



**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, 22 February 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 of the Local Review Body held on 25 January 2023 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 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 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](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Local Review Body Sederunt

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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:



At a Meeting of the Local Review Body Committee of North Ayrshire Council at 4.40 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 and Cameron Inglis

**Present (Remote Participation)**

Amanda Kerr and Chloé Robertson

**In Attendance**

Iain Davies, Senior Development Management Officers (Planning); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services), H. Clancy, C. Stewart and S. Wilson Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Scott Davidson, Davina McTiernan, Jim Montgomerie and Ian Murdoch.

**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 Minutes of the Meeting held on 26 October were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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 Senior Manager (Legal Services) advised the Committee that the Notice of Review related to an alternative site which the Committee could not consider.

The Committee unanimously agreed to continue the Notice of Review to the next meeting for further information to be submitted relating to the original planning application decision.

Councillor Billings left the meeting at this point.

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

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 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 or hearing had been requested by the applicant.

Councillor Foster, seconded by Councillor Kerr, 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.

#### **5. Notice of Review: 22/00540/PP- Site to the Northwest of Bankside Farm, Kilbirnie**

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 or hearing had been requested by the applicant.

Councillor Inglis, seconded by Councillor Robertson, 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 5.05 p.m.

**22 February 2023****Local Review Body**

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**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.

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**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. The Notice of Review was continued from the meeting of the Local Review Body held on 25 January 2023 for further information to be submitted in relation to the original planning application decision.
- 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(a) - Notice of Review;
  - Appendix 1(b) - Additional Information
  - 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 **Diane McCaw, Committee Services Officer**, on **01294 324133**.

#### **Background Papers**

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Cunninghame House Friars Croft Irvine KA12 8EE Email: [eplanning@north-ayrshire.gov.uk](mailto: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? * <span style="float: right;"> <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No         </span>							
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

We are submitting new information in regards to the proposal of a siting a static caravan within the boundaries of wildwood croft, the initial location and submission of the plan , had to be slightly altered due to the negative impacts of health and safety on the original site.

We put our caravan on our land during our 28 day planning rule , that allowed us to move and live in the caravan for 28 days during which we would await the planning outcome , in which we felt we had a good proposal. During investigation works done by a Scottish power engineer on Arran we found underground power lines and over head power lines , near the site in the red box plan, this was deemed unsafe , and was advised to move the caravan away from said power lines. We moved the caravan 20 metres away in front of the large barn , in its nature a mobile home is a moveable site and we felt that by moving it away from the stream , and further away from the road there would be no real material changes to the original planning and to the objections ,raised by planning , especially in regards to flooding, Unfortunately these investigation works needed to be carried out once we had possession of the land and were in a time scale of selling our house , buying and moving a caravan onto the land , and enrolling our daughter in school so time scales and logistical moving were squeezed and this is why the investigation work carried out was during the decision making of the planning officer , but we felt the small movement did not breach any planning directives as a mobile home can be constantly moved to satisfy any issues that may arise , but the refusal of the planning for the original proposal has in our belief no bearing in were the caravan is now

Regards

Dr Anwen Bill

Duncan Dowie



NEW SITE

ORIGINAL SITE

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	22/00454/PP
<b>Proposal:</b>	Change of use for temporary sitting of a static caravan to enable development of agricultural land and eco-tourism business
<b>Location:</b>	Dippenhead Farm, Largiemeanoch, Whiting Bay, Ayrshire KA27 8RJ
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	SP1 - The Countryside Objective / Strategic Policy 2 /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 23.06.2022 Neighbour Notification expired on 14.07.2022
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 08.07.2022 Expired on:- 29.07.2022
<b>Previous Applications:</b>	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.1000m<sup>2</sup> 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.

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**Decision**

Refused

Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

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



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

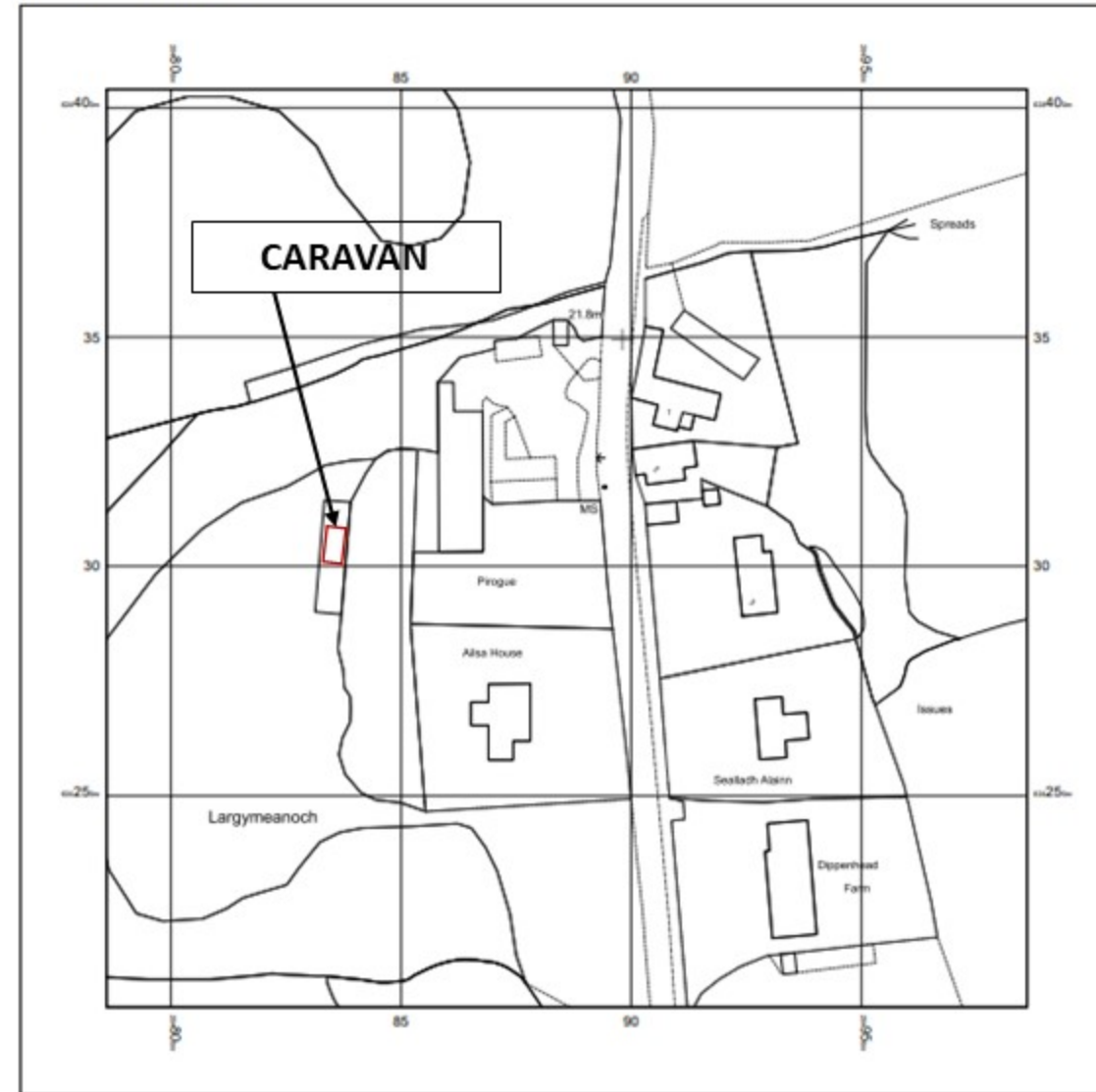
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Appendix 3



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

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.

