NORTH AYRSHIRE COUNCIL

31 October 2018

Local Review Body

Title:	**Notice of Review: 18/00469/PP - The Stables, 15A Thirdpart Holdings, West Kilbride**
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 18/00469/PP – Erection of a detached dwellinghouse with stables.

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 and supporting documents;
Appendix 2 - Report of Handling;
Appendix 3 - Location Plan;
Appendix 4 - Planning Decision Notice;

3. Proposals

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

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	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: **Children and Young People:**	None arising from this report. None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

5.1 No consultation was required as there were no interested parties (objectors, supporters or statutory consultees) in relation to this planning application.

Craig Hatton
Chief Executive

For further information please contact **Euan Gray** on **01294 321430**.

Background Papers
0

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 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 100132528-001

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:	Jigsaw Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Katherine	Building Name:	PO Box 2844
Last Name: *	Sneeden	Building Number:	
Telephone Number: *	07860757873	Address 1 (Street): *	PO Box 2844
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G61 9DG
Email Address: *	katherine@jigsawplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Stuart	Building Number:	59
Last Name: *	Macdonald	Address 1 (Street): *	Eglinton Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Ardrossan
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KA22 8NF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	North Ayrshire Council

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

Address 1:	THE STABLES
Address 2:	15A THIRDPART HOLDINGS
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	WEST KILBRIDE
Post Code:	KA23 9QD

Please identify/describe the location of the site or sites

Northing	649721	Easting	219238

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 detached dwellinghouse with stables

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 a 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 attached statement of appeal

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)

Application form; Planning Design Statement; Location Plan (A01); Block Plan/Site Plans A02 & A03; Proposed Plans and Elevations A04; Sections A05; Report of Handling; Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? * 18/00469/PP

What date was the application submitted to the planning authority? * 22/05/2018

What date was the decision issued by the planning authority? * 02/07/2018

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: Mrs Katherine Sneeden

Declaration Date: 06/09/2018

18/00469/PP

Erection of detached dwellinghouse with stables

The Stables
15A Thirdpart Holdings
West Kilbride
Ayrshire
KA23 9QD

Review Statement

September 2018

jigsaw planning

This statement has been prepared by Jigsaw Planning.

Katherine Sneeden BA (Hons) Dip TP MRTPI
Jigsaw Planning
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Glasgow
G61 9DG

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Jigsaw Planning is the trading name of Jigsaw Planning Limited
A company registered in Scotland number 592268

Appeal to North Ayrshire Council's Local Review Body

Against the Decision of the Planning Officer to refuse an application for planning permission for the erection of detached dwellinghouse with stables

The Stables, 15A Thirdpart Holdings, West Kilbride, Ayrshire KA23 9QD

Introduction

1. This review statement has been prepared by Jigsaw Planning, Chartered Planning Consultancy, on behalf of our client, Mr S Macdonald. We dispute the Planning Officer's reasons for refusing the application and respectfully request that the Council's Local Review Body review that decision.

2. The proposal is for Planning Permission for the erection of a detached dwellinghouse with stables. The site lies within the Countryside as designated in the adopted Local Development Plan.

3. This LRB appeal should be read in accordance with all other material submitted at the application stage.

Grounds for the review

4. The application has been refused by the Council's Planning Officer for one reason and we set out our response and grounds of appeal to the reason below:

1 The proposal would be contrary to Policy ENV 2 and criteria (a) and (b) of the General Policy of the Adopted North Ayrshire Council Local Development Plan, as the proposed development has not been justified in terms of the criteria of Policy ENV2 for new housing development in the countryside, and any house on the site would constitute unplanned ribbon development. The design of the house is not of a high quality and would have a negative impact upon the visual amenity of the area to the detriment of the landscape setting of the wider area.

5. Whilst there is only one reason for refusal it can be split into two different elements; firstly the principle of a new dwellinghouse and secondly the design of the proposal. We therefore split our consideration of the decision into these two elements.

Principle of the proposed development

6. Policy ENV2 of the adopted North Ayrshire Local Development Plan sets out the circumstances in which a new dwellinghouse in the Countryside would be acceptable.

7. The first circumstance for a new dwelling under ENV2 is for a single house in its own established setting in a rural area. It is agreed that the proposal does not accord with this element of the policy.

8. The second circumstance relates to a small scale, sympathetic addition to an existing well-defined nucleated group of four or more houses. As set out in the applicant's Planning Design Statement submitted with the application, the site forms part of the Thirdpart Holdings and sits on a low coastal saddle between the gentle rises of Waterside/Auld Hills and Drummilling Hill within the former Hunterston Estate. The site is located on a parcel of land adjacent to the access road which serves properties 13, 14, 15 and 16. Number 15 is a semi-detached property with one half used as offices. The large equestrian arena located at number 15 helps to link the properties in the group. All four properties when approached from the application site clearly give a sense of one group of properties. Any visitor to the location would find themselves in a rural area with a mixture of residential properties, agricultural buildings and related land.

9. It is therefore felt by the applicant that the proposed additional dwelling can be justified as a sympathetic addition to this group. The policy allows only a limited expansion of groups by up to 50% and the proposal would meet this criteria.

10. The proposal is a sympathetic addition to the current grouping of buildings as it utilises the part of the application site on which there are existing agricultural buildings. Whilst the application red line boundary is quite large, the area to be developed is proportionate and in keeping with the existing settlement pattern, i.e. adjacent to the road and existing buildings. The photograph below shows the existing view when approaching the site from the north:

11. The photograph below then shows the approach with the proposed new dwelling. It can be seen that the new dwelling replaces existing agricultural buildings and offers a design solution which is complementary to the existing properties.

12. In addition to the proposal being an appropriate expansion of an established group, the proposal will also provide residential accommodation for workers

engaged in a rural business which is the third circumstance under ENV2. As set out in the Planning Design Statement submitted with the application, the owners of the site currently keep horses on the site and, as the horses are older in age, require round the clock care. The owners have had a duty of care for the horses since ownership of the small holding in 2005 and require to be present on site 24/7. The applicants wish to increase their commitment to their equestrian pursuits. The new dwelling will afford them convenient twenty-four-hour access to their horses and increase their already considerable investment and commitment to the area. It will also allow them to expand upon their voluntary roles, allowing disadvantaged young people equestrian experiences. The existing equestrian arena will be upgraded to further enhance the green spaces and some hedging around the holding and to harbour local wildlife.

