

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

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: *

PACKAGE TREATMENT PLANT

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

T Yes ≤ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

T 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 T 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 T No ≤ Don't Know

Trees

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

≤ Yes T 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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

T Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

TO REAR OF PROPOSED DWELLING

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

T Yes ≤ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>		
Does your proposal alter or create non-residential floorspace? * ≤ Yes T No		
<h2 style="margin: 0;">Schedule 3 Development</h2>		
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 T 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.		
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>		
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 T No		
<h2 style="margin: 0;">Certificates and Notices</h2>		
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 T No		
Is any of the land part of an agricultural holding? * ≤ Yes T No		
Are you able to identify and give appropriate notice to ALL the other owners? * T Yes ≤ No		
<h2 style="margin: 0;">Certificate Required</h2>		
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:

Address:

Date of Service of Notice: *

14/07/2022

(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: Neil Rodgers

On behalf of: Mr TOM WOTHERSPOON

Date: 14/07/2022

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ 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. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input checked="" type="checkbox"/> T <input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> 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: Mr Neil Rodgers

Declaration Date: 14/07/2022

Payment Details

Created: 14/07/2022 09:43



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00540/PP

(Original Application No. N/100584368-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Tom Wotherspoon
c/o ADNR Fao Neil Rodgers
26 Lindsay Avenue
Saltcoats
Ayrshire
KA21 5SQ

With reference to your application received on 25 July 2022 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwelling house to include the provision of associated access, garden ground, landscaping and drainage works

at Site To North West Of West Bankside Farm
Kilbirnie
Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (The Countryside Objective) in respect of the following:

- The site is outwith the established group of housing on Geirston Road;
- The maximum number of new build dwellings (4 no.) within the established grouping at Geirston Road has been reached;
- The site is not a gap site between existing buildings nor would the development consolidate or round-off the established grouping, and the proposed house would result in an unsatisfactory form of ribbon development within the countryside;
- The proposed design is not considered exceptional since it would resemble the nearby development to the east within the grounds of West Bankside Farm. The design merits of the house are not considered bespoke nor site specific in terms of the associated 'Housing in the Countryside Note' of June 2021.

It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.

Dated this : 2 September 2022



.....
for the North Ayrshire Council

(See accompanying notes)



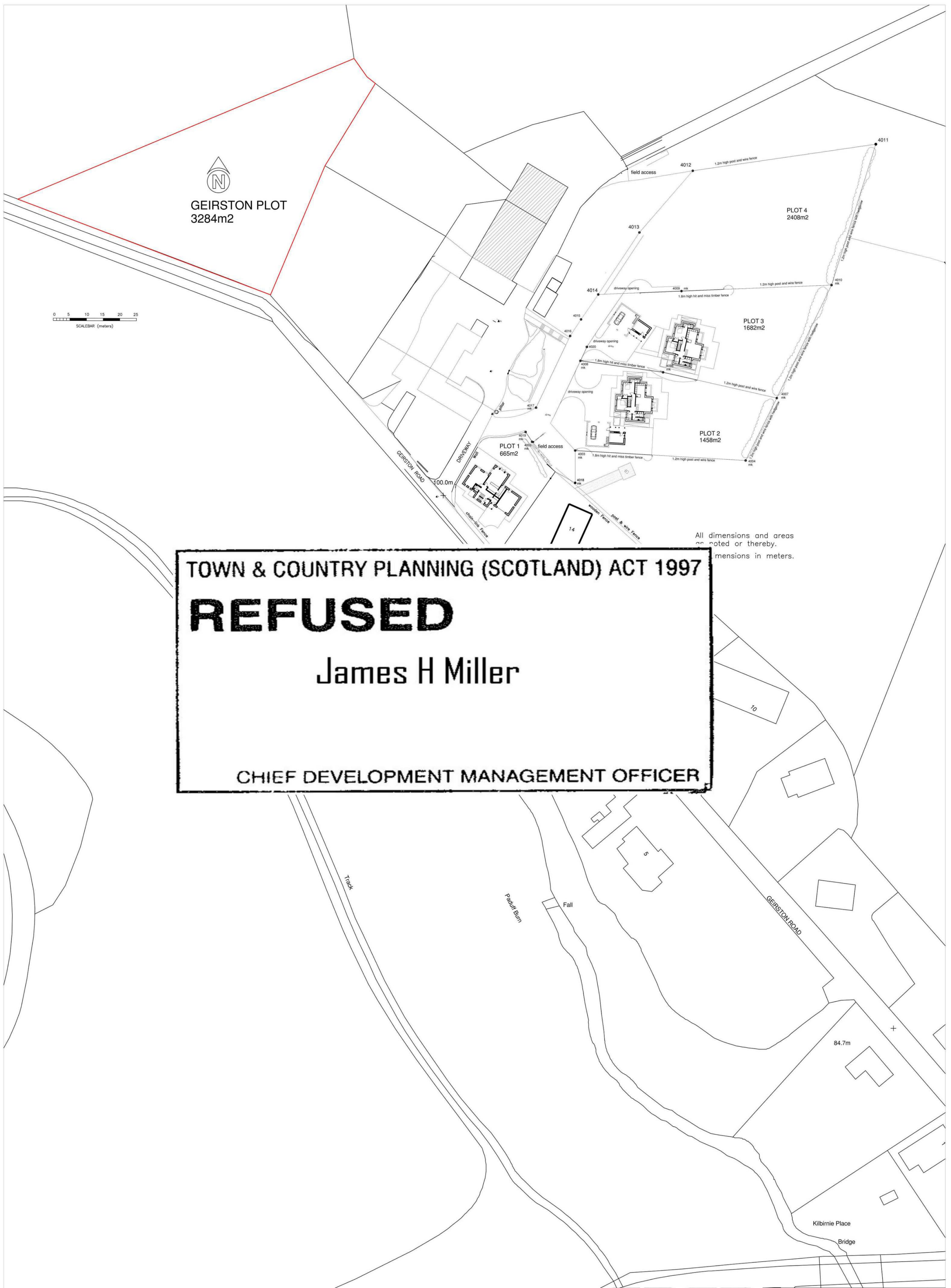
North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.




GEIRSTON PLOT
3284m2

0 5 10 15 20 25
SCALEBAR (meters)

PLOT 4
2408m2

PLOT 3
1682m2

PLOT 2
1458m2

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER

All dimensions and areas as noted or thereby.
Dimensions in meters.

Track

Paduff Burn

A Fall

GEIRSTON ROAD

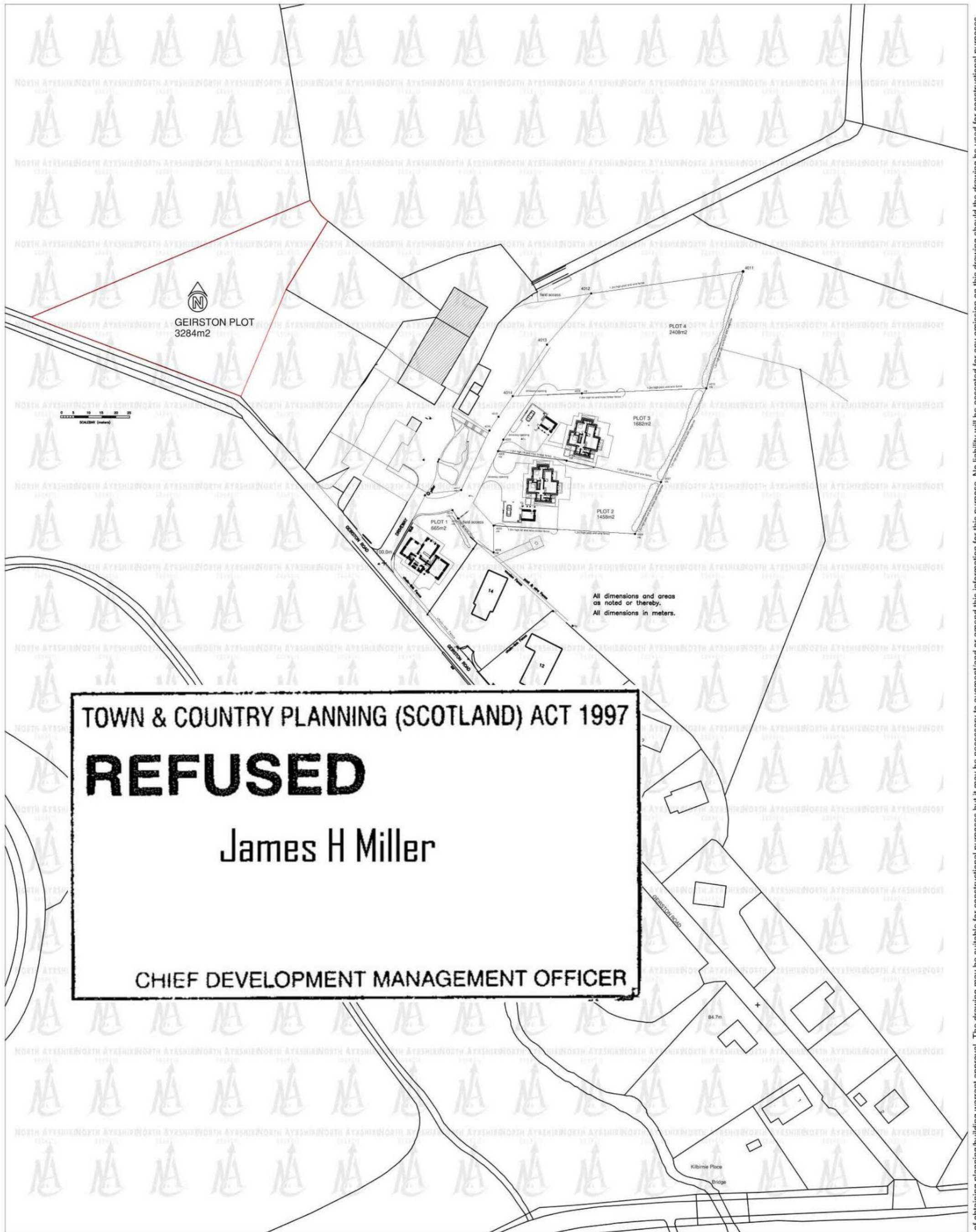
84.7m

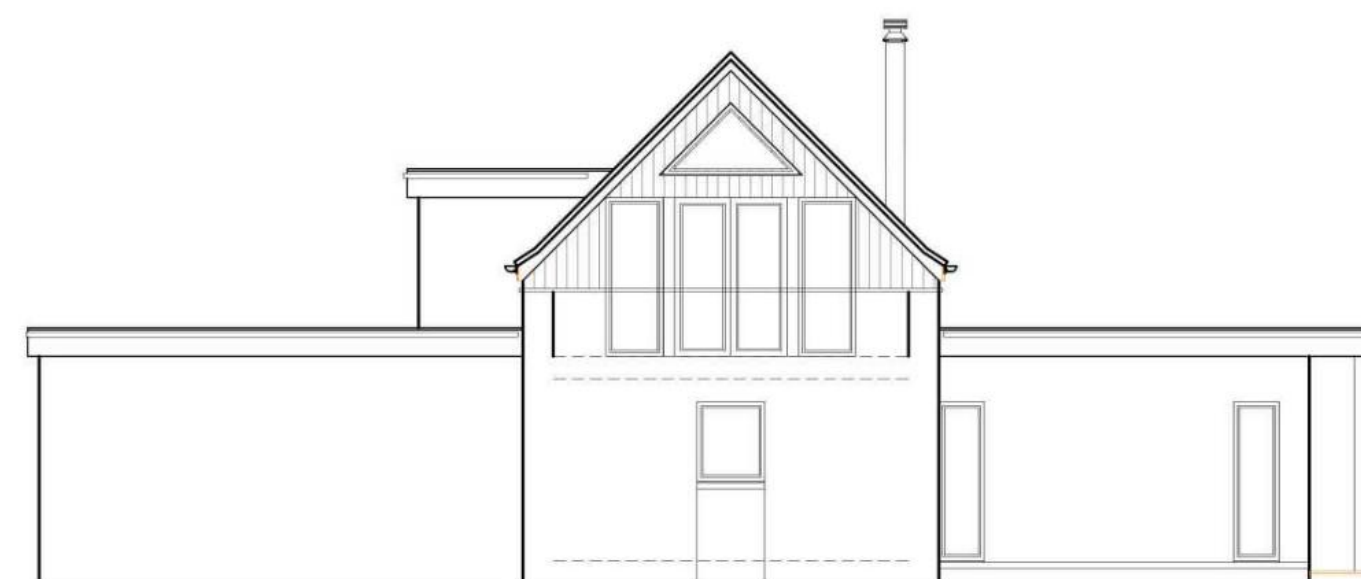
Kilbirnie Place

Bridge

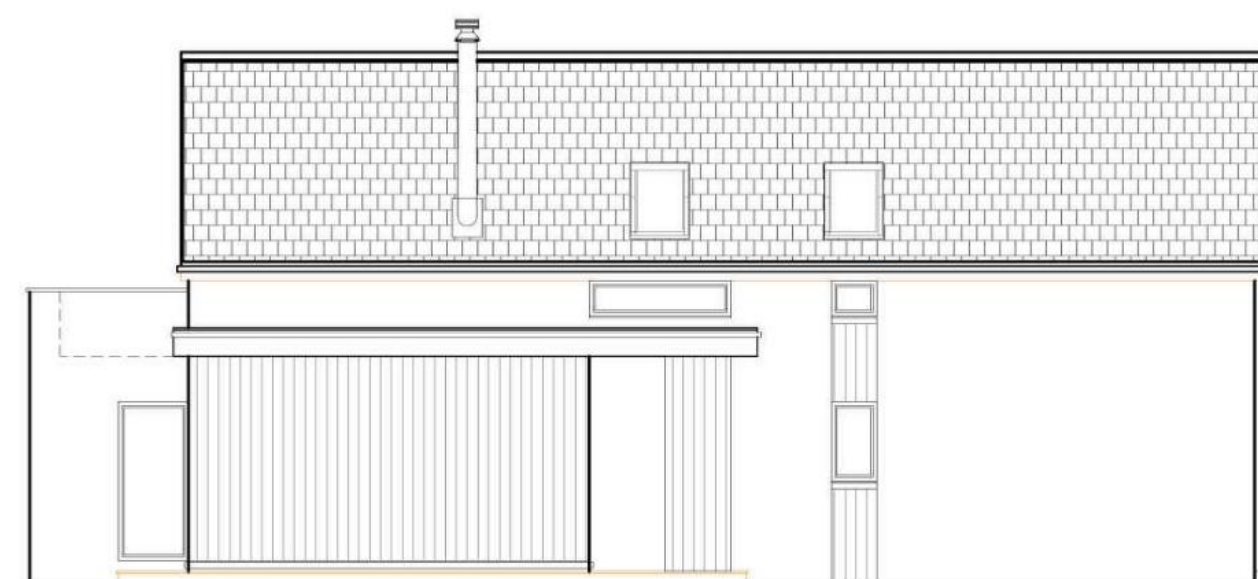
adnr
architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