13. Marie Macdonald spends on average more than 35 hours per week at the site taking quality care of the family's horses and maintaining the small holding. During winter months, the need for care increases to around 40 hours per week to incorporate the horse's additional needs in association with their age. Over recent times during these winter months there has been junctures where the family have risked themselves travelling in severe weather to the small holding in order to ensure their horses are safe and appropriately cared for.

14. In addition to the above the small holding has provided community benefits for over 17 years to many young and old individuals whom wanted to successfully advance their riding and horse management skills at the small holding.

15. The Macdonald family assisted these individuals with expenses to enable them to learn the ways of horsemanship, including giving a retiree the opportunity to enjoy equestrian pursuits and to advance their riding skills at the small holding.

16. The small holding in the past has facilitated local events which has helped the local community run Natural Horsemanship Sessions, Rescue Ex-Race Horses. The family have enabled equestrian friends and North Ayrshire Riding Club to use the small holding for kids who used it for easy access to the local beach and for charitable events.

17. The family's commitment to be self-sufficient by growing carrots, turnips etc also requires a need for further hours spent at the small holding. Further to this Mr & Mrs Macdonald are members of the Small Holding Scotland Society to help with their commitment to their own and others' small holdings across Scotland.

Design of the proposal

18. The second part of the reason for refusal relates to the design of the proposal. Policies ENV2 and General Policy require proposals to not be suburban in character and take cognisance of the approved Rural Design Guidance. The applicant's architect has designed the proposal taking into account the existing properties at Thirdpart Holdings. To precisely replicate the existing properties would not be appropriate and therefore the architect has drawn on design influences from both the local vernacular and modern domestic typologies. The proposed dwelling would not look out of place and the appearance could be softened if required, through the addition of a planning condition requiring a landscaping scheme.

19. As set out above, whilst the application red line boundary is quite large, given the stables and equestrian element to the smallholding, the siting and massing of the dwelling is well integrated within both the settlement and the existing landscape. The proposal replaces existing buildings and is sited next to an existing residential property.

20. The proposal includes the retention of the existing low timber boundary fence to allow a hawthorn hedge to be established. The existing hedge along the southern boundary would also be retained.

21. The scale of the dwelling at one and a half storeys is sympathetic to others in the surrounding area.

22. The access and parking areas have been sensitively designed to respond to the local characteristics and the Planning Officer did not raise any concerns in this regard and confirmed in the Delegated Report that the arrangement accords with criterion (d) of the General Policy.

23. The planning officer's report confirms that there would not be any adverse impacts on neighbouring property in terms of overshadowing or overlooking.

Summary

24. The proposal is justified on the basis of being a sensitive expansion of an existing building grouping. The proposal will see the replacement of existing agricultural buildings with a well-designed, contextually appropriate dwelling. The applicant requires to be located on the site of the equestrian facility to ensure appropriate

care for the horses. The applicant's case is that the proposal is found to fully accord with the policies within the adopted LDP. We respectfully request that the decision by the Planning Officer be reviewed and planning permission granted.

Planning Design Statement

15A THIRDPART, WEST KILBRIDE

Stuart & Marie Macdonald | 59 Eglinton Road, Ardrossan | January 2018

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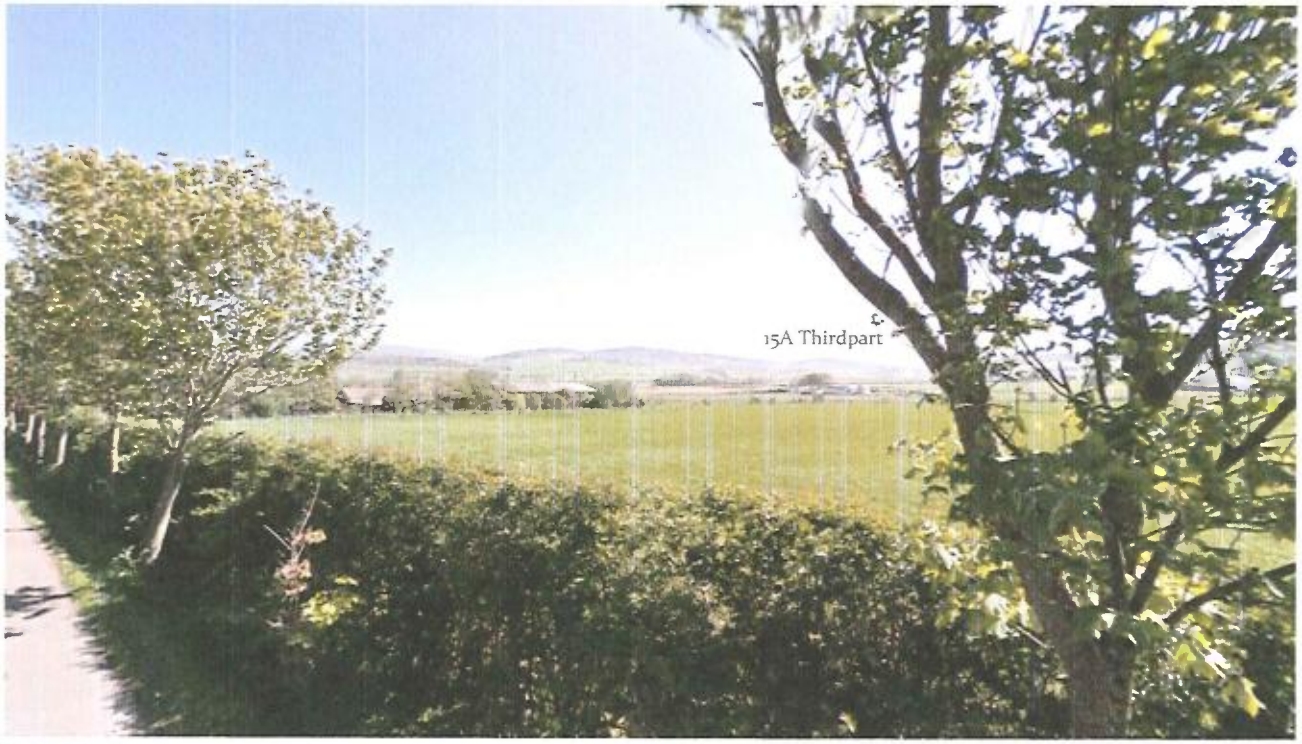


Wider view towards 15A Thirdpart from the Southwest access roadway

Smallholding SCOTLAND

Mr & Mrs Macdonald are members of Smallholding Scotland

Established by smallholders, Smallholding Scotland is a unique, member-led organisation dedicated to representing, promoting and supporting smallholding across Scotland.

To promote and support the sustainable stewardship and the purposeful use of smallholdings.

www.smallholding.scot

Introduction

THE APPLICANTS

The applicants, Mr. Stuart Macdonald & Mrs. Marie Macdonald currently reside at 59 Eglinton Road, Ardrossan with their family. They have owned and successfully operated the equestrian facility at 15A Thirdpart for over 14 years.

Stuart Macdonald is a Senior Instrument/Controls Engineer for Siemens, his work takes him all over the world on many different projects. On and Offshore.

Marie Macdonald is a carer in the community. Marie has always been interested in Nature, Animals and Equestrian Pursuits.

Marie was voluntary Child protection officer for North Ayrshire riding club and plans in the future to take on board young equestrian apprentices. Who are interested in passing their horse levels and are keen to be instructed in horse management skills. While carrying out my duties of child protection and after we have taken disadvantaged children on fun rides in the local area.

INITIAL BRIEF

The applicants wish to increase their commitment to their equestrian pursuits. To this end they wish to build a new house at the smallholding, 15A Thirdpart, principally to improve the quality of their family's lives. This will afford convenient twenty-four-hour access to their horses and increase their already considerable investment and commitment to the area.

This will also allow them to expand upon their voluntary roles, allowing disadvantaged young people equestrian experiences.

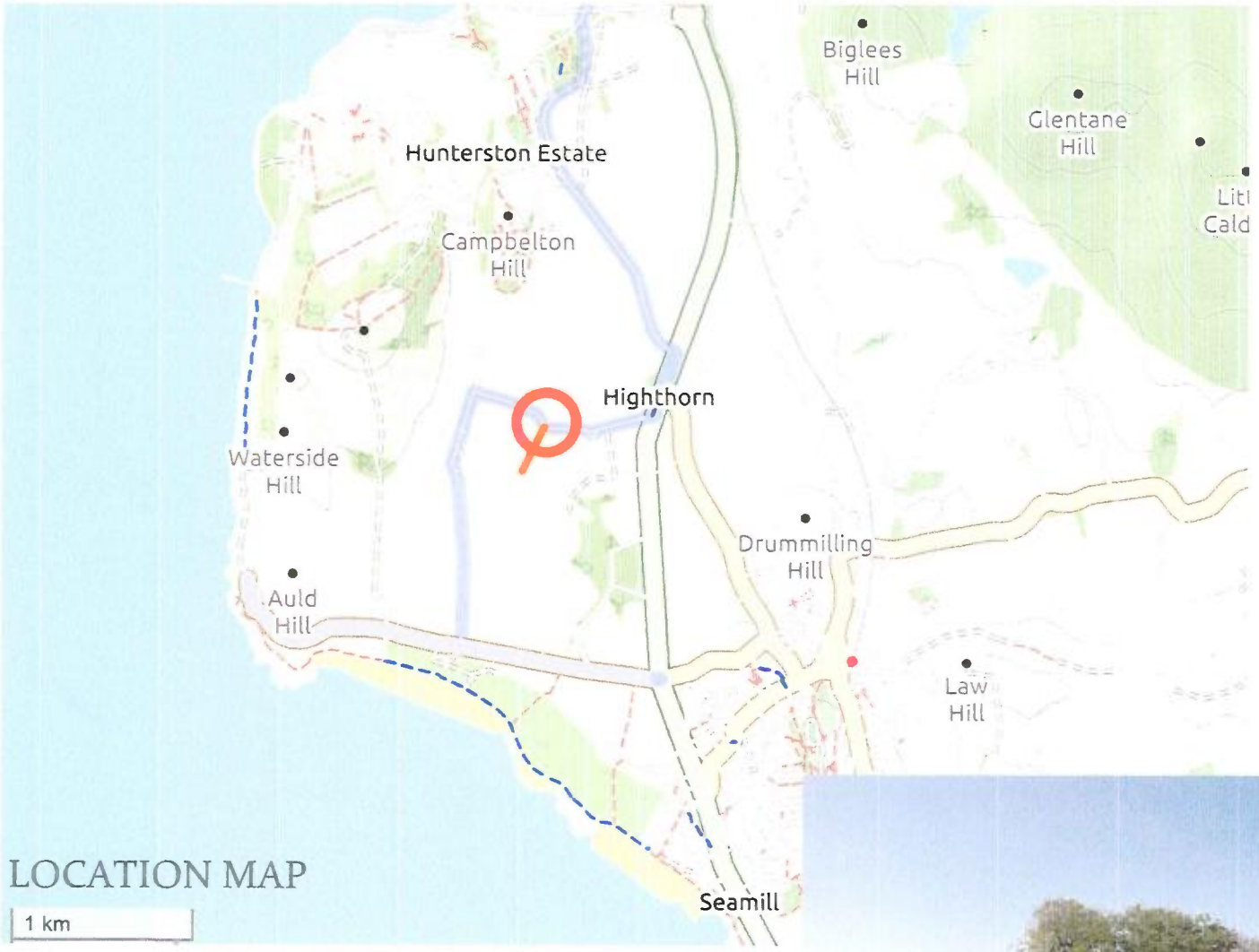
They also wish to improve the visual amenity of their existing stabling facility. It is proposed to remove the various existing timber buildings. One newer shed being retained as a garage/workshop.

The existing equestrian arena will be upgraded to further enhance the green spaces around the holding.

The applicants are committed to procuring the best materials, people and services from within North Ayrshire to help contribute to the overall economic growth to the area.

THE DESIGN TEAM

The applicants are undertaking the design of their proposed new home and have called upon friends and family to assist in the preparation of the design and the technical aspects of the build.



LOCATION MAP

LOCATION

The proposed application site is located by West Kilbride, North Ayrshire, Scotland.

The site sits off the main A78 road from Irvine to Largs, within a series of small holdings known as Thridpart Holdings.

The site forms part of the Thirdpart Holdings and sits on a low coastal saddle between the gentle rises of Waterside/Auld Hills and Drummilling Hill within the former Hunterston Estate.

The topography around the site affords only minimal shelter from infrequent NW winds.

The KA23 9QD postcode is within the Dalry and West Kilbride ward/electoral division, which is in the UK Parliamentary Constituency of North Ayrshire and Arran. The Scottish Parliament constituency is Cunninghame North.

Routes marked in purple are national cycle ways.