Rev/Date		Description	Name
This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING			
<input type="checkbox"/> Preliminary	<input type="checkbox"/> For Approval	<input type="checkbox"/> Planning Submission	<input type="checkbox"/> Warrant Submission
job new dwelling geistern road kilbirnie KA25 7LG		Client MR & MRS WOTHERSPON Scale 1" @ A1 sheet 1: 500 Drawn -> NR Date -> 12.07.2022	
dwg title existing site plan		dwg number ADNR 678 -002	





south elevation



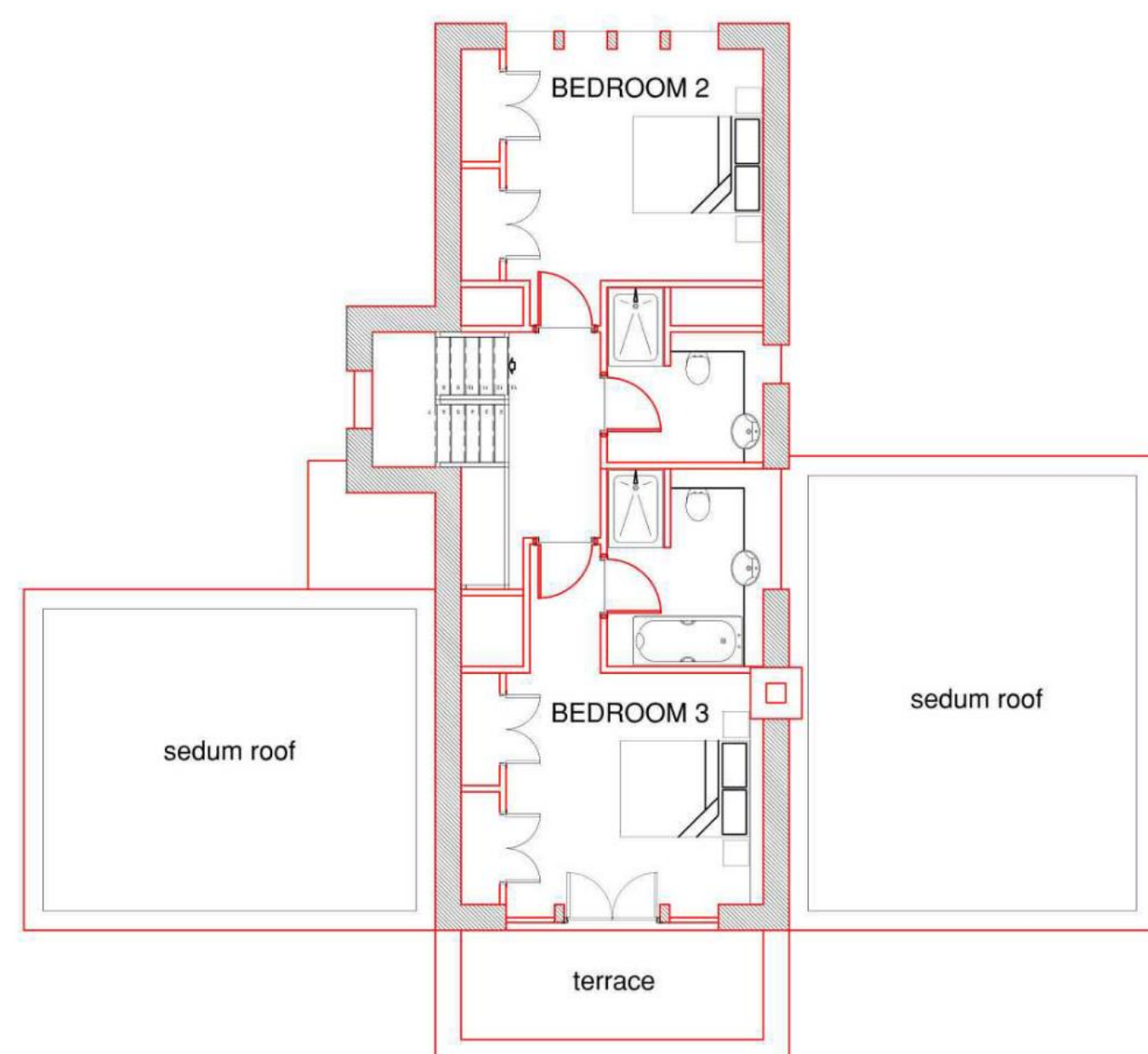
east elevation



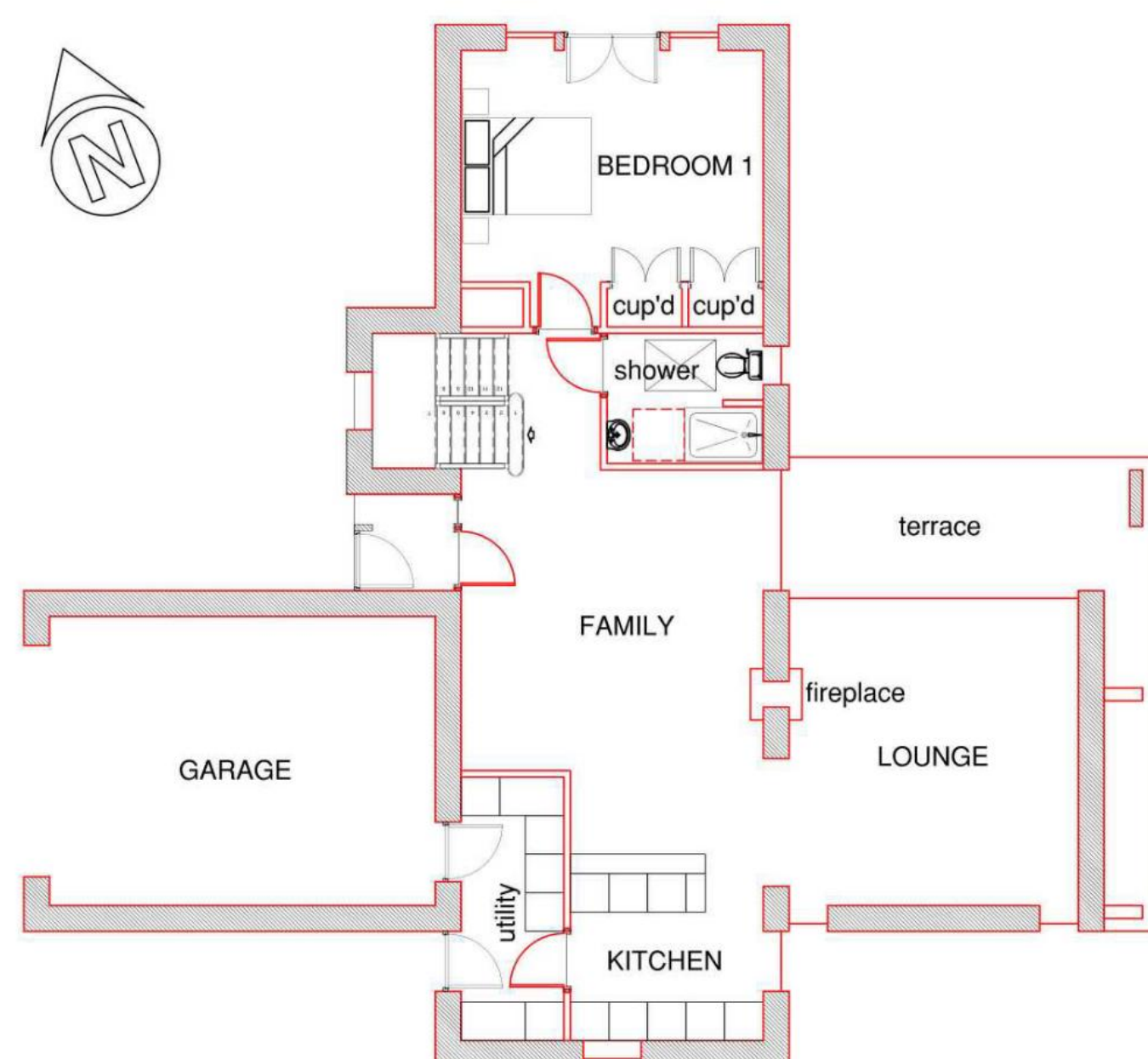
north elevation



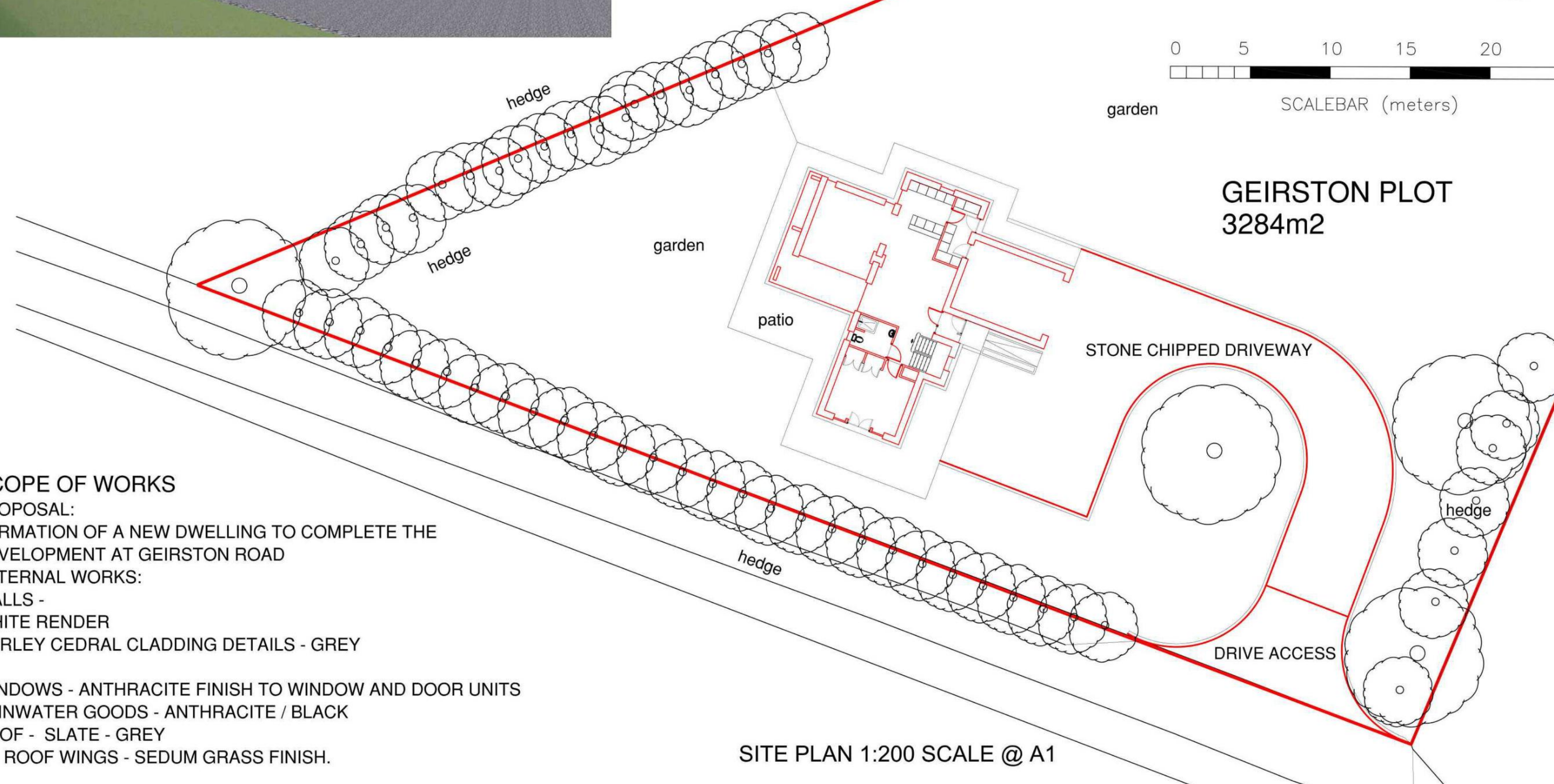
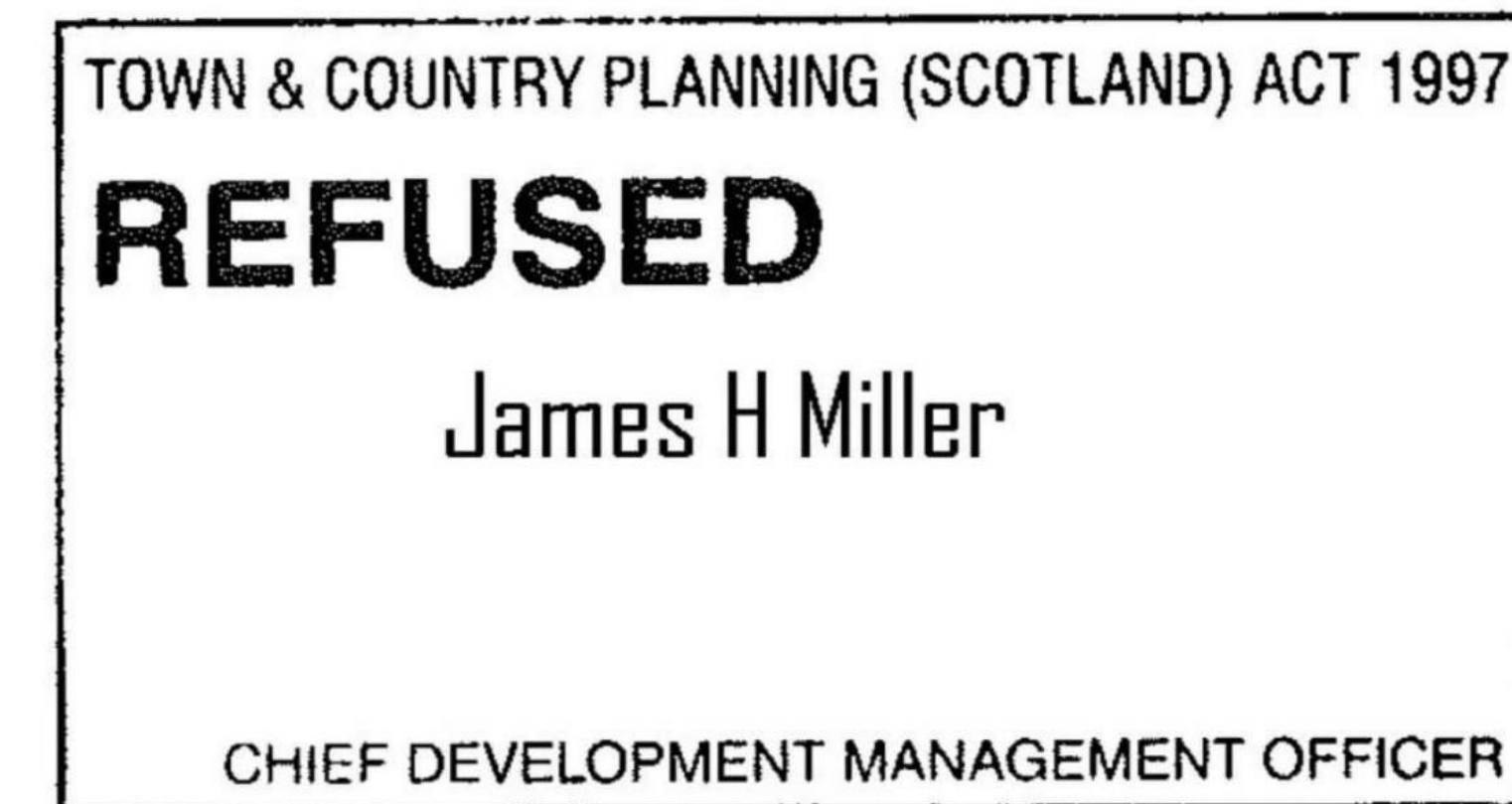
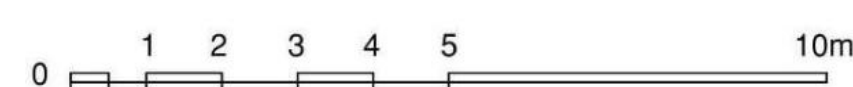
west elevation



upper floor plan



ground floor plan



SCOPE OF WORKS

PROPOSAL:
FORMATION OF A NEW DWELLING TO COMPLETE THE
DEVELOPMENT AT GEIRSTON ROAD

EXTERNAL WORKS:

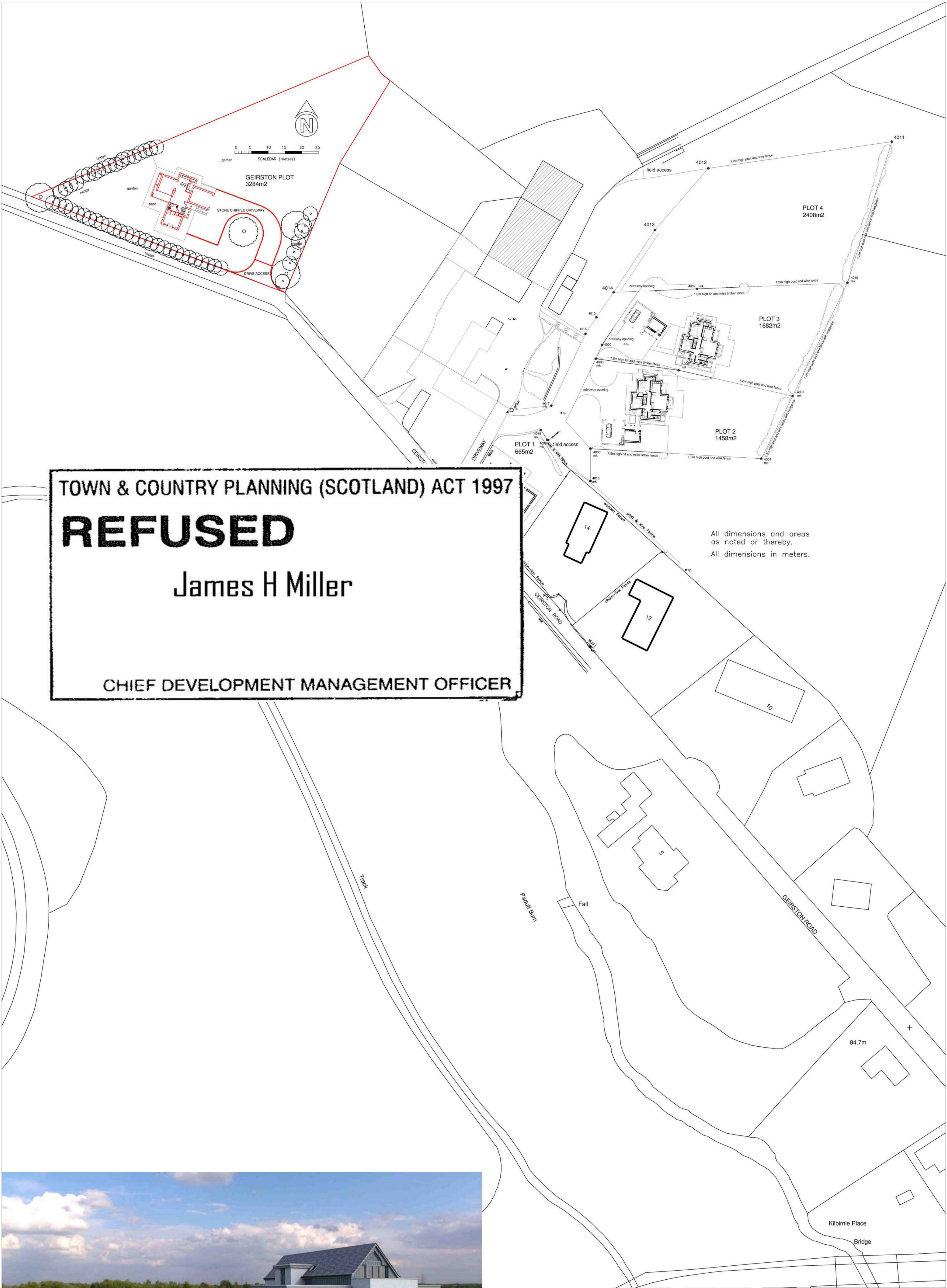
WALLS -
WHITE RENDER
MARLEY CEDRAL CLADDING DETAILS - GREY

WINDOWS - ANTHRACITE FINISH TO WINDOW AND DOOR UNITS
RAINWATER GOODS - ANTHRACITE / BLACK
ROOF - SLATE - GREY
TO ROOF WINGS - SEDUM GRASS FINISH.

New Dwelling Geirston Road
As Proposed

adnr
architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

Rev	Date	Description	Name
1		This drawing is issued for the purpose of the status indicated below only:	
<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	For Approval
<input type="checkbox"/>	Planning Submission	<input type="checkbox"/>	Warrant Submission
Client: MR & MRS WOTHERSPOON			DO NOT SCALE THIS DRAWING
Scale: 1:100			ADNR 678
Drawn: NRI			-004
Date: 12.07.2022			



ADNR
architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

Rev		Date	Description	Name	
This drawing is issued for the purpose of the status indicated below only:					DO NOT SCALE THIS DRAWING
<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	For Approval	<input checked="" type="checkbox"/>	Planning Submission
<input type="checkbox"/>	Warrant	<input type="checkbox"/>	Submission	<input type="checkbox"/>	Warrant Submission
job		Client - MR & MRS WOTHERSPOON			
new dwelling geirston road kilbirnie KA25 7LG		Scale - @ A4 sheet 1: 500		ADNR 678 -003	
drawing title		Drawn - NR			
proposed site plan		Date - 12.07.2022			
		drawing number			

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 22/00540/PP
Proposal: Erection of detached dwelling house to include the provision of associated access, garden ground, landscaping and drainage works
Location: Site To North West Of West Bankside Farm, Kilbirnie, Ayrshire,

LDP Allocation: Countryside/Rural Community
LDP Policies: SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 14-Green & Blue Infrastr / Detailed Policy 29 - Energy Infrastructu /

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 26.07.2022
Neighbour Notification expired on 16.08.2022

Advert: Regulation 20 (1) Advert
Published on:- 03.08.2022
Expired on:- 24.08.2022

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our

prime and locally important agricultural land from development except where proposals align with this spatial strategy.
In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 14-Green & Blue Infrastructure Policy 14:

Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur. Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements

for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

Detailed Policy 29 - Energy Infrastructure

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);

22/00540/PP

- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Description

The application seeks planning permission to build a 1.5 storey house with 3 bedrooms on a greenfield site to the west of West Bankside Farm at Geirston Road in the rural area to the west of Kilbirnie.

At present, Geirston Road consists of a rural grouping of 15 houses and leads northwards from the Largs Road (A760). The grouping was expanded in recent years through the development of 4 new houses to the east of West Bankside Farm steading.

The proposed house would be located beyond the limits of the grouping within a field to the west and uphill of the farm steading. The field has an area of 3284 square metres. It is triangular in shape and is situated to the west of a horse riding arena at the north end of the West Bankside steading. There is a small field between the east of the site and the rear of the farmhouse at West Bankside. The land to the north is open countryside. The site provides panoramic views over the town and beyond to the wider landscape.

22/00540/PP

On plan, the house would have a T-shape with a small projecting balcony/roof terrace at the north-eastern end. The main part of the house would have a gabled roof flanked by two flat roof wings projecting to either side. The flat roofs would be finished using sedum (plants) whereas the steeply pitched gabled roof would be slated. External wall finishes would consist of timber cladding, light coloured wet dash rendering and stone detailing. The house would include an integral garage, with open plan rooms on the ground floor and two bedrooms on the first floor. An extensive area of garden ground and driveway/parking would be provided within the curtilage of the site, with a new access formed directly onto Geirston Road to the eastern end of the land. The existing mature hedgerow along Geirston Road would be retained and a new hedge planted along part of the northwestern boundary. A group of trees would be planted along part of the eastern boundary to enclose the site and restrict views towards the rear of West Bankside Farm.

The submitted design statement indicates that renewable energy would be used for the house in order to make it self-sustainable. This would involve the use of solar PV panels on the southern roof plane with rechargeable solar battery, a ground source heat pump, rainwater harvesting for supplying toilets, SuDS below driveway for surface water drainage management. Waste water would be channelled through an on-site treatment plant with treated water discharged to field drains.

The application requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021.

Consultations and Representations

Consultations and Representations

The application was subject to the statutory neighbour notification process, and included a notice in a local newspaper. One letter of representation was received.

Representation

1. The proposed design should be reconsidered. It would be severely over-sized and out of scale with the surroundings, giving no concession at all to the style of the existing historic farmhouse, being reminiscent of an American Baptist church rather than a rural home. It would not harmonise at all within this tranquil rural area, where a more modest, darker, modern home would contrast with the existing steading and blend into the hillside, or a cottage-style build would be more in-keeping with the surroundings.

Response: Noted. See Analysis.

2. The boundary hedgerow with trees shown in the plans should become a compulsory part of any agreed plan and continued to the end of the plot boundary to hide as much of the development as possible from the farm.

Response: Noted. In the event of planning permission being granted, conditions could be attached to ensure the above requirements are met.

3. A serious and ongoing safety concern has been expressed about the water pressure on Geirston Road. A fire in 2020 was unable to be extinguished by the fire service until it had destroyed a considerable amount of property due to the complete lack of pressure at the hydrant. When measured it was less than 1 bar and remains unresolved. If another property were to be added to the line it could have further adverse effects.

Response: Noted. Scottish Water advise in their consultation response that the pressure would need to be 1 bar for a new house.

4. In flash flood conditions surface water runs off the hillside & fields above the farm (and application site). It has been known to pour river-like right through the farmhouse of West Bankside farm leaving several inches of water downstairs. I would be concerned about further compaction of the ground above the farm and an increase in hard standing above us increasing the frequency and severity of flooding into our property. I would request that considerable drainage all the way to the nearest watercourse take place as part of this development.

Response: Noted. The submitted drainage information indicates that surface water associated with the proposed development would be harvested for use in the house and collected using a sustainable drainage system. This would help to reduce run-off from flash floods and other rainfall events. However, it would not necessarily prevent the conditions described above, since not all parts of the application site would be drained using SuDS (eg. the garden area to the north of the house is unlikely to be drained to SuDS).

Consultations

NAC Active Travel and Transportation - no objections. Visibility splays of 2.5 metres by 70 metres, in both directions, must be provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles. 2 The first 2 metres of the driveway to be hard surfaced in order to prevent loose material from being deposited onto the public road. 3 No surface water to issue from the access/driveway onto the public road. 4 For works on or adjacent to the public road network a Road Opening Permit is required.

Response: Noted. In the event of planning permission being granted, conditions could be attached to ensure the above requirements are met.

Scottish Water - no objections. There is sufficient water supply capacity to serve the proposed development. There is currently sufficient capacity for a foul only connection to service the proposed development. However, please note that further investigations may be required to be carried out once a formal application has been submitted.

Response: Noted. Provision for the treatment and disposal of waste water and surface water has been indicated in the submitted plans, and are considered to be satisfactory for planning purposes. The issue which has been raised about water pressure would be a matter for Scottish Water and the developer to resolve.

Analysis

In terms of the adopted LDP, the site is located within a rural area allocated as countryside. The proposal therefore requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021 are also relevant considerations.

Criterion (i) of Strategic Policy 1 (The Countryside Objective) states that sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity to one another and visually identifiable as a group with some common feature will be supported, up to a limit of 50% of dwellings existing in that group as of January 2005.

Geirston Road is a long established rural housing group and had 11 houses until the recent development of 4 new build dwellings at West Bankside Farm. The new dwellings have taken up all the capacity of the grouping in terms of criterion (i). By this criterion, there is no opportunity for a further dwelling.

With regard to criterion (f), which provides support for the sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion, it is noted that the application site is located beyond the extent of the established grouping and is separated by a small field. As such, it is not considered that the site is either a gap site within the Geirston Road grouping, nor would the proposed development define/provide a defensible boundary. It is considered that the steading at West Bankside already does this successfully, providing an end stop between the developed area and the wider rural landscape beyond. Any further new housing to the west would equate to ribbon development. Therefore, by this criterion, there is no opportunity for a further dwelling.

The remaining criterion within The Countryside Objective is that of (h), new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. The proposal involves new build rather than conversion. It is not considered that the proposed house is of exceptional design quality. This conclusion has been reached having given consideration to the Housing in the Countryside Note of June 2021. Section 5.5 states that there may be a presumption in favour when the following are met:

- A design led approach that achieves bespoke, one-off homes which embrace contemporary architecture whilst being identifiable within an Ayrshire and Scottish context, potentially referencing the history and cultural setting of the site or its locality in the design.
- High quality materials utilised throughout the proposal.
- Site specific access, where possible formed from existing entrance points.
- Sensitive boundary treatment which blends with existing landscape features.
- Keep widow and door openings consistent.

Section 5.5 also states there should be a presumption against in the following circumstances:

- Avoid contemporary design that 'could be anywhere' - the intention of the policy is to produce exceptional design quality that is appropriate for a North Ayrshire context, whether coastal, rural or island.
- Avoid over complicated facades, avoid excess decoration.

In this case, it is considered that the design concept would not equate to a bespoke one-off home. There are similarities in terms of the proposed design to the nearby

development of new housing at West Bankside Farm, especially in relation to the gabled roof with windows facing onto the landscape contained within the apex. The submitted letter of representation makes several design suggestions. However, the site itself is at the start of more expansive rural area beyond the existing developed area at Geirston Road, where further housing development would create ribbon development, regardless of design. Whilst the design would be, in generic terms, contemporary in character, there is no evidence within the application to suggest how the design has evolved nor how it has any site specific nor local architectural relevance. The design would take advantage of the views which the site has, but this is not of itself part of the design: it is simply a response to the site, using a similar theme and range of external finishes to the other modern houses nearby. Whilst noting that the house would aim to be carbon neutral and self-sustaining largely through the use of solutions which are commonly employed in rural housing (eg. ground source heat pump, rainwater harvesting), these factors are not sufficient justification for building a new house.

In conclusion, it is not considered that the site is suitable for a house due to its position beyond the limits of the Geirston Road grouping, nor is the proposed design considered be sufficiently bespoke or original to overcome the constraints of the site location. The proposal would not, therefore, accord with Strategic Policy 1 (The Countryside Objective).

Strategic Policy 2 (Placemaking) sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. The stated purpose of the policy is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

A brief comment on each of the relevant Six Qualities of A Successful Place follows below:

Welcoming

The proposed house would be sited with its main elevation facing onto Geirston Road, partially screened by an established hedgerow. The house would be approached from the east via a new driveway access surfaced in gravel.

Distinctive

The house would be of a broadly similar design to nearby new housing at West Bankside. As such, it is not considered that the house would be distinctive within this context.

Safe and Pleasant

The house would occupy undeveloped rural land beyond the edge of the existing grouping at West Bankside. It is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing. However, the house would be significant in terms of its height on rising ground west of the existing grouping. The house would not be within the existing grouping and would extend the built-up area into the countryside beyond. It is not considered there is adequate justification for doing so.

Resource Efficient

As discussed above, the proposed house would have a ground source heat pump and solar PV roof panels with battery system.

22/00540/PP

Easy to Move Around and Beyond

The site is located in a rural location within walking distance of Kilbirnie.

Adaptable

Not relevant.

It is considered that the proposed development would not accord with Strategic Policy 2 on the basis that its design is not distinctive, which is a consideration for a house which is being proposed to be of "exceptional" design quality.

Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and makes provision for including new features that would improve biodiversity. There are no natural features of note on the site. The proposal includes hedgerow and tree planting to create new natural features and habitats suitable for a variety of wildlife. In the event of planning permission being granted, a condition could be attached.