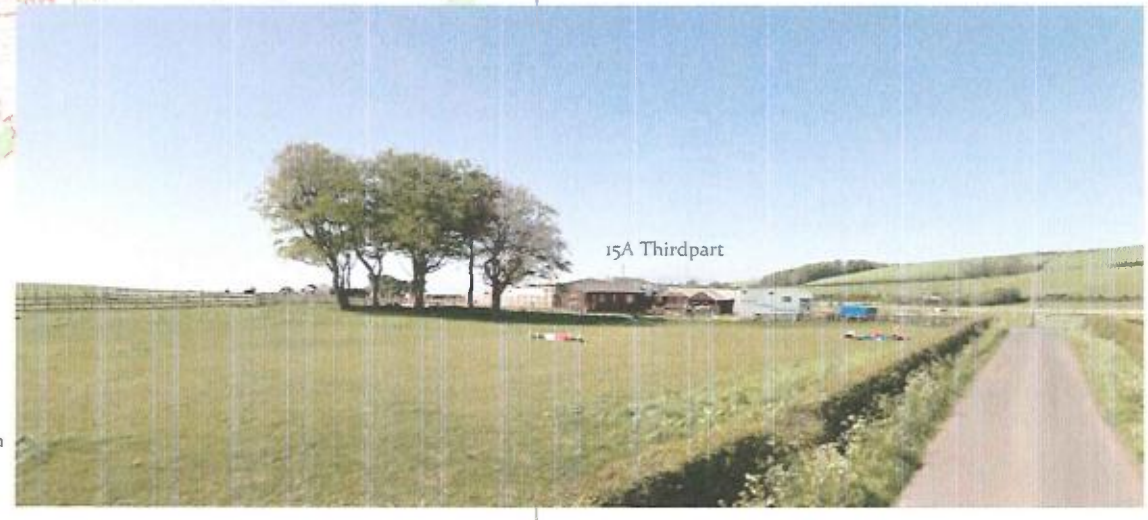
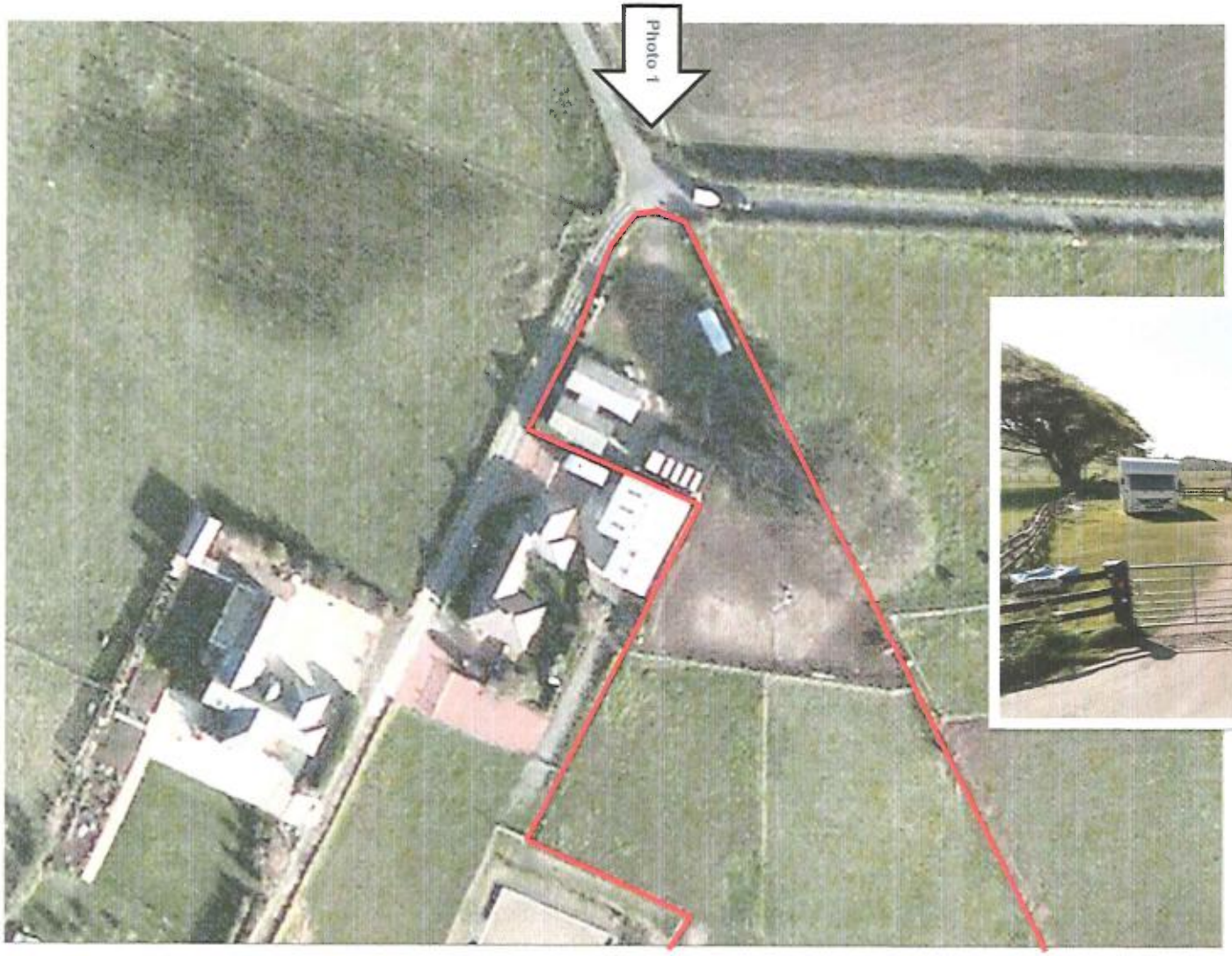


Photo of 15A Thirdpart from approach roadway



EXISTING USE

The existing site has an equestrian use. It has a series of existing timber-built stables and ancillary buildings; a large paddock and an area used as an equestrian school 'arena'.

ACCESS

Existing vehicular access is on the junction of the access roadway denoted as U60 referred to as Thridpart

Photo 1 showing the existing site access, existing timber stables & shed. 16

SITE ANALYSIS

The site forms part of the Thirdpart Holdings and sits on a low coastal saddle between the gentle rises of Waterside/Auld Hills and Drummilling Hill to the South of The Hunterston Estate.

Thirdpart is bounded by Golden-berry Hill, Ardneil, Carlung Farm and Hunterston Estate.

The topography around the site affords only minimal shelter from prevailing winds.

SURROUNDING LANDSCAPE

The site is set within an area used principally for agriculture and countryside pursuits.