Policy 29 (Energy Infrastructure Development (Buildings))

The submitted design statement indicates that the house would benefit from low or zero carbon energy heat/power systems in the form of ground source heat pump, solar PV roof panels and battery system. In the event of planning permission being granted, a condition could be attached.

It is considered that the proposed development cannot be supported in terms of the LDP, as discussed above. There are no other material considerations that would warrant a departure from the provisions of the Local Development Plan. In conclusion, since there is no justification to grant the application, planning permission should be refused.

Decision

Refused

Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	ADNR 678 - 001	
Existing Plan	ADNR 678 - 002	

Site Plan	ADNR 678 - 003

Proposed Plans and Elevations	ADNR 678 - 004

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APPEAL AGAINST PLANNING APPLICATION REFUSAL

ON BEHALF OF

MR & MRS TOM WOTHERSPOON

Prepared by

JOHN R LOGAN M.Sc.

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1.0 Introduction

In September this year, a Planning Application Ref 22/00540/PP, to build a house was refused. It was submitted, on behalf of Mr and Mrs Tom Wotherspoon, by their agent. The proposed development is on a plot on Geirston Road, Kilbirnie, KA25 LQ. Geirston Road is a 15 house settlement within walking distance of the town.

This appeal commences with an Executive Summary outlining the points which the Review Body should take in account when considering this appeal. It develops them further in the background which covers a previously approved application granted in 2015, Ref. N/15/00464/PP. This contends that the approval should have been for 5 plots rather than 4. Just one of the material considerations which enable the Review Body to depart from the provisions of the Local Development Plan. It also describes the lack of any large scale housing development in Kilbirnie or individual brownfield site house building in the town.

Thereafter the appeal challenges statements in Report of Handling, which do not stand up to scrutiny. It also comments on other points raised in the Report of Handling, Ref 22/00540/PP.

Prior to the conclusion, the appeal will outline other material considerations. These are drawn from Cabinet Approved papers, prepared by the Executive Director (Place) and the Head of Service Team. These papers (see Appendix 1) highlight the role housing and homes play in various policies, underpinned by strategies, principles, and priorities, aimed at regenerating North Ayrshire and its communities, based on sustainability, to be carbon neutral by 2030. Also, to ensure that constituents achieve their ambitions.

At this stage it would be useful to provide context in terms of The Executive Director (Place), and the Heads of Service team. The Director, in addition to having overall responsibility for planning and policy, leads a team whose remit covers, among other things, housing, economic regeneration, and sustainability based on a green agenda.

The Executive Director (Place) is one of the most senior posts in the Council. Consequently, the statements within these Cabinet Approved papers and referenced throughout this appeal, should carry considerable weight with the Review Body.

The Executive Summary follows.

2.0 Executive Summary

Our ambitions for North Ayrshire are for a thriving place that is 'Fair for All'. Our Council Plan has fairness and equity at its heart and sets out our priorities for an inclusive economy and a vibrant, sustainable place..... Prior to this the Council declared a Climate Emergency in June 2019, with a commitment to reduce emissions to net-zero by 2030.

(Councillor Joe Cullinane, North Ayrshire Council Leader)

Ref: Background, Appendix 1, Forward, Regeneration Delivery Plan

It would be surprising if the present Council Leader does not agree with this statement.

In terms of fairness to other residents on Geirston Road, The Report of Handling relating to the application acknowledges that *"It is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing"* By having no additional impact on council services it is "fair" to North Ayrshire Council. Caption 5 on page 17, illustrates it virtually no impact on the countryside. It is "fair" to the environment in that the house is built to the latest environmental standards to reduce heat emissions. Rather than being on Prime agricultural land graded on a scale 1 to 7 it is on non-agricultural land graded as 5.2 to be used as a source of renewable energy. Reducing emissions and sourcing renewables are key elements in the council's efforts to combat climate change.

These are just some of the points raised, to be developed further, which show that objections to the development based on SP1 - The Countryside Objective are invalid.

What is unfair is denying life-long Kilbirnie residents an opportunity to build a home which meets their needs and aspirations. Principles which the Cabinet and councillors acknowledge as desired outcomes for their constituents, when describing a self-build project.

Before Covid 19 struck in 2020, Cabinet approved a self-build project in Largs, in December 2018. The following NAC Housing Strategy 2018 – 22 priority, "...supply of housing meets the needs and aspirations of local people...".

Ref: Executive Summary Par 1.1 Self Build Housing in North Ayrshire

Ref: Background, Par 2.2 Supply Local Housing Strategy 2018-2022: Progress Update

National government shares this enthusiasm for self builds, promoting government backed self-build loan funds for both town and country development. See Appendix 2.

The importance of councillors' constituents having a choice of the type of home in which they wish to live and where, is repeatedly emphasised in Cabinet Approved papers. This proposed self-build not only meets individual needs and aspirations, but plays its part within North Ayrshire Council's policies and strategies to regenerate the economy, communities and achieve the Council's objective of being carbon neutral by 2030.

Within the background are details of a previous planning approval in 2015 Ref. N/15/00464/PP. The description of the development's composition in The Report of Handling, is considered misleading. The Design Guidance Development in the Countryside North Ayrshire Council January 2009 makes a distinction between an infilled gap site and developing nucleated groups. It confirms that Planning Approval gained at the time should be 5 plots, rather 4. ***The reduction was made at the 11th hour after 5 months of pre application discussions.*** Captions 1 and 2, page 9 show separate entrances to these distinct developments.

Despite its locational advantages, and parcels of land being allocated for housing development in the 2015 and 2019 Local Development Plans, there is no substantial private housing development in Kilbirnie. There is a publicly funded regeneration project at Lochshore, an area that has been designated for housing for over 20 years, with no takers. No house building is underway, to infill brownfield sites in the town.

It is small scale developments, such as the one which forms the 2015 planning approval which have been instrumental in addressing issues such as depopulation, by attracting new residents to Kilbirnie, with demand far outstripping supply. The properties are built to the latest environmental standards serviced by air sourced heat pumps.

The first house sold off the site to a buyer from outwith the area, as are current residents. It exceeded £500k, an unusual figure for the town, demonstrating the quality of the build and the potential to make Kilbirnie an attractive place in which to live. A choice of quality housing and homes provided by both by the private and public sector are seen as fundamental to economic regeneration, enhancing communities and council's aim of being carbon neutral by 2030. All are objectives established to enhance all councillors' constituents' lives.

The Report of Handling contains statements which are open to challenge. For example, SP1 – The Countryside Objective raises concerns about the plot development on Geirston Road regarding lack of council services. The plot's location is on a public road which is in full receipt of council services. No new services required. Protecting prime agricultural land is included. The Hutton Institute, rate Prime Land as 1. The plot land is rated 5.2 on a scale of 1 to 7. Being built to the latest environmental standard, sourcing renewable energy, meeting people's aspirations and contributing to local spend, the development promotes sustainable development, and results in positive social and economic outcomes.

The description of the approved application's (Ref: Ref. N/15/00464/PP) plots locations is less than accurate. It describes them as a single block rather than being distinct developments.

Included in the Report of Handling is an assertion that water can run uphill from the plot and flood the farmhouse. ***Captions 8 & 9 page 18 show the gradient water would have to overcome to reach the farmhouse.*** It also cites lack of water pressure as a major serious and ongoing safety concern. The lack of water pressure was addressed decades ago with the installation of a water pump at the property concerned. The supposed safety concern relating to a serious fire in 2020 at said property, arose as a result of Scottish Water not upgrading the public water supply, to the standard which would allow a fire Hydrant to be installed on Geirston Road. Subsequently a 10,000 litre water tank installed at the three plots next to the property was an essential aid to extinguishing the fire and makes Geirston Road safer.

Lack of a defensible boundary is claimed at the north end of the proposed site. There is a fence line in place which, with appropriate planting will create a substantial defensible boundary of the plot which is on land not used for agriculture. Together with planting in and around the proposed property, on the substantial plot, it enhances local biodiversity.

Being a carbon neutral and self-sustaining property is not considered justification for building a new house. In contrast, the Cabinet Approved papers attach considerable importance to renewables in house building having directed substantial financial investment towards their development in North Ayrshire. All gains, in the council's efforts to tackle climate change.

Being broadly of similar design to the previous development is seen as a negative. On the contrary, it is a positive judging by the latest sale from it, and bringing current residents from outside the area, this design has raised Kilbirnie's profile making it an attractive place to live.

Two planning objections raised within the Report of Planning don't make sense. The first, not being a distinctive house design was not an option open to the applicants as the planners discounted it before the application was submitted. Secondly, the proposed house being located in too prominent a position on a slope could have been addressed in preapplication discussions. Adjustments could have been made to locate the property in a less prominent position so that it was absorbed within the slope.

Being classed as an extension of the existing development and ribbon development, is not set in stone. In principle, planning will be supportive of housing for rural businesses. A potential buyer was interested in the livery yard and a wraparound of 10 acres at West Bankside, but not the farmhouse. The present planning official advised that the plot in question could be the location for her house. The Report of Handling classes a house on this location as ribbon development and an extension of the settlement. Given that other site options in less prominent positions existed why was there no suggestion of siting the property elsewhere?

It shows that Exceptions can be made.

Finally, the Report contends that there are no other material considerations which would warrant a departure from the provisions of local development plan.

This appeal begs to differ. It draws on statements within Cabinet Approved papers to outline several housing related material considerations.

Substantial private housing developments, to the latest environmental standards, and sourcing renewable energy, would be a major advantage when it comes to the council tackling climate change. No major housing development in Kilbirnie, brings small scale and single property developments to the fore, raising their importance in contributing to the council's aims and objectives for North Ayrshire in general and Kilbirnie in particular. In this context the contributions this development makes, which will be cited as material considerations.

In recognising the correlation between housing, public or private, and vibrant communities, the council places communities at the heart of its regeneration delivery plan. The council stresses that a range of good quality housing has a vital role in the re-investment of communities, their regeneration, and delivering Council Plan and individual ambitions.

To this end, collaboration amongst planning, economic development, regeneration, housing, and sustainability is fundamental to this process, all the Executive Director's (Place) and the Heads of Service Teams' responsibility.

The council's promise to be carbon neutral by 2030 included in several of the council papers confirms its importance. To achieve this the Cabinet ranks the local authority, business, school community groups and the individual and as a consequence individual projects equally, when it comes to playing their part in the drive towards sustainability.

As the leader in this, the council has invested heavily in renewable energy such as solar panels, both on a large scale farm and on housing. Other forms of renewable technology are being investigated. They are priority actions for the council, as is tree planting and addressing the decline in biodiversity. As a single project the proposed development makes its contribution by exploiting solar PV panels, installing a ground sourced heat pump, and establishing an appropriate planting programme on the plot.

The local authority, emphasises the importance of personal aspiration and choice of location, for its residents, when it comes to their homes. It recognises that Self-build projects can meet the need of local people like the applicants. Private investment as well as public plays a part in delivering energy efficient homes and is seen as key in providing a mix of homes. All the pledges and principles outlined above apply to this single development.

Otherwise what is their point?

Several statements drawn from Cabinet Approved papers provide a number of material considerations. They show the contribution that housing makes to the council achieving its objectives of regenerating communities, addressing climate change, and meeting its carbon neutral target by 2030. These illustrate the value that the individual and single developments can contribute to achieving the councillors' aims which they have for their communities, and constituents.

The Review Body is invited to decide on the appeal based on points challenged in the Report of Handling and by redressing the reduction of plot numbers from 5 to 4 in the previous application. Also in terms of the council's view, whereby meeting the individual's housing needs and aspirations is foremost. In a wider context, the contribution housing can make to Kilbirnie's regeneration and achieving the council's other objectives, should be considered.

Taking them into consideration will enable the Review Body to depart from the provisions of the Local Development Plan and uphold the appeal.

This summary concludes with a personal statement from the applicants.

We have lived in Kilbirnie all of our lives, when we married in 1980 we bought our first property in Muirend Street, after our family came along we moved to Herriot avenue, then moving to our current residence at 16 Castle Grove where we have stayed for 25 years.

We have two sons Graeme & Allan, both who have property in Kilbirnie and we enjoy living in the town close to our family.

We have both recently taken early retirement, Donnise worked as Senior Manager with Morrisons for 24 years, my career, I served a mechanical apprenticeship locally at Hunterston & then went to work in the offshore oil & Gas industry where I worked for 32 years, the last 16 years as a maintenance manager.

In 2021 we were informed about a potential plot of land in Geirston Road which we viewed with the land owners. We seen this as an ideal opportunity to build our dream retirement home for us, our sons & our granddaughter. This location would be perfect for us to develop this plot of land in a countryside environment and still within Kilbirnie.

We would also be selling our 4 bedroom home to a potential young family to benefit from.

If we are unsuccessful with this application we may have to look outside Kilbirnie for our retirement property. We both have had busy careers and we are looking for a more tranquil country setting for our retirement life.

Tom and Donnise Wotherspoon

3.0 Background

Prior to commenting on the Report of Handling for application 22/00540/PP it may be informative to provide a background information on a previous application and on Kilbirnie

3.1 Previous Application

Mr and Mrs Logan own the plot which is the subject of this appeal. The Logans' sold West Bankside steading and 10 acres in 2018. It was a livery yard, and is now an equestrian centre for breeding horses. In October 2015 they gained planning approval N/15/00464/PP for 4 plots, at West Bankside, Geirston Road, Kilbirnie, KA25 7LQ.

3.2 The Report of Handling, contains a description of this previous development.

“At present, Geirston Road consists of a rural grouping of 15 houses and leads northwards from the Largs Road (A760). The grouping was expanded in recent years through the development of 4 new houses to the east of West Bankside Farm steading.”

This description is misleading as it gives the impression that the 4 houses are a single development. There are separate, being a development for 3 houses, with a shared entrance to West Bankside, and an infill gap site with a separate entrance from Geirston Road.

Permitted developments in the countryside include:

- a) The proposal constitutes a small-scale addition to an existing well-defined nucleated group of 4 or more houses where expansion is limited to 50% of the number of dwellings existing in that group (as of 1 January 2005) up to a maximum of 4 new housing units.
- b) The proposal is sympathetic to the character and form of existing group; The sensitive infilling of any available gap sites consolidating existing groups will be particularly encouraged.
- c) Any individual proposal does not prejudice a future development opportunity
- d) The proposal complies with Roads Guidelines

Ref: The Design Guidance Development in the Countryside North Ayrshire Council January 2009 Page 1. Infill is recognised as a separate development criterion in the 2009 document.

Caption 1, a Google overhead, shows the separate entrance, into West Bankside marked in blue, to the three plots, 1,2 and 3, to the southeast of West Bankside. The 4th property to the southwest is a gap infill plot, house, and garden, circled in yellow accessed separately from Geirston Road



Caption 2 is a photograph on a panoramic setting on a mobile phone taken from the west side of Geirston Road showing from left to right the shared entry to West Bankside and the three plots. Separate access to the fourth plot from Geirston Road only, which is an infill site. The neighbour's car is on Geirston Road which continues right to left as a straight road as shown in the google overheads. Neither entrance is on a bend. The photograph taken so closely to the subject creates the distortion.



Discussions between the planners and the owners' architect started in December 2014 and continued from then until May 2015. Throughout those discussions the basis of the application was 1 infill plot on Geirston Road southwest of Bankside and 4 plots to the southeast of Bankside. 5 plots in total. Architect's drawings still current in May 2015 show the proposed 5 plot development, as part of the pre-app discussions. See Appendix 4

However, by 20 May 2015 this basis had changed to 1 infill plot on Geirston Road to the southwest and 3 plots to the southeast of West Bankside. 4 plots in total.