UTILITIES

The site mas mains electricity and water (private supply). Drainage is by an existing cess pit (to be upgraded).

CHAPTER 97.

An Act to make further provision for the acquisition of land for the purposes of Small Holdings, Reclamation, and Drainage, and other purposes relating to Agriculture in Scotland, to amend the Small Landholders (Scotland) Act, 1911, and the enactments relating to Allotments, and otherwise to facilitate land settlement in Scotland. [23rd December 1919.] A.D. 1919.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

Provisions as to the Acquisition of Land.

Compulsory acquisition of land for purposes of the Small Holding Colonies Acts, 1916 and 1918.

1.—(1) With the consent of the Secretary for Scotland and the Treasury, land may, during the period of two years after the passing of this Act, be acquired compulsorily by the Board of Agriculture for Scotland (in this Act referred to as "the Board") for the purposes of the Small Holding Colonies Acts, 1916 and 1918, and the powers of acquiring land by agreement under those Acts shall be exerciseable during the like period.

(2) The word "experimental" occurring in section one of the Small Holding Colonies Act, 1916, and so much of section eleven of that Act and section one of the Small Holding Colonies Act, 1918, as limits the total area of the land which may be acquired by the Board, or restricts the powers of the Board in acquiring land to taking land on lease, purchasing land in consideration of an annual payment and taking land in feu or requires that three-fourths of the land for the time being acquired shall consist of land suitable to be cultivated as arable land, shall cease to have effect.

6 & 7 Geo. 5. c. 33. 8 & 9 Geo. 5. c. 26.

(3) The Board shall, in addition to the powers conferred on them by the said Acts, have in relation to all land acquired by

WW1 - "A Land Fit For Heroes" 1919 (and other Liberal Party Lies)

COTTAGES AND AN ACRE FOR FIGHTERS
STATE TO SPEND MILLIONS ON LAND SETTLEMENT SCHEME:

It is understood that the authorities hold the opinion that the best form of land-settlement for the men is to give them a cottage with perhaps one acre of land, which would be partly garden land, the other part being used for. keeping poultry, pigs, or goats, and for fruit-growing.
The occupier would make the main part of his living by seasonal work, either in the neighbouring town or on the land.

The Daily Graphic 29th January 1919

A very few small holding schemes were established for returning soldiers in England, however many failed due to lack of support from the authorities, some land owners and especially inadequate training afforded novice smallholders. Those that did survive and were later transferred to County Council control and were later sold off mainly in the 1980's under instruction from Chancellor John Mayor.

In Scotland over 6000 smallholdings were created for the 7500 applicants. Better state funding, better organisation and training of new smallholders seemed to be the reason for this. Sadly, returning warriors did not reap the benefits as much as second generation smallholders, principally in the Highlands & Islands.

HISTORY OF THE SITE

Before and during The Great War, Thirdpart was arable land, used to grow strawberries and raspberries by the then owners, James Robertson & Co, Jam and Marmalade Makers of Paisley.

James Robertson had featured in the public life of Paisley, having been a member of the Council, a Magistrate, a High School director, and the manager of The Savings Bank, as well as belonging to a variety of philanthropic societies. His eldest son John succeeded as Company Chairman, establishing the firm as a world leader in the preserves industry. Robertson's were awarded Royal Warrants of appointment by King George V in 1933, King George VI and by the present Queen Elizabeth.

After the War, Thirdpart was acquired by the Secretary for Scotland under the Land Settlement (Scotland) Act 1919. Although James Roberson died at the outbreak of the war in 1914, his philanthropic wishes were continued by his son, Thirdpart was offered up for sale to The Scottish Office for the use of returning soldiers, for a nominal purchase price.

Thirdpart was split into 16 smallholdings each of around 7 acers to be used by ex-military personnel and tradesmen. They paid ground rent to St Andrews House, which in the 1970's was around £300 per year

When the Conservative Government came to power in 1979, led by Margaret Thatcher, the then Chancellor John Major raised the rent by 300% to £900 per year. This was unaffordable, and all Thirdpart tenants bought out their holdings.

There were over 6000 Holdings set up throughout Scotland. Including several in Lowland Scotland, in Ayr, Doonfoot, Castle Semple, East Lothian and Cumnock.

DEFINITION

Smallholding is a piece of land and its adjacent living quarters for the smallholder and stabling for farm animals. It is usually smaller than a farm but larger than an allotment. It is often established for breeding farm animals organically on free-range pastures. Alternatively, the smallholder may concentrate on growing vegetables by more traditional methods.

Generally, a smallholding offers its owner a means of achieving some self-sufficiency for their family's needs. In reality most smallholders require to supplement their income by working in nearby towns.

Views to and from the site

PHOTO 1 - View from Thridpart access roadway towards the site

PHOTO 2 - View from the site towards neighbouring homes

PHOTO 3 - View from the site entrance down the access roadway

PHOTO 4 - View from Thridpart access road towards the site

PHOTO 5 - View from the site towards neighbouring stables

PHOTO 6 - View from the site towards neighbouring stables

PHOTO 7 - View from Thridpart road towards the site

PHOTO 8 - View of the existing stables towards neighbouring lands

PHOTO 9 - View from the site entrance to Hunterston Estate

Imagery - Existing Houses at Thirdpart Holdings

PHOTO 10 – Number 1 Thridpart

PHOTO 11 - – Number 3 Thirdpart

PHOTO 12 - – Number 2Thirdpart

PHOTO 13 – Number 3 Thridpart

PHOTO 14 – Number 16 Thirdpart

PHOTO 15 – Total Turfing Thirdpart

PHOTO 16 – Number 10 Thridpart

PHOTO 17 – Number 15 Thirdpart

PHOTO 18 – Number 12 Thirdpart

Crisp and sharp standing seam metal roofing, more durable and maintenance free. More akin to the original corrugated steel roofing used on many smallholding homes.

The applicants love the current revival of Scottish vernacular architecture, as above. Breaking the mould of the wee whitewashed suburban style houses. But recognising that painted roughcast has been developed over centuries of learning and intuition.

IMAGERY MONTAGE

The applicants wished to keep the house low and 'facing the wind' – presenting more roof than wall to the prevailing SW winds.

The applicants wish to delineate the different functions – home and stables.

The stables need to be durable inside but they like the use of low maintenance wood or coloured fibre cement siding as both the images above.

DESIGN PROPOSALS

The applicants are careful to ensure this proposed development is a good neighbour. They acknowledge the existing cluster of homes at Thirdpart are mainly traditional, based around harled farm workers houses, and they wish to respect this. The intention is to produce a low, compact home, that will nestle into the landscape.