Mr and Mrs Logan were advised that this was all that could be achieved from settlement policy, which doesn't agree with the 2009 council design guide document. However, they were also advised that the education department considered there was insufficient pupil capacity at the local primary school, Moorpark, to service 5 plots. The owners did consider this extremely odd, but accepted the decision. A new primary school is under construction.

If a 5-plot development as proposed, was at odds with the 2009 document, the whole basis for the application would have been amended at the start, and long before a 5-month period had elapsed. It shouldn't take 5 months of pre application discussion, before it is changed.

The appeal contends that there should have been an additional plot granted given The Design Guidance Development in the Countryside North Ayrshire Council January 2009 in place at the time.

3.3 Kilbirnie

Kilbirnie, is 30 minutes from Glasgow, 20 minutes for an international airport, even less from the UK motorway network, has good rail connections, and 10 minutes from the coast.

Council regeneration plans for Kilbirnie include public realm works at Garnock Street. and the Kilbirnie Lochshore masterplan which seeks to deliver a tourism and leisure destination to attract visitors to the Garnock Valley. It will create the conditions for future housing.

Kilbirnie, Lochshore has been designated for housing for over 20 years.

Despite these locational advantages, no major private sector house development has taken place since the 1990's. A number of areas have been zoned for housing in the 2015 and 2019 Local Development Plans. Particularly in the 2019, this was on the basis that a builder was ready to go. Even with planning approval, since lapsed, developers have been reluctant to start. Longbar, Beith on the outskirts of Kilbirnie is the only one now with builders, Bellway.

Developing derelict sites for housing in the town has met with little enthusiasm. Kilbirnie has had five house plots up for sale for several years. The council has been obliged to take on a gap site in the town centre, demolish the building and landscape the site. In the main street, a fire damaged takeaway has lain undeveloped for a number of years. The only current gap site development is a fast food/takeaway outlet bringing the total in Kilbirnie to at least 9.

As the houses were being built on the development mentioned above, the landowners received several enquiries to the extent that demand more than outstripped the supply, even if a 5th plot had been available. Based on these enquiries the landowners wrote to planning officials, about possible development sites, enclosing enquirers details and attached statements. However, there was little encouragement from a senior planning official. The suggested route was submitting a full application. Given that response, plus professional and planning fees, enquirers did not find this a great incentive to go ahead with an application.

All occupants in the current development at West Bankside are new to the area. Until such times as things change, it shows that small scale developments as described above, have been instrumental in generating interest and attracting new residents to the town.

4.0 Report of Handling Ref: 22/00540/PP.

Sections of this report will be reproduced in italics. Responses to them will be in normal print

Policy SP1 - The Countryside Objective the report states that, among other things

We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

The proposed construction will be built to the latest environmental specifications and use renewable sources for energy. Reducing home emissions while increasing the use of renewables comply with the Council's sustainability aspirations, to become net-zero carbon by 2030. Ref: Environmental Sustainability & Climate Change Strategy, 2021-23

As a positive social outcome it fits in with the supply and condition of homes. Meeting the needs and aspirations of long standing local residents who can live in good quality homes that they can afford to heat, in a location of their choosing.

Ref: The North Ayrshire Local Housing Strategy 2018-2022

In terms of economic outcomes, the applicants will continue to spend in the local community.

The proposed residential development is located on Geirston Road, a public road. It is acknowledged as being within walking distance of the town. In essence it is a 20 minute neighbourhood The council already provide services. Two properties a half mile or so beyond the proposed plot on the same road receive council services.

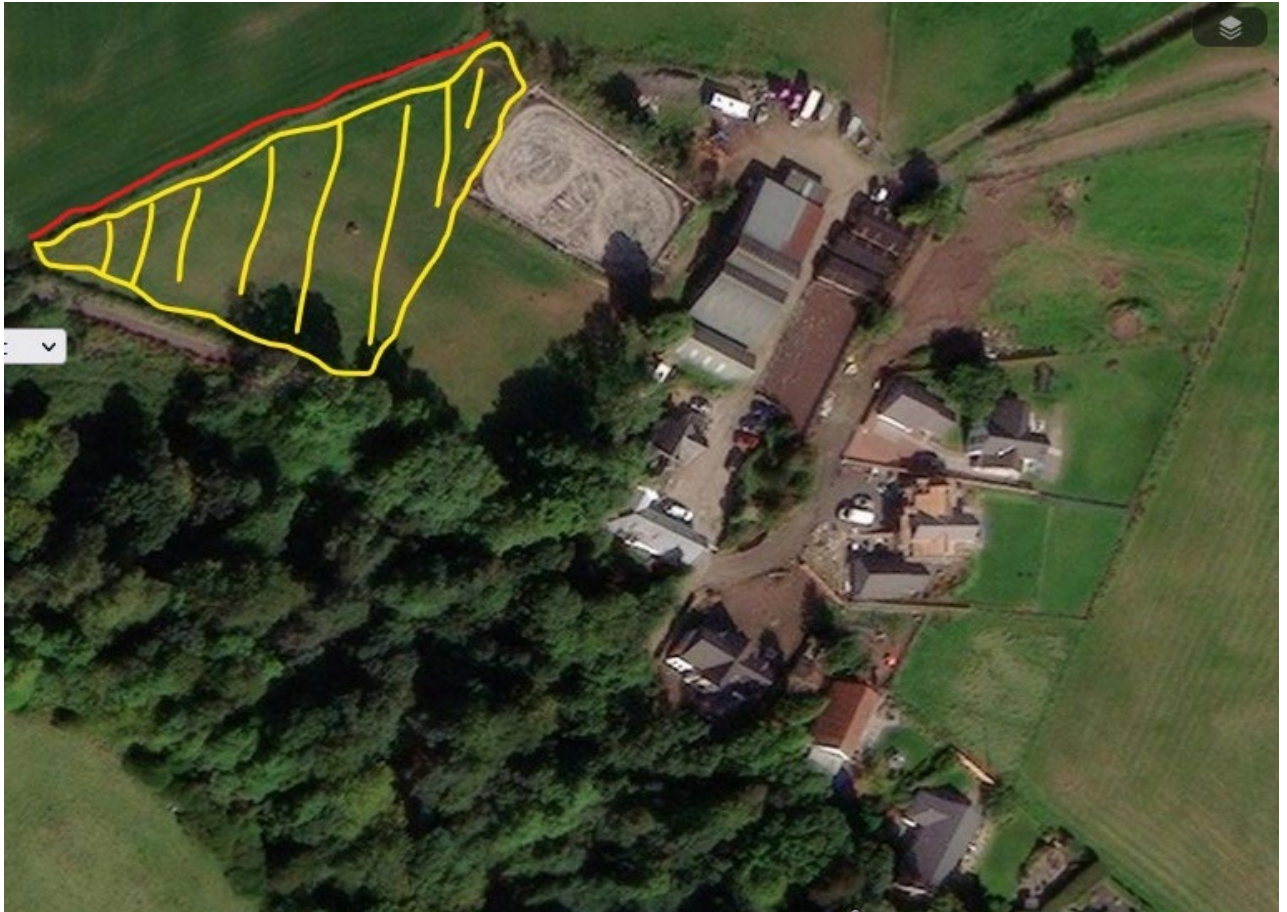
On a range of 1, to 7 relating to the National Scale of land capability for agriculture. The Hutton Institute classify Prime Land 1. The plot in question is 5.2.

Ref: <https://map.environment.gov.scot>

Ref: https://map.environment.gov.scot/Soil_maps/?layer=1

See Appendix 3

Caption 3 shows the plot, hatched in yellow, in relation to West Bankside. An existing fence line marked in red, which will be reinforced by appropriate planting, provides a defensible boundary. The distance it is from the Bankside ensures no overlooking. The new owners at Bankside have emailed the landowners that they intend to develop the plot to the rear of Bankside.



Caption 4 shows the plot in relation to the rest of the housing on Geirston Road which is a public road. The housing is already in receipt of council services.



Caption 5 shows the plot in relation to Kilbirnie and the surrounding countryside illustrating the minimal impact it has on the countryside overall, emphasising that in this instance there is no requirement for protection of valuable environmental assets. The properties circled red and blue, about half a mile beyond the plot are those also in receipt of council services.



Supported by the Google overheads, there is nothing in this development which contravenes the SP1 – The Countryside Objective as it is stated in the Report of Handling

In principle, we will support proposals out with our identified towns and villages for ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.

This was confirmed by a planning official at a time when the stables at Bankside were up for sale without the farmhouse, some years ago. A planning official standing on the present site pointed out to the prospective buyer that this could be a site for a house. Planning approval for a house in these circumstances will still be an extension of the existing settlement and will also be ribbon development without a supposed defensible boundary which are given as reasons for refusing the current application. ***It demonstrates that exceptions can be made.***

4.1 Description

The description element of the Report on Handling maintains that the grouping on Geirston Road was expanded in recent years through the development of 4 new houses to the east of West Bankside Farm steading.

As the previous overheads show the grouping was expanded by 3 new houses to the southeast of West Bankside which have a separate entrance via the access to West Bankside. The fourth house to the southwest is an infilled gap site only accessed from Geirston Road.

The plot in question is described as providing panoramic views over the town and beyond to the wider landscape. There is unlikely to be much of a view on the town given that the house orientation is towards the northeast. It is also blocked by the farmhouse and steading. The house would be unseen from the town.

The small field to the rear of the West Bankside which will be developed ensures that there is no overlooking of farmhouse.

4.2 Consultations and Representations

The representation included in the Report of Handling was dated 29 August 2022 some considerable time beyond the expiry date for Neighbour Notification submissions.

It asserts, “In flash flood conditions surface water runs off the hillside & fields above the farm (and application site). It has been known to pour river-like right through the farmhouse of West Bankside farm leaving several inches of water downstairs”

The following captions show this to be a false statement in the Report of Handling

Caption 6 is a photograph from the plot boundary fence back towards Bankside. The blue line shows the southern boundary running between the horse arena on the left hand side and the access from Geirston Road on the right. Beyond the blue line stretching from the light station at the horse arena to the hedge on Geirston Road the ground starts to rise again towards Bankside.



Caption 7 is a photograph from the lower end of the plot confirming rising ground from the plot southern boundary looking back towards West Bankside. No water from the site can reach the farmhouse.



Caption 8 is a photographed view from Bankside towards the plot confirming no water can run off the application site which is beyond the hillock towards the farmhouse. The light stanchion on the right shows the far corner of the horse arena



The Report of Handling cited a serious and ongoing safety concern about the water pressure on Geirston Road, claiming that a fire in 2020 was unable to be extinguished by the fire service due to lack of water pressure. Further property would have further adverse effects.

Until 2018 Mr Logan had lived at West Bankside for 66 years. A water pump has been in place for over 40 years, which is still there ensuring no water pressure difficulties.

The Fire (Scotland) Act 2005 requires that a fire hydrant will only be fitted to a 90 mm diameter mains supply pipe. In 2005 Scottish Water upgraded the mains water system on Geirston Road to 65 mm.

As a result the Fire Service stipulated that a 10,000 litre water tank had to be installed at the plots in front of West Bankside. As there was no fire hydrant on Geirston Road available, the local fire service used the tank in 2020 to replenish their tanks when dealing with the fire at West Bankside. The tank provides fire cover for all properties on Geirston Road.

4.3 Analysis

Geirston Road is a long established rural housing group and had 11 houses until the recent development of 4 new build dwellings at West Bankside Farm. The new dwellings have taken up all the capacity of the grouping in terms of criterion (i). By this criterion, there is no opportunity for a further dwelling.

Infill and extending a housing group are detailed separately in the North Ayrshire Rural Guidance and Planning Policy 2009 which held sway at that time. The grouping capacity was not filled in the recent planning approval in 2015 Ref. N/15/00464/PP of 4 plots. This should have been 5 properties, based on 1 house in a gap site and 4 houses in terms of extending a well-defined nucleated group, as shown in Captions 1 & 2 Page

As such, it is not considered that the site is either a gap site within the Geirston Road grouping, nor would the proposed development define/provide a defensible boundary.

There is already a fence line in place which, with appropriate planting will ensure, there is a defensible boundary between the plot and the rest of the countryside. The development is on low grade agricultural land, being used for non-agricultural purposes, and will now be a source of renewable energy.

Whilst noting that the house would aim to be carbon neutral and self-sustaining largely through the use of solutions which are commonly employed in rural housing (e.g. ground source heat pump, rainwater harvesting), these factors are not sufficient justification for building a new house. N.B. Solar PV Panels should be added to that list.

As regards the justification for not building a new house to the latest environmental standards using renewable energy sources, the Council Cabinet doesn't agree. It is using part of its £239 million Strategic Housing Investment Plan 2020-2025 to invest in sustainability initiatives such as district heating schemes and solar panel installation.

Ref: A Green New Deal for North Ayrshire, Recovery and Renewal Paper

Furthermore, the council seeks to prioritise building new properties to a high energy efficiency (e.g. Passivhaus and EnerPHit Standards)

PRIORITY ACTIONS Workstream 1 Page 9.c Environmental Sustainability & Climate Change Strategy 2021-23

Also, following a series of consultation events provided feedback and requests from stakeholders. Feedback received has confirmed the rising awareness of the need for positive action on climate change and has helped shape the vision of a sustainable, climate ready North Ayrshire - where we all play our part in tackling climate change.

Ref: Executive Summary Par 1.4 Environmental Sustainability & Climate Change Strategy, 2021-23

Similarly, the Cabinet has a vision of a sustainable, climate ready North Ayrshire is one where everyone plays their part, the local authority, business, school, community group or individual. The aim is to inspire positive low carbon behaviour, raising awareness of the sustainability and climate change agenda

Ref: Introduction, The Climate Emergency, Our Vision, Environmental Sustainability & Climate Change Strategy, 2021-23

Far from not being sufficient justification for building a new house a carbon neutral and self-sustaining property is fundamental to all the aims the council has to aid the recovery in North Ayrshire and achieve net zero carbon by 2030.

The house would be of a broadly similar design to nearby new housing at West Bankside. As such, it is not considered that the house would be distinctive within this context.

Planning officials had previously advised that a house of exceptional design could not be considered as it was too close to the existing settlement. Consequently during discussions with the applicants' professional adviser the option was that a planning application could be submitted on the normal basis rather than exceptional design. If rejected it can go to appeal. Inserting a criticism of the application based on not meeting exceptional design classification, already discounted, as means of rejecting it, is a bit odd at best and irrelevant at worst.

The house design may be like designs already in place on Geirston Road, but those designs appeal to buyers from outside the area. A house from the previous development (plot I on the google overhead, Caption 1) sold for more than £500k, a figure not common in Kilbirnie.

That project achieved at least one of the Covid 19 Recovery and Renewal Strategy Priorities of making North Ayrshire in general and parts of Kilbirnie in particular a vibrant, welcoming, and attractive environment. Given the lack of interest in the town this should be welcomed.

The house would occupy undeveloped rural land beyond the edge of the existing grouping at West Bankside. It is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing. However, the house would be significant in terms of its height on rising ground west of the existing grouping. The house would not be within the existing grouping and would extend the built-up area into the countryside beyond. It is not considered there is adequate justification for doing so.

The house is on low grade agricultural land which will now become a source of renewable energy. Sourcing renewable energy is key to the Council's pledge that North Ayrshire is carbon neutral by 2030

Addressing the house being on rising ground could have been dealt with during pre-application discussions. By siting it in an excavation into the slope the house would be less prominent. One wonders why it is now being used as a reason for refusal.

The Collins English Dictionary defines "A built-up area is an area such as a town or city which has a lot of buildings in it." A 15 house settlement hardly merits that description.