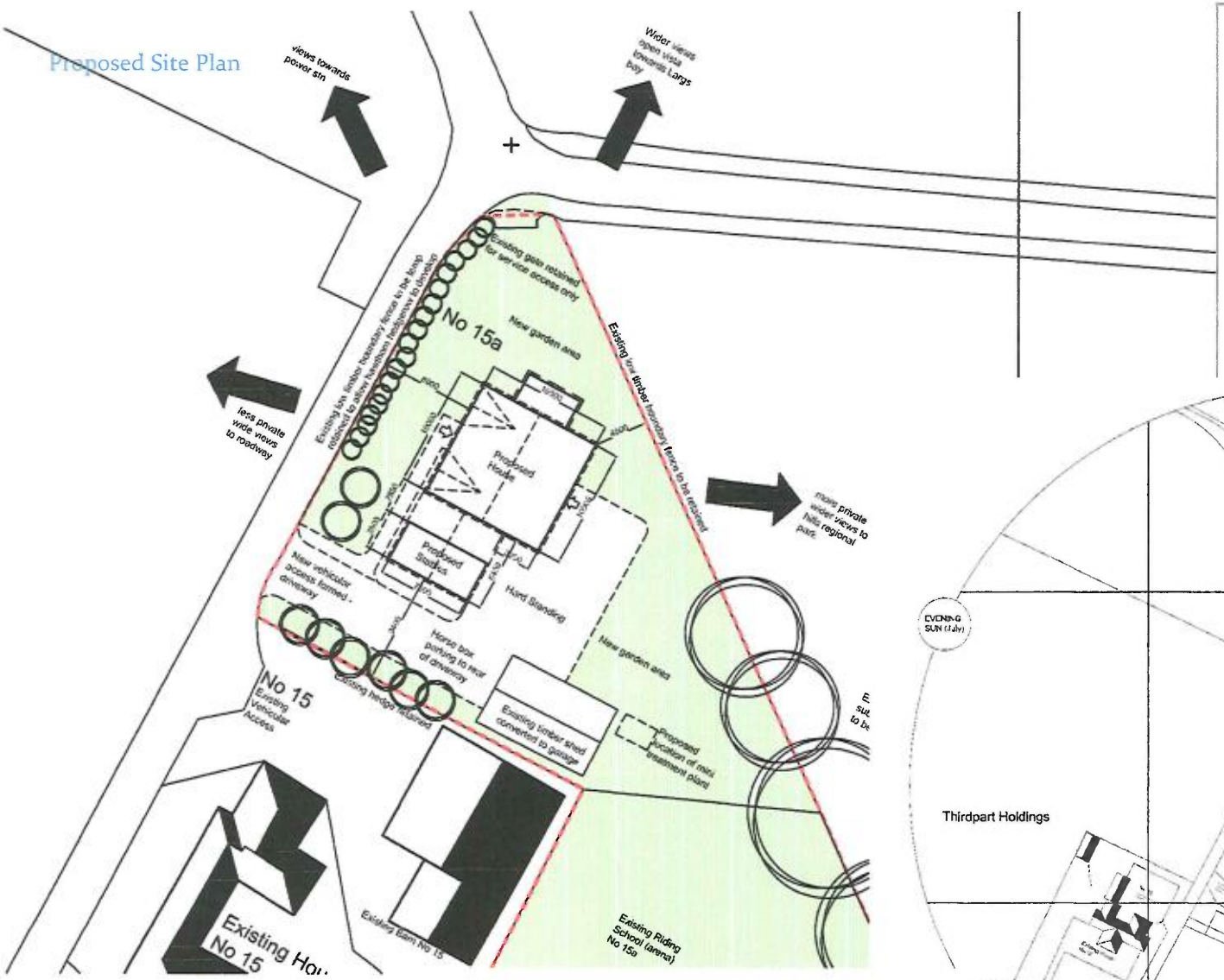
Mr Macdonald has worked and travelled extensively in Scandinavian countries for many years, they have both been influenced by the way in which Nordic countries seem to have better understood and developed a modern vernacular. The Scandinavians seem better understand and respect the centuries of learning of ordinary home builders - centuries of learning that has resulted in good quality, energy efficient houses that respect the landscape/climate and are beautiful to the eye.

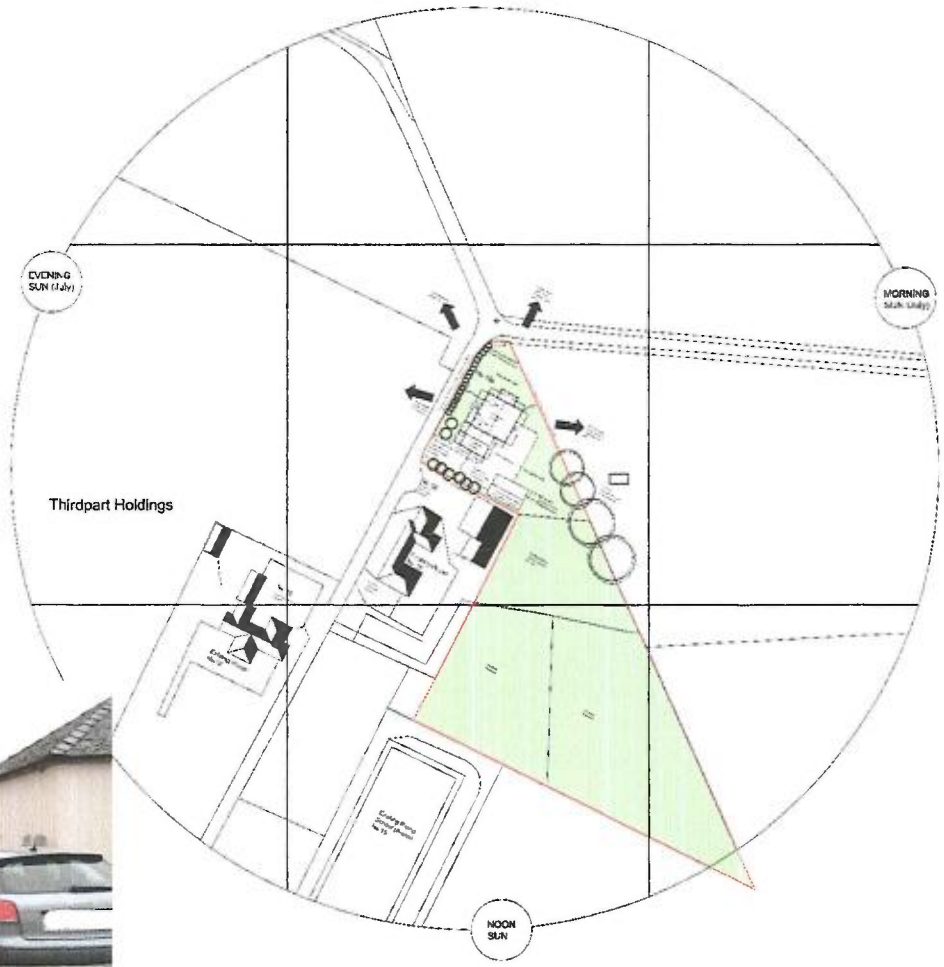
The applicants wish to build a modern home that builds on the local farmhouse styles, exploring the use of modern materials, cantered around sustainable and energy efficient design to suit the local harsh climate.

IMAGERY

The applicants assembled some images to help illustrate their initial design intent.

Proposed Site Plan



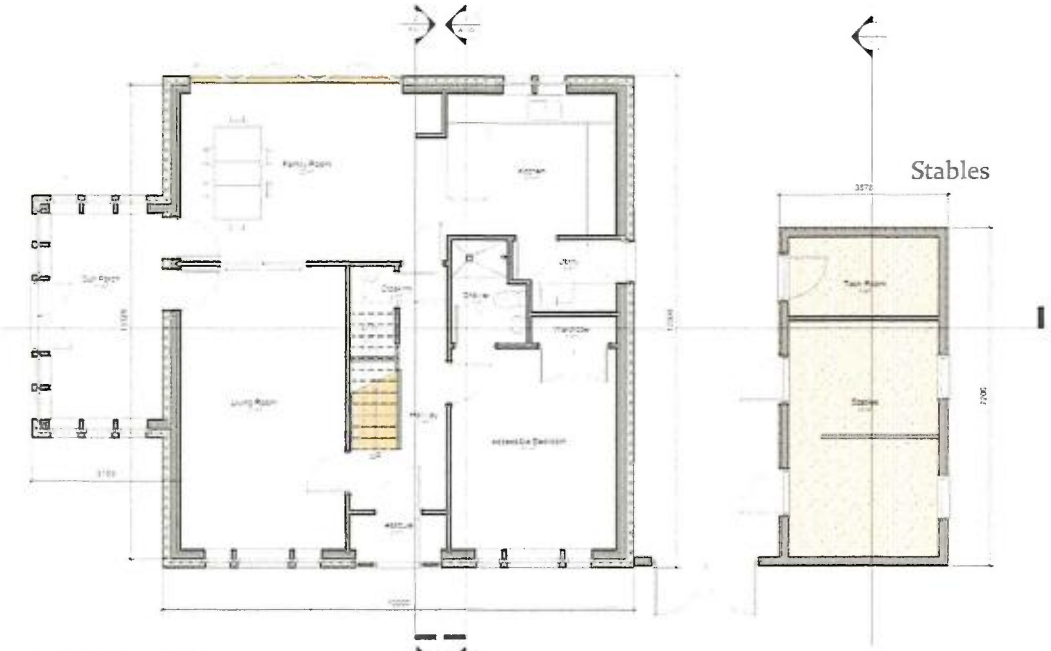


SITE PLAN

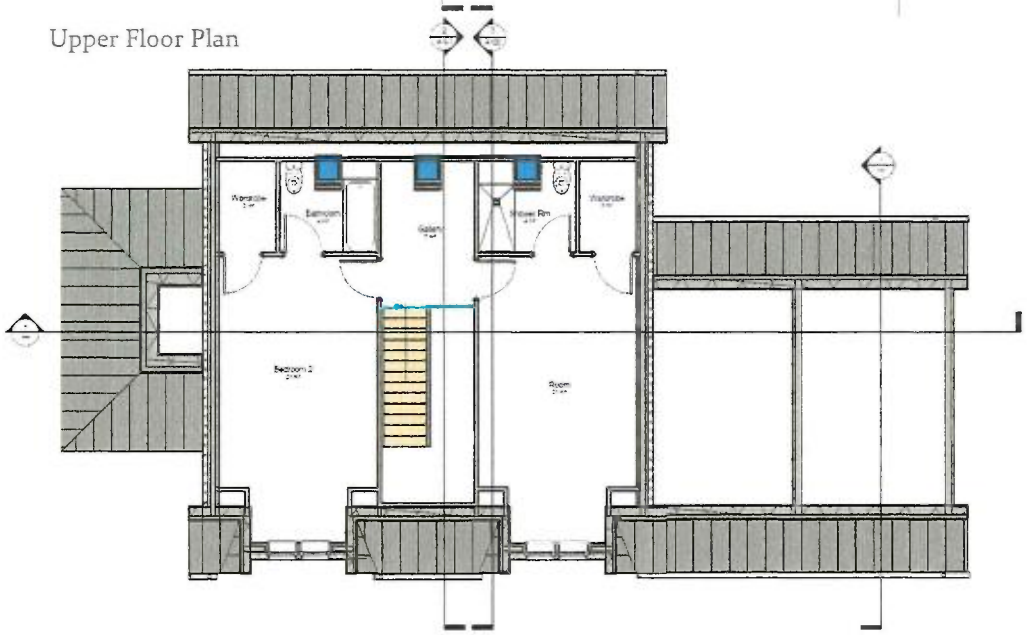
It is proposed that the new house is sited to maximise early morning sun to breakfasting and family areas and evening sun to living rooms. This would take advantage wind shelter afforded by the adjacent property and take advantage of the beautiful vistas from the living spaces.

A new vehicular access is proposed, away from the road junction. This would also allow the horsebox truck to be parked less obtrusively, to the rear of the new driveway.

Ground Floor Plan



Upper Floor Plan



INITIAL BRIEF

The applicants wish to provide a modest home on their existing smallholding.

The require:

- House designed to be compact, low maintenance, low energy and responsible environmental standards.
- Accommodation, three bedrooms (master, guest and one accessible bedroom)
- Open plan kitchen, informal dining and family room
- Lounge
- Utility, mud/boot room
- House orientated to take advantage of early morning sun and late evening sun, to suit smallholder work pattern.
- Sun porch to take advantage of wider views.
- Two stable stalls with tack room.
- Open pend with hard standing, with sliding barn door to provide some high wind shelter.
- Hard standing for one horse box truck and two cars.
- Conversion of existing timber shed to a garage/workshop.

Front Elevation

Rear Elevation (Garden)

INITIAL SKETCH DESIGN IMAGES

Front Elevation

Rear Elevation

STAINABILITY & ENERGY PERFORMANCE

House designed to be compact, low maintenance, low energy and responsible environmental standards. The primary design criteria is to super insulate and draught proof the new house, beyond current Building Regulation requirements.

The applicants are looking to install a biomass room heater to the open lining/kitchen space.

Solar thermal and PV is being considered to the stable roof.

A very low energy miniature sewage treatment plant will be designed to complement the above.

BOUNDARY TREATMENT

Refer to the proposed sketch site plan. It is proposed to retain recently installed timber railed fencing to the external boundary's. The fence to the front elevations will be trained until a hawthorn hedge can be cultivated.

PARKING, NEW & EXISTING ACCESS

A new vehicular access is proposed to be relocated away from the existing road junction. This would also allow the horsebox truck to be parked less obtrusively, to the rear of the new driveway.

The hard-standing driveway would also provide parking for two cars. It is expected that the sole building to be retained and converted into a garage/workshop would also provide one car parking space.

EQUESTRIAN ARENA

The existing equestrian areas will be retained unaltered.

Front Elevation

Appendix 2

REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/00469/PP
Proposal:	Erection of detached dwellinghouse with stables
Location:	The Stables, 15A Thirdpart Holdings, West Kilbride, Ayrshire KA23 9QD
LDP Allocation:	Countryside/Rural Community
LDP Policies:	ENV2 / General Policy /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 23.05.2018 Neighbour Notification expired on 13.06.2018
Advert:	Regulation 20 (1) Advert Published on:- 30.05.2018 Expired on:- 20.06.2018
Previous Applications:	None

Appeal History Of Site:

06/00028/REFUSE for Siting of static caravan (retrospective) was DISMIS on 29.01.2007

Description

The application site refers to a plot of land located in Thirdpart Holdings. The land is currently used for equestrian purposes and has a number of small timber stables and ancillary buildings with the remainder of the land being paddock and riding area. The site is accessed via the U60 'Thirdpart' road, a single track country road. To the north of the site the road forms a three way junction with a private road leading off the main loop to serve 13, 14, 15 and 16 Thirdpart Holdings.

The surrounding area of Thirdpart has a development pattern characterised by small clusters of agricultural buildings based around the loop road and separated by open fields. This is as a result the history of the area which was, at the beginning of the twentieth century, split into numerous 'small-holdings', a form of agriculture similar to crofting.

The proposal is for the erection of a one and a half storey dwellinghouse and attached stables. The house would be located in the northern section of the site adjacent to the road junction but oriented northwest to address the private access road. It would have a gabled roof design with two gabled wall dormers on the front elevation bookmarking the main entrance door. The house would also include a single storey hipped roof sun lounge on the northeast elevation and a single storey gabled stables on the southwest elevation. The finishing materials would be white render for the walls of the house, larch shiplap horizontal cladding for the stables, a grey metal roof covering and grey uPVC windows. The house would have three bedrooms. Access is to be taken further down the private road, close to 15A, as opposed to from the current access at the junction. One of the existing timber sheds is to be converted into a garage. Waste water is to be dealt with at a mini-treatment plant to be located behind the garage.

In the adopted Local Development Plan the site lies within a Countryside allocation and the proposal requires to be assessed against policy ENV 2, Housing Development in the Countryside as well as against the relevant criteria of the General Policy, in this case (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking Provision.

Pre-application advice (18/00200/PREAPP) was given in relation to this proposal and indicated that the erection of a dwellinghouse on this site would not be likely to be supported due to it not being in accordance with policy ENV 2. The reasons why the proposal does not accord with policy ENV 2 are outlined in the analysis section of this report.

The applicants have submitted correspondence which outlines why they disagree with the pre-application advice and why they believe that the erection of a house on this site could be supported under policy ENV 2. The reasons given are summarised below:

1. The applicant considers that 13, 14, 15 and 16 Thirdpart Holdings constitute a rural housing group of four, and therefore the erection of a new house in this grouping may be supportable.

Response: This is disputed. See analysis.

2. The proposal would be a visual improvement on the existing stable buildings while retaining a similar building massing.

Response: This is not a valid consideration under policy ENV 2.

3. Scottish Government policy supports smallholders and crofters and their rights to erect dwellings on their land.

Response: The applicant's site is currently used as a paddock and riding arena and while classed as a smallholding, the main consideration in this case is whether the principle of a house on the site complies with policy ENV 2.

4. The activities involved in the equestrian business equate to one full time worker per day, and therefore the house could be supported under the section of ENV 2 which makes allowances for the erection of housing for workers engaged in rural business.

Response: No evidence of the need for a worker on site has been provided.

5. There have been several recent new houses built at Thirdpart Holdings which do not appear to comply with this policy.

Response: It is noted that no examples are given. Any recent housing development at Thirdpart would have been assessed against the relevant LDP policies at that time. There is no precedence in planning with each case considered on its own merits.

The applicant has also submitted a Design Statement. This design statement does not include a detailed analysis of the relevant planning policy nor a description of the design process or justification for the finalised design.

Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press. Two letters of objection have been received, the issues raised in which are summarised below:

1. The site would not be suitable for a new single standalone house in the countryside under the criteria detailed in policy ENV 2 due to its proximity to 15 Thirdpart Holdings.

Response: Agreed.

2. There is a lack of information about landscaping.

Response: The site plan contains a sufficient level of detail in regards to landscaping.

3. The access is taken from a private road and has not been agreed by the owners; the access is not sufficiently wide for a horse box.

Response: The applicant has stated that they have a right of access to this road. Notwithstanding, this would be a private legal matter. The access would be 5m wide which is wide enough to accommodate most vehicles.

4. The proposed stables are not well designed and too close to the house which could cause environmental issues. The proposed hayloft would be a fire hazard.

Response: The stables are sufficiently separate from the house. It is not obvious what environmental issues are being referred to. Haylofts are a common feature in rural homesteads and there is no reason to believe that the proposed hayloft would be particularly prone to fire risk.

5. The design of the house is not of the high quality that is required of new houses in the countryside under policy ENV 2. The design statement does not detail the design process and contains insufficient consideration of the planning policy.

Response: Agreed. The design quality falls short of what would be expected for a new house in the countryside and the design statement does not adequately explain how the finalised design was reached. The chosen finishing materials are not high

quality and do not comply with the NAC supplementary guidance