This appeal has laid out a case that a 4 plot development plus a 1 plot infill should have been part of the previously approved application. Upholding this appeal would redress this error.

It is considered that the proposed development cannot be supported in terms of the LDP, as discussed above. There are no other material considerations that would warrant a departure from the provisions of the Local Development Plan. In conclusion, since there is no justification to grant the application, planning permission should be refused.

The paper will now outline several material considerations which would warrant a departure from the Local Development Plan. This is not an exhaustive list.

5.0 Material Considerations

This section will outline more detail on material considerations which warrant a departure from the provisions of the Local Development Plan when considering the development which is the subject of this appeal.

Prior to that as detailed in the background Page 9, The Design Guidance Development in the Countryside North Ayrshire Council January 2009 makes a distinction between a gap fill site and increasing a nucleated group. Therefore, the first material consideration is that the previously approved application ref. N/15/00464/PP should have been for 5 plots and not 4.

Apart from being a Fair for All, inclusive Council, North Ayrshire has a number of well documented objectives, such as regenerating communities based on Community Wealth Building, being carbon neutral by 2030, meeting the needs and aspirations of its residents.

Several Cabinet Approved papers presented by the Executive Director (Place) demonstrate the vital role that housing and homes play in fulfilling these council aims.

5.1 Community Regeneration

Regeneration projects are underway in Kilbirnie, such as the Lochshore development, but no large scale private sector house building. Consequently, a single house development takes on a far greater significance. It makes a legitimate contribution to the Council aims outlined above. This single project should be viewed in this context. They are material considerations; in terms of the contribution they make towards the council fulfilling its remit to its residents.

This is reflected in just a few of the statements below (in italics) made in various Cabinet Approved Papers, which relate to the Council's overall objectives for North Ayrshire. The intended benefits can be attributed to this single development in the absence of large scale housing development in Kilbirnie.

The statements made in several Cabinet Approved papers demonstrate the importance which the council place on not just housing, but the quality and range of housing when it comes to regenerating communities.

The council recognises the correlation between both good housing and vibrant communities, with health and wellbeing outcomes.

Ref: Executive Summary Par 2.0 Background Par 2.2 Housing to 2040, March 2021

The Council has placed the regeneration of communities at the heart of its agenda This Regeneration Delivery Plan aims to address local priorities, support change within communities and ensure our places and economy are vibrant and inclusive

Ref: Par1.1 Executive Summary Regeneration Delivery Plan March 2021 Par 2. Background,
Ref:Par 2.1 Regeneration Delivery Plan Update February 2022

.. sustainable communities and fit for purpose housing .. our regeneration and housing provision work supports the priorities set out in the Community Wealth Building Strategy

Par 4.6 & 4.7 Key Priorities, Community Wealth Building Local Housing Strategy 2018-2022: Progress Update

Referring to major project benefits, which, based on inclusion, can equally apply to single developments, *the council recognises that good quality housing has a key role to play in building stronger communities and delivering the ambitions of the Council Plan. Housing has a vital role in the re-investment in communities to ensure a range of homes, tenures that offer quality, affordability, and choice. It also has an essential role in regeneration, contributing to community health, wealth, and well-being..... The importance of the delivery of private housing stock and an appropriate housing mix*

Ref: Heading “A Great Place to Live” in the Regeneration Delivery Plan

To achieve the council objectives requires council services to work together.

Collaboration between Planning, Regeneration, Economic Development, Corporate Sustainability and Housing Services will be fundamental , as Housing to 2040 makes housing integral to community led regeneration

Ref: Executive Summary Par 2 Background Human Resources Par 4.2 Housing to 2040

A quality housing mix is essential in attracting new residents as a means of addressing depopulation, but retaining them to continue to spend locally is of equal importance.

5.2 Net-zero carbon by 2030

A climate emergency declaration was made in June 2019 and consequently North Ayrshire Council has committed to achieve net-zero carbon emissions by 2030.

Ref: Background Papers; Executive Summary; Recovery and Renewal

Ref: Executive Summary Par 4.5 Regeneration Delivery Plan

Ref: Executive Summary, Par 3.1 Sustainability & Climate Change Strategy 2021-23.

Ref: Background Par 4.5 Regeneration Delivery Paper Update

Given that this quote or a variation of it is in several Cabinet Approved Papers is a measure of how much importance the Council attaches to it as does the next example.

As part of the ‘Greener standard’ specification to future proof new homes, support innovation and test new technology for future housing developments, the council completed two ‘sustainable house’ demonstrator homes. The technology installed will be measured for the next couple of years, to determine how effective it is, in the hope of rolling out innovative technology to future developments. Solar Panels, which form part of the development in question are considered so important that the council will design and install its first solar photovoltaic farm in North Ayrshire and installed solar PV panels 290 Council houses rooves. Implementing more solar installations is a priority action.

Ref: Workstream 5 Sustainable Operations PRIORITY ACTIONS Environmental Sustainability & Climate Change Strategy 2021-23 (ESCCS)

Apart from emphasising the role that planning and housing in general have in achieving the council’s net zero ambition by 2030, the individual and by extension individual developments have an equally important part to play.

Our vision of a sustainable, climate ready North Ayrshire is one where we all play our part, as a local authority, business, school, community group or individual. As a local authority we seek to make effective use of our powers in areas such as procurement, planning, housing, education, and transport to help drive reductionsTo this end the local authority seeks to make effective use of our powers in areas such as planning and housing, to make a positive impact on climate change

Ref: Executive Summary 2.7 Sustainability & Climate Change Strategy 2021-23

Ref: Par 2 Background Par 2.7 Sustainability & Climate Change Strategy 2021-23

Investing in capturing emissions is seen as important as reducing them. Planting will now be in social housing projects.

Recognising the vitally important role of trees in tackling climate change, in March 2020

North Ayrshire Council dedicated £500,000 of resource to tree planting. Also,

1. Develop a strategic options appraisal for delivery of a tree planting initiative

2. Implement a tree planting initiative

Ref: Executive Summary Par 2 Background Par 2.4 Environmental Sustainability and Climate Change Strategy 2021-2023

Ref: The Climate Emergency Our Vision Achievements and Successes Delivered Sustainability & Climate Change Strategy 2021-23

Workstream 6 Carbon Absorption Achievements so far, Environmental Sustainability & Climate Change Strategy 2021-23 (ESCCS 3)

This ESCCS 3 (2021-2023) has been developed to comply with this wide range of sustainable and climate change policies, ensuring emission reduction maximises economic and social opportunities, whilst enhancing biodiversity and building resilience to climate change.

Ref: Par 2 Background Par 2.9 Environmental Sustainability & Climate Change Strategy 2021-23

Tree and shrub planting is likely to form part of biodiversity. The council has already recognised the role of the individual and as a consequence, individual developments in its efforts to achieve its carbon neutral objective by 2030. Appropriate planting on the established plot fence line, around the house, plus the garden, not only reinforces the established fence boundary but contributes to the council's environmental aims.

Biodiversity is essential for life on Earth but is under threat from pollution, habitat loss and climate change.

Ref: Workstream 4, Natural Environment, Environmental Sustainability & Climate Change Strategy 2021-23

The following statement in the in the Environmental Sustainability & Climate Change Strategy 2021-23 ***shows that there is flexibility when it comes to the Local Development Plan.***

Support supplementary guidance to enhance the adopted Local Development Plan for North Ayrshire

Ref: Priority Actions, Natural Environment Environmental Sustainability & Climate Change Strategy 2021-23

5.3 Housing, Homes, and the Individual

When providing an update on a model for self-build on six serviced plots at the former Brisbane Primary in Largs, (Executive Summary Page 1 above) the council reaffirms that,

The supply of housing meets the needs and aspirations of local people

Ref: Par 2.0 Background Par 2.21 Outcome 1 Local Housing Strategy 2018-2022: Progress Update

This is further developed in the following statements in council papers.

A council priority is that North Ayrshire has homes that meets residents' needs

Ref: Executive Summary, Key Priorities Par 4.6. Recovery and Renewal,

Ref: App1 RDP Key Priorities, Regeneration Delivery Plan

Ref: Exec summary Background par 2.2, 2.4, 2.22). Local Housing Strategy 2018-2022 Progress Update

....the route map supports the objective for 'everyone to have access to a home that is affordable and choices about where they live, no matter what tenure they live in

Ref: Par 2.7 Part 2 - Affordability and Choice, Housing to 2040

The aim within this part of the route map is for 'everyone to have a safe, high quality home that is affordable and meets their needs in the place they want to be'

Ref: Par 2.0 Background Par 2.4 Part 1 - More homes at the heart of great places, Housing to 2040

To achieve this the council wants to

Attract private investment to help deliver more energy-efficient homes which use zero emissions heating, are adapted to our future climate and meet the needs of people who live in them

Ref: Par 2.0 Background Par 2.4 Part 1 - More homes at the heart of great places, Second Bullet Point, Housing to 2040

This extends to the importance of private housing development in providing a mix of homes

Ambitions within the Housing to 2040 paper aligns with the following Council Plan strategic actions; As a key priority the council will actively promote, a mix of homes by facilitating private housing.

Ref: Par 4.6 Housing to 2040 June 2021

In making these statements, the local authority emphasises the importance of personal aspiration and choice of location, when it comes to councillors' constituents' homes.

6.0 Conclusion

Large housing developments have beneficial effects on communities. There has been no major private housebuilding in Kilbirnie since the 1990's, despite its favourable location. In the absence of such developments, it has had to rely on any single or small scale developments to make any positive impact, which would be incremental over time. This is one such project. A similar project nearby has shown that residents will move to the town if the housing and location on offer is attractive enough. Other locations on offer in Kilbirnie, do not provide the same enticement to move. Attracting new residents is a contribution towards depopulation. This development makes the same positive impact on the community, by retaining born and bred residents.

This appeal has put forward arguments which challenge the policies outlined in the Report of handling as planning's basis for rejecting the planning application.

As mitigating circumstances the appeal has referenced, Cabinet Approved papers submitted by Executives Director (Place) who has overall responsibility for planning policy. These papers outline policies, strategies, and principles, relating to housing and the individual's role in regenerating communities, encourage sustainability and achieve the objective of net zero carbon by 2030. They recognise that the right mix of quality housing is paramount in meeting councillors' constituents' aspirations and needs. The combination of homes built to the requisite environmental standard, sourcing renewable energy in places where constituents want to live, contributes the local authority's overall objectives realising constituents' ambitions.

This appeal requests that the Review Body takes as broad a view as possible taking in both planning policy and the mitigating circumstances outlined and uphold this appeal.

Approved North Ayrshire Council Papers Referenced

Cabinet Title: Self-Build Housing in North Ayrshire 11 December 2018

YVONNE BAULK, Head of Physical Environment

Purpose: To outline a pilot project to stimulate the self-build housing market in North Ayrshire.

Cabinet Title: Economic Recovery and Renewal Approach 8 September 2020

RUSSELL McCUTCHEON, Executive Director (Place)

Purpose: To seek Cabinet approval of the proposed approach to Covid-19 economic recovery and renewal in North Ayrshire.

Cabinet Title: Regeneration Delivery Plan, 23 March 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To seek approval for the Regeneration Delivery Plan.

Cabinet Title: Environmental Sustainability & Climate Change Strategy (ESCCS) 2021-23 25 May 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To seek Cabinet approval of the proposed Environmental Sustainability & Climate Change Strategy 2021-23

Cabinet Title: Housing to 2040 15 June 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To update Cabinet on the 'Housing to 2040' paper, published in March 2021.

Cabinet Title: Local Housing Strategy 2018-2022: Progress Update 30 November 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To provide Cabinet with an update on progress of the Local Housing Strategy 2018-2022 (LHS18)

Cabinet Title: Regeneration Delivery Plan Update 22 February 2022

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To provide a mid-year update on the progress of the Regeneration Delivery Plan and seek approval to the review of the action programme.

Publicity relating to the Scottish Government backed Self-build Loan Scheme

Both in town and country

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Why 2021 is a great time to get started on your self build

If you dream of building your own home the future's never looked better. In March, the long-term housing strategy Housing to 2040 clearly set out Scotland's ambition to support more people to self build, with self-provided housing, including custom and self build, featuring prominently. And the great news is that it makes direct reference to the interest that young people have in self building as a route to home ownership. This is especially so in rural and island communities, where self building has a valuable role in encouraging them to remain in, or return to, the communities that nurtured them.

While Scotland has long had a tradition of people building for themselves, access to finance has been a barrier that prevented many from getting started, so it's also great news that Scotland's Self-Build Loan Fund has been extended another year to 2022, giving more people a route to funding.

The Self Build Portal
If you're not sure what the difference between custom and self build is, or even where to start planning a project, check out the Self Build Portal, the consumer website of the National Custom and Self Build Association (NACSBA). Free to access, it's a great resource for anyone wishing to build, as it helps you understand a variety of issues, giving you help and advice about the steps to creating your own home from scratch. It also shares the latest news about the sector, including projects, and case studies to inspire you.

NACSBA is a member organisation, with all members signing up to its Code of Practice. This means that choosing a NACSBA member for your own project brings peace of mind that the organisation is a trusted operator in self build, whether they are a timber-frame manufacturer or window company. Find members on the Self Build Portal's directory.

NACSBA works to share the benefits of custom and self build with government's across the UK. It welcomed the Planning (Scotland) Act 2019, which included the provision for local authorities to prepare and maintain lists of people wanting to self build – something English councils have to do by law since 2016. The next stage for Scotland will be secondary legislation or guidance that sets out how authorities must manage these lists, and this will help ensure that planning authorities are aware of your desire to build.

Links
www.gov.scot/publications/housing-2040-2
www.mygov.scot/self-build-loan-fund
selfbuildportal.org.uk
nacsba.org.uk/code-of-practice
nacsba.org.uk

Self-build Mortgages



10 | ABODE MAGAZINE

Scottish Self-Build Loan Fund extended for a year

The Self-Build Loan Fund provided by the Scottish Government and administered by the Communities Housing Trust has been extended for another year, and will now accept applications until August 2022.

As banks became more cautious, it became more challenging for people to find funds to build their own home. The Self-Build Loan Fund of £4 million was established in 2018 to support those unable to obtain mainstream self-build mortgage finance. Scottish ministers have now extended the fund for a further year, recognising the national slowdown brought about by the Covid pandemic and lockdowns, as well as ongoing need and increasing demand. The new application deadline is 31 August 2022, with loans to be repaid by August 2023.

Neil Walker, Self-Build Loan Fund Officer, Communities Housing Trust: "We saw public interest in the scheme rise by 153% over 2020. The fund is really important for small, rural or remote communities across Scotland. Self-build is sometimes the only option to stay in your own community, whether young or old, where housing is limited and developers won't build. We'd like to thank the Scottish Government and are extremely pleased to see this fund extended, so we can continue to support families, elderly people, crofters and couples to build their own homes, and help strengthen their communities."

Gary and Susan, Self-Build Loan Fund recipients: "The Self-Build Loan Fund provided vital bridging finance. Having the loan also meant that we could pursue the build quickly, within the limited construction window available due to island weather... The fund provides vital access to finance and knowledge, making the personal dream of home ownership available to local families."

For more information about the Self-Build Loan Fund, and to apply, please visit: www.chtrust.co.uk/scotland-self-build-loan-fund



THE SELF BUILD LOAN FUND

Here to help those struggling to secure self build mortgage finance

EXTENDED TO ACCEPT APPLICATIONS UNTIL AUGUST 2022!















KEY FACTS
- The Fund was established by the Scottish Government to support people who had been refused mainstream



NB. The James Hutton Institute brings together the Macaulay Land Use Research Institute (MLURI) and SCRI (Scottish Crop Research Institute), both of which have illustrious histories. The new institute was created on 1 April 2011.

Land Capability for Agriculture

National scale land capability for agriculture

-  1 - Land capable of producing a very wide range of crops.
-  2 - Land capable of producing a wide range of crops.
-  3.1 - Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range. Short grass leys are common.
-  3.2 - Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common.
-  4.1 - Land capable of producing a narrow range of crops, primarily grassland with short arable breaks of forage crops and cereal.
-  4.2 - Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops.
-  5.1 - Land capable of use as improved grassland. Few problems with pasture establishment and maintenance and potential high yields.
-  5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain.
-  5.3 - Land capable of use as improved grassland. Pasture deteriorates quickly.
-  6.1 - Land capable of use as rough grazings with a high proportion of palatable plants.
-  6.2 - Land capable of use as rough grazings with moderate quality plants.
-  6.3 - Land capable of use as rough grazings with low quality plants.
-  7 - Land of very limited agricultural value.
-  Urban

5 plots being the basis for discussion between December 2014 and May 2015

West Bankside Proposals

architecture + design by neil rodgers



SITE PLAN

1

West Bankside Proposals

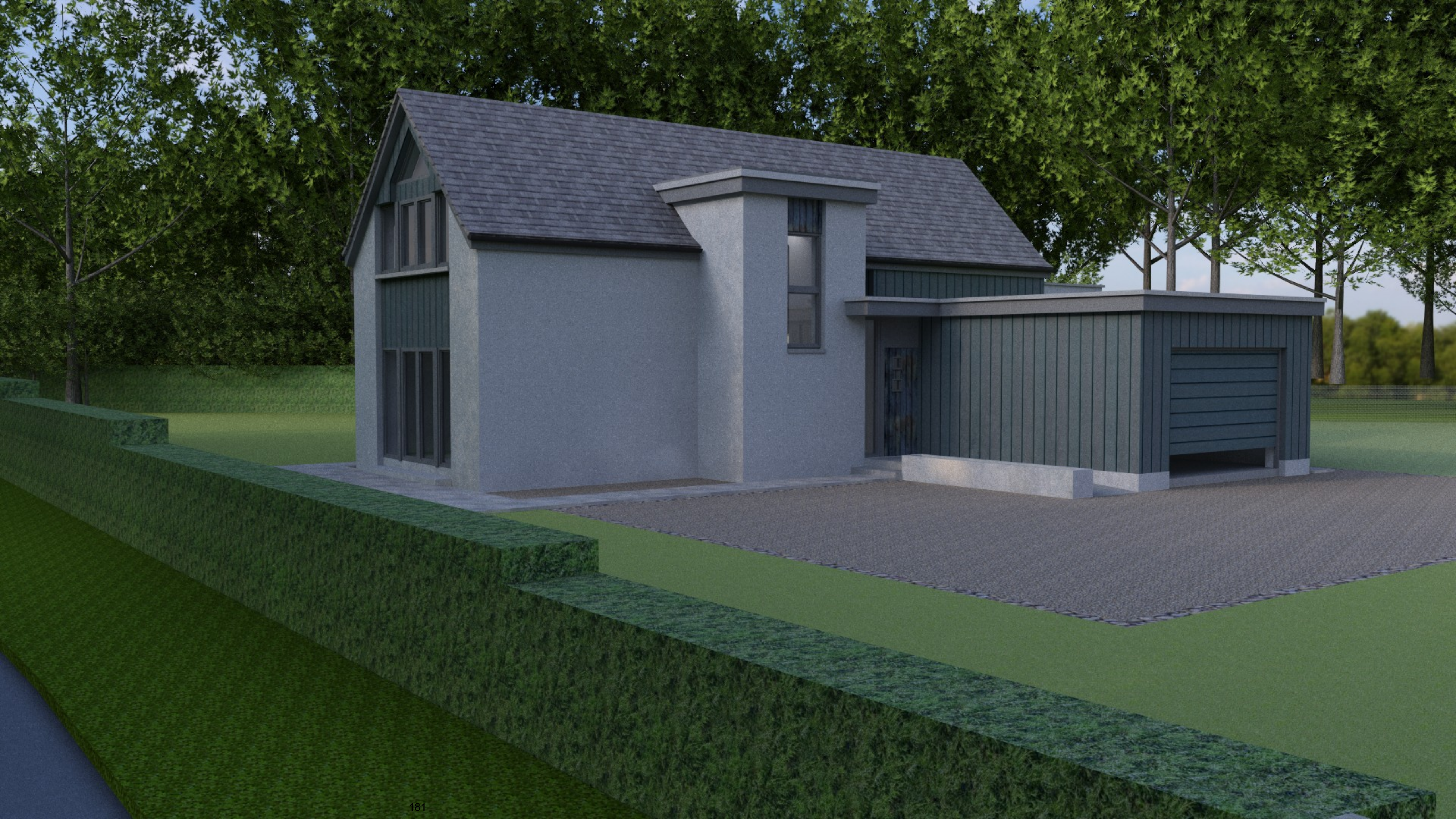
architecture + design by neil rodgers



AERIAL SKETCH

1









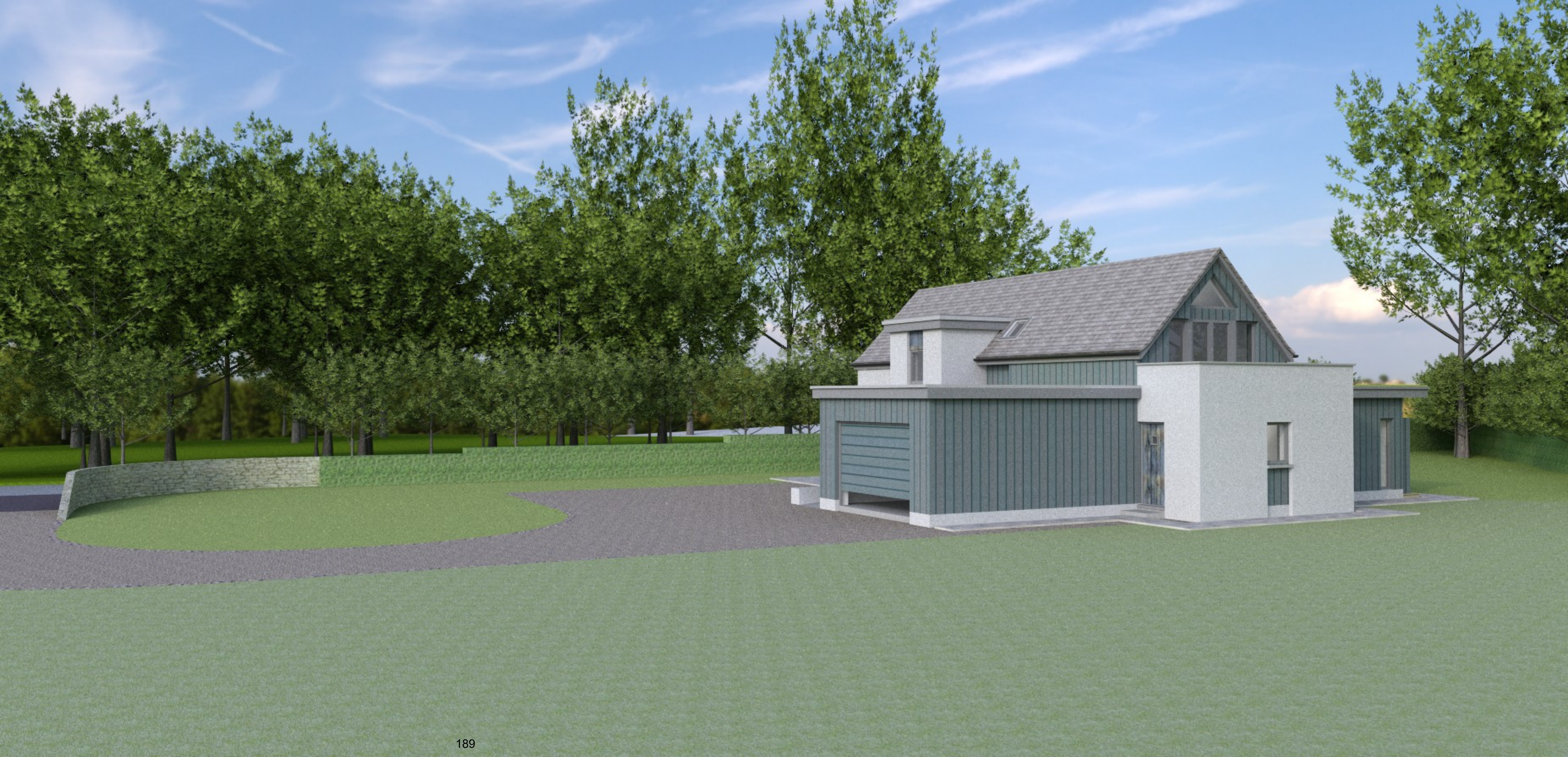












REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 22/00540/PP
Proposal: Erection of detached dwelling house to include the provision of associated access, garden ground, landscaping and drainage works
Location: Site To North West Of West Bankside Farm, Kilbirnie, Ayrshire,

LDP Allocation: Countryside/Rural Community
LDP Policies: SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 14-Green & Blue Infrastr / Detailed Policy 29 - Energy Infrastructu /

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 26.07.2022
Neighbour Notification expired on 16.08.2022

Advert: Regulation 20 (1) Advert
Published on:- 03.08.2022
Expired on:- 24.08.2022

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our

prime and locally important agricultural land from development except where proposals align with this spatial strategy.
In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 14-Green & Blue Infrastructure Policy 14:

Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur. Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements

for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

Detailed Policy 29 - Energy Infrastructure

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);

22/00540/PP

- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Description

The application seeks planning permission to build a 1.5 storey house with 3 bedrooms on a greenfield site to the west of West Bankside Farm at Geirston Road in the rural area to the west of Kilbirnie.

At present, Geirston Road consists of a rural grouping of 15 houses and leads northwards from the Largs Road (A760). The grouping was expanded in recent years through the development of 4 new houses to the east of West Bankside Farm steading.

The proposed house would be located beyond the limits of the grouping within a field to the west and uphill of the farm steading. The field has an area of 3284 square metres. It is triangular in shape and is situated to the west of a horse riding arena at the north end of the West Bankside steading. There is a small field between the east of the site and the rear of the farmhouse at West Bankside. The land to the north is open countryside. The site provides panoramic views over the town and beyond to the wider landscape.

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On plan, the house would have a T-shape with a small projecting balcony/roof terrace at the north-eastern end. The main part of the house would have a gabled roof flanked by two flat roof wings projecting to either side. The flat roofs would be finished using sedum (plants) whereas the steeply pitched gabled roof would be slated. External wall finishes would consist of timber cladding, light coloured wet dash rendering and stone detailing. The house would include an integral garage, with open plan rooms on the ground floor and two bedrooms on the first floor. An extensive area of garden ground and driveway/parking would be provided within the curtilage of the site, with a new access formed directly onto Geirston Road to the eastern end of the land. The existing mature hedgerow along Geirston Road would be retained and a new hedge planted along part of the northwestern boundary. A group of trees would be planted along part of the eastern boundary to enclose the site and restrict views towards the rear of West Bankside Farm.

The submitted design statement indicates that renewable energy would be used for the house in order to make it self-sustainable. This would involve the use of solar PV panels on the southern roof plane with rechargeable solar battery, a ground source heat pump, rainwater harvesting for supplying toilets, SuDS below driveway for surface water drainage management. Waste water would be channelled through an on-site treatment plant with treated water discharged to field drains.

The application requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021.

Consultations and Representations

Consultations and Representations

The application was subject to the statutory neighbour notification process, and included a notice in a local newspaper. One letter of representation was received.

Representation

1. The proposed design should be reconsidered. It would be severely over-sized and out of scale with the surroundings, giving no concession at all to the style of the existing historic farmhouse, being reminiscent of an American Baptist church rather than a rural home. It would not harmonise at all within this tranquil rural area, where a more modest, darker, modern home would contrast with the existing steading and blend into the hillside, or a cottage-style build would be more in-keeping with the surroundings.

Response: Noted. See Analysis.

2. The boundary hedgerow with trees shown in the plans should become a compulsory part of any agreed plan and continued to the end of the plot boundary to hide as much of the development as possible from the farm.

Response: Noted. In the event of planning permission being granted, conditions could be attached to ensure the above requirements are met.

3. A serious and ongoing safety concern has been expressed about the water pressure on Geirston Road. A fire in 2020 was unable to be extinguished by the fire service until it had destroyed a considerable amount of property due to the complete lack of pressure at the hydrant. When measured it was less than 1 bar and remains unresolved. If another property were to be added to the line it could have further adverse effects.

Response: Noted. Scottish Water advise in their consultation response that the pressure would need to be 1 bar for a new house.

4. In flash flood conditions surface water runs off the hillside & fields above the farm (and application site). It has been known to pour river-like right through the farmhouse of West Bankside farm leaving several inches of water downstairs. I would be concerned about further compaction of the ground above the farm and an increase in hard standing above us increasing the frequency and severity of flooding into our property. I would request that considerable drainage all the way to the nearest watercourse take place as part of this development.

Response: Noted. The submitted drainage information indicates that surface water associated with the proposed development would be harvested for use in the house and collected using a sustainable drainage system. This would help to reduce run-off from flash floods and other rainfall events. However, it would not necessarily prevent the conditions described above, since not all parts of the application site would be drained using SuDS (eg. the garden area to the north of the house is unlikely to be drained to SuDS).

Consultations

NAC Active Travel and Transportation - no objections. Visibility splays of 2.5 metres by 70 metres, in both directions, must be provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles. 2 The first 2 metres of the driveway to be hard surfaced in order to prevent loose material from being deposited onto the public road. 3 No surface water to issue from the access/driveway onto the public road. 4 For works on or adjacent to the public road network a Road Opening Permit is required.

Response: Noted. In the event of planning permission being granted, conditions could be attached to ensure the above requirements are met.

Scottish Water - no objections. There is sufficient water supply capacity to serve the proposed development. There is currently sufficient capacity for a foul only connection to service the proposed development. However, please note that further investigations may be required to be carried out once a formal application has been submitted.

Response: Noted. Provision for the treatment and disposal of waste water and surface water has been indicated in the submitted plans, and are considered to be satisfactory for planning purposes. The issue which has been raised about water pressure would be a matter for Scottish Water and the developer to resolve.

Analysis

In terms of the adopted LDP, the site is located within a rural area allocated as countryside. The proposal therefore requires to be considered in terms of Strategic Policy 1 (The Countryside Objective). Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021 are also relevant considerations.

Criterion (i) of Strategic Policy 1 (The Countryside Objective) states that sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity to one another and visually identifiable as a group with some common feature will be supported, up to a limit of 50% of dwellings existing in that group as of January 2005.

Geirston Road is a long established rural housing group and had 11 houses until the recent development of 4 new build dwellings at West Bankside Farm. The new dwellings have taken up all the capacity of the grouping in terms of criterion (i). By this criterion, there is no opportunity for a further dwelling.

With regard to criterion (f), which provides support for the sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion, it is noted that the application site is located beyond the extent of the established grouping and is separated by a small field. As such, it is not considered that the site is either a gap site within the Geirston Road grouping, nor would the proposed development define/provide a defensible boundary. It is considered that the steading at West Bankside already does this successfully, providing an end stop between the developed area and the wider rural landscape beyond. Any further new housing to the west would equate to ribbon development. Therefore, by this criterion, there is no opportunity for a further dwelling.

The remaining criterion within The Countryside Objective is that of (h), new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. The proposal involves new build rather than conversion. It is not considered that the proposed house is of exceptional design quality. This conclusion has been reached having given consideration to the Housing in the Countryside Note of June 2021. Section 5.5 states that there may be a presumption in favour when the following are met:

- A design led approach that achieves bespoke, one-off homes which embrace contemporary architecture whilst being identifiable within an Ayrshire and Scottish context, potentially referencing the history and cultural setting of the site or its locality in the design.
- High quality materials utilised throughout the proposal.
- Site specific access, where possible formed from existing entrance points.
- Sensitive boundary treatment which blends with existing landscape features.
- Keep widow and door openings consistent.

Section 5.5 also states there should be a presumption against in the following circumstances:

- Avoid contemporary design that 'could be anywhere' - the intention of the policy is to produce exceptional design quality that is appropriate for a North Ayrshire context, whether coastal, rural or island.
- Avoid over complicated facades, avoid excess decoration.

In this case, it is considered that the design concept would not equate to a bespoke one-off home. There are similarities in terms of the proposed design to the nearby

development of new housing at West Bankside Farm, especially in relation to the gabled roof with windows facing onto the landscape contained within the apex. The submitted letter of representation makes several design suggestions. However, the site itself is at the start of more expansive rural area beyond the existing developed area at Geirston Road, where further housing development would create ribbon development, regardless of design. Whilst the design would be, in generic terms, contemporary in character, there is no evidence within the application to suggest how the design has evolved nor how it has any site specific nor local architectural relevance. The design would take advantage of the views which the site has, but this is not of itself part of the design: it is simply a response to the site, using a similar theme and range of external finishes to the other modern houses nearby. Whilst noting that the house would aim to be carbon neutral and self-sustaining largely through the use of solutions which are commonly employed in rural housing (eg. ground source heat pump, rainwater harvesting), these factors are not sufficient justification for building a new house.

In conclusion, it is not considered that the site is suitable for a house due to its position beyond the limits of the Geirston Road grouping, nor is the proposed design considered be sufficiently bespoke or original to overcome the constraints of the site location. The proposal would not, therefore, accord with Strategic Policy 1 (The Countryside Objective).

Strategic Policy 2 (Placemaking) sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. The stated purpose of the policy is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

A brief comment on each of the relevant Six Qualities of A Successful Place follows below:

Welcoming

The proposed house would be sited with its main elevation facing onto Geirston Road, partially screened by an established hedgerow. The house would be approached from the east via a new driveway access surfaced in gravel.

Distinctive

The house would be of a broadly similar design to nearby new housing at West Bankside. As such, it is not considered that the house would be distinctive within this context.

Safe and Pleasant

The house would occupy undeveloped rural land beyond the edge of the existing grouping at West Bankside. It is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing. However, the house would be significant in terms of its height on rising ground west of the existing grouping. The house would not be within the existing grouping and would extend the built-up area into the countryside beyond. It is not considered there is adequate justification for doing so.

Resource Efficient

As discussed above, the proposed house would have a ground source heat pump and solar PV roof panels with battery system.

22/00540/PP

Easy to Move Around and Beyond

The site is located in a rural location within walking distance of Kilbirnie.

Adaptable

Not relevant.

It is considered that the proposed development would not accord with Strategic Policy 2 on the basis that its design is not distinctive, which is a consideration for a house which is being proposed to be of "exceptional" design quality.

Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and makes provision for including new features that would improve biodiversity. There are no natural features of note on the site. The proposal includes hedgerow and tree planting to create new natural features and habitats suitable for a variety of wildlife. In the event of planning permission being granted, a condition could be attached.

Policy 29 (Energy Infrastructure Development (Buildings))

The submitted design statement indicates that the house would benefit from low or zero carbon energy heat/power systems in the form of ground source heat pump, solar PV roof panels and battery system. In the event of planning permission being granted, a condition could be attached.

It is considered that the proposed development cannot be supported in terms of the LDP, as discussed above. There are no other material considerations that would warrant a departure from the provisions of the Local Development Plan. In conclusion, since there is no justification to grant the application, planning permission should be refused.

Decision

Refused

Case Officer - Mr A Hume

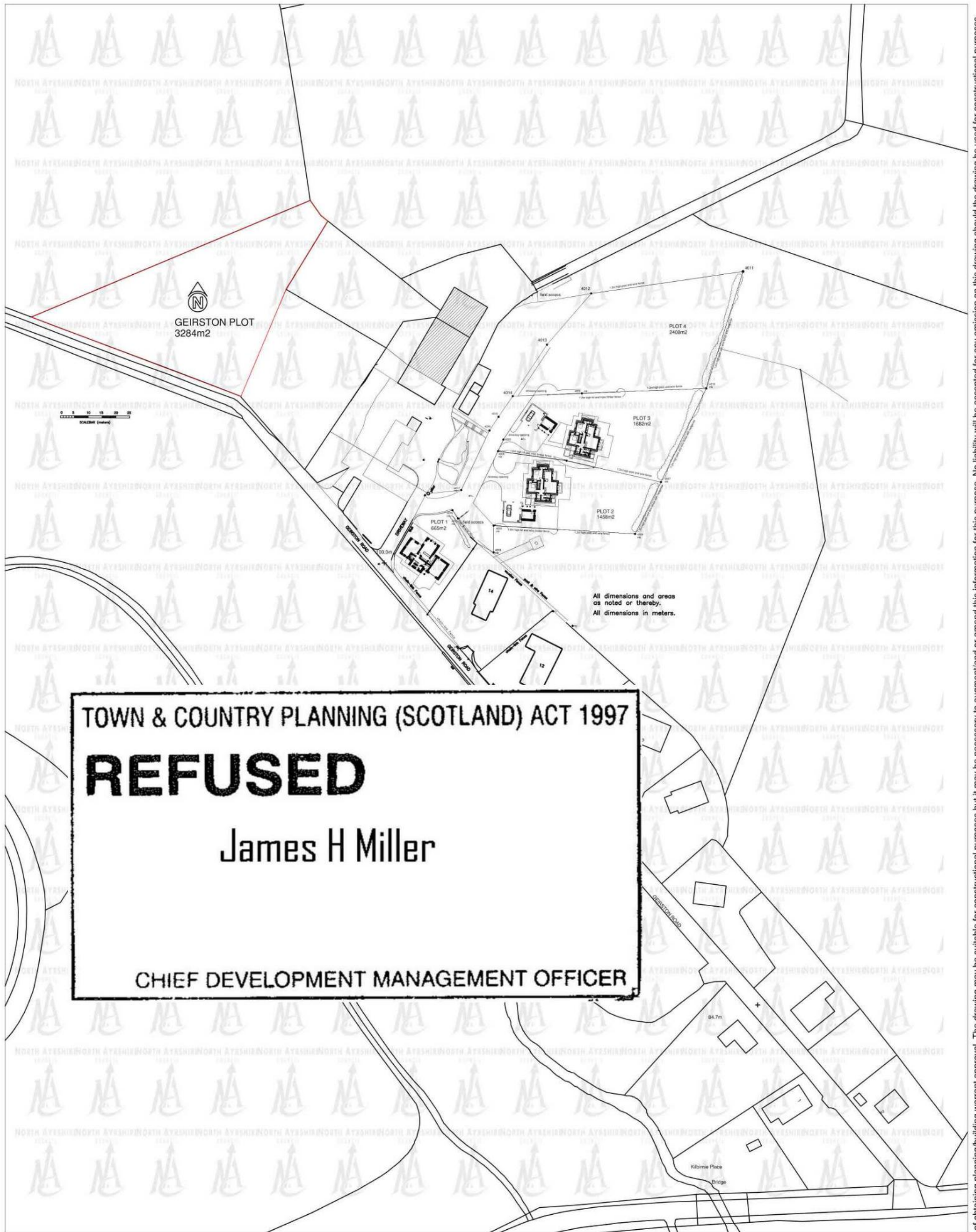
Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	ADNR 678 - 001	
Existing Plan	ADNR 678 - 002	

Site Plan	ADNR 678 - 003

Proposed Plans and Elevations	ADNR 678 - 004

--



adnr

architecture & design

07780 666 716 info@adnr.co.uk www.adnr.co.uk

inspire - create - visualise - detail

Rev	Date	Description	Name
This drawing is issued for the purpose of the status indicated below only:			
<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	For Approval
			DO NOT SCALE THIS DRAWING
			<input checked="" type="checkbox"/> Planning Submission <input type="checkbox"/> Warrant Submission
job		Client :- MR & MRS WOTHERSPOON	
new dwelling geirston road kilbirnie KA25 7LG		Scale :- @ A4 sheet 1: 1250	ADNR 678 -001
dwg title		Drawn :- NR	
location plans		Date :- 12.07.2022	
			dwg number



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00540/PP

(Original Application No. N/100584368-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Tom Wotherspoon
c/o ADNR Fao Neil Rodgers
26 Lindsay Avenue
Saltcoats
Ayrshire
KA21 5SQ

With reference to your application received on 25 July 2022 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwelling house to include the provision of associated access, garden ground, landscaping and drainage works

at Site To North West Of West Bankside Farm
Kilbirnie
Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (The Countryside Objective) in respect of the following:

- The site is outwith the established group of housing on Geirston Road;
- The maximum number of new build dwellings (4 no.) within the established grouping at Geirston Road has been reached;
- The site is not a gap site between existing buildings nor would the development consolidate or round-off the established grouping, and the proposed house would result in an unsatisfactory form of ribbon development within the countryside;
- The proposed design is not considered exceptional since it would resemble the nearby development to the east within the grounds of West Bankside Farm. The design merits of the house are not considered bespoke nor site specific in terms of the associated 'Housing in the Countryside Note' of June 2021.

It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.

Dated this : 2 September 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: Notice of Review - Planning Application: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie
Date: 09 November 2022 15:49:37
Attachments: [221109 - Further Rep Invite.doc](#)
[Decision Notice.pdf](#)

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Thank you for the opportunity to respond. We have already got three over-scale properties [REDACTED] which regularly elicit the question "how did that ever get consent". I'd like to see a stop to this ribbon development now, as it's not going to look good in the same cold retrospective light. Aren't new properties required to be in-keeping or at least tastefully sensitive in style and scale to the traditional farm steadings they are smothering?

I am fairly sure this field is not in the local plan and there's no "need" to develop it in terms of planned growth. Just how far up Geirston road is this random assortment of tasteless homes likely to continue? Does it set a precedent for a never-ending row of tacky but expensive carbuncles?

My original more pragmatic comments about how this development will adversely impact the amenity and safety of my property stand as my main concern about the impact of development on us as neighbours.

I would respectfully urge councillors to reject this proposal.

[REDACTED]

Sent from my iPhone

On 9 Nov 2022, at 15:03, Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk> wrote:

Dear [REDACTED]

Please find attached a notification of a Notice of Review in respect of planning application

Angela

I am working in an agile way therefore the best way to contact me is by email at alittle@north-ayrshire.gov.uk

Angela Little
Committee Services Officer (01294 324132)

Democratic Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

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From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Cc: [REDACTED]
Subject: Fwd: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie
Date: 29 November 2022 12:08:33
Attachments: [221123 - Invite to Comment on Reps.doc](#)
[Further comments received_Redacted.pdf](#)

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Morning Angela,

Thanks for your email regarding additional comments from the notice of review and comments received during our planning application and our appeal.

As a kilbirnie family living here all of our life's we are only looking to enhance an area in Kilbirnie to build a family home that has limited detrimental impact to the environment.

Opinions can change and from our original application and to our appeal this is clearly evident. We have worked with the architect who designed the previous homes on Geirston Road and with Neil's experience we felt our design merits the requirements to a rural location. Please find both comments below previously from the neighbour and our feedback after both comments

Neighbours comment from our planning application August 2021

Dear Mr Hume,

Thank you for taking my call today. I write with regard to planning application reference 22/00540/PP - Site north west of West Bankside Farm, Geirston Road, Kilbirnie.

I have no reason to object to a residential property being built in that location other than perhaps not wanting to be completely boxed in by modern houses and losing the reducing the rural situation of our farm. However, I hope that the following concerns would be considered.

I would request the planned design be reconsidered. My view is that it is severely over-sized and out of scale with the surroundings, giving no concession at all to the style of the existing historic farmhouse, being reminiscent of an American Baptist church rather than a rural home. I believe it will not harmonise at all within this tranquil rural area, where a more modest, darker, modern home would contrast with the existing steading and blend into the hillside, or a cottage-style build would be more in-keeping with the surroundings.

I would like the boundary hedgerow with trees shown in the draft plans to become a compulsory part of any agreed plan and continued to the end of the plot boundary to hide as much of the development as possible from the farm.

Neighbours November 2022 comment on our appeal

Thank you for the opportunity to respond. We have already got three over-scale properties which regularly elicit the question “how did that ever get consent”. I’d like to see a stop to this ribbon development now, as it’s not going to look good in the same cold retrospective light. Aren’t new properties required to be in-keeping or at least tastefully sensitive in style and scale to the traditional farm steadings they are smothering?

I am fairly sure this field is not in the local plan and there’s no “need” to develop it in terms of planned growth. Just how far up Geirston road is this random assortment of tasteless homes likely to continue? Does it set a precedent for a never-ending row of tacky but expensive carbuncles?

My original more pragmatic comments about how this development will adversely impact the amenity and safety of my property stand as my main concern about the impact of development on us as neighbours.

I would respectfully urge councillors to reject this proposal.

Our feedback to both comments and the work that has been completed for fire prevention and drainage at West Bankside, and the design and build which would not overlook West Bankside Farmhouse.

There is a marked contrast between the respondent’s comments 29 August 2022 in that they had no reason to object to a residential property being built on that location. and this current response dated 9 November 2022.

The latest response still maintains concerns about safety and amenity. In the absence of a Fire Hydrant on Geirston Road, the 10,000-litre water tank, installed at the 3 plots/properties to the southeast of West Bankside helped extinguish ***the horse arena fire at West Bankside in 2020***. It improves fire safety, for all residents.

As regards water ingress to the farmhouse, The Report of Handling confirms that an adequate drainage system would capture most of the runoff from the site. Any other possible runoff will flow from the site to water courses away from the farmhouse, given the site’s contours, and the hillock which prevents water reaching the farmhouse. See Pages 19 and 20 of the Appeal Captions 6, 7 & 8

Concerning amenity, The Report of Handling considers that there would not be any significant adverse impacts on the nearby housing in terms of direct overlooking. The graphics on Pages 68 to 77 of the Local Review Document, and submitted with the appeal as a separate item, show the planting provisions being made will ensure that the existing fence boundary provides a defensible boundary. Appropriate planting on this defensible boundary will enhance biodiversity in the local environment, contributing to the. North Ayrshire, Local Biodiversity, Action Plan, 2019-2031, Ref: Page 32, Par 11, Climate

Control, achieved by growing trees and plants which remove and stores greenhouse gases.

This is in keeping with Cabinet approved papers which state that every individual has a part to play if North Ayrshire is to achieve carbon neutrality by 2030.

Kind regards,

[REDACTED] W [REDACTED]

From: "Angela Little (Committee Services Officer / Committee & Member Serv)" <alittle@north-ayrshire.gov.uk>

Da [REDACTED]
[REDACTED]

Subject: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie

Dear Mr Wotherspoon

Please find attached a letter advising of further comments received in respect of the Notice of Review

Angela

I am working in an agile way therefore the best way to contact me is by email at alittle@north-ayrshire.gov.uk

Angela Little

Committee Services Officer (01294 324132)

Democratic Services

North Ayrshire Council

Cunninghame House

Irvine

KA12 8EE

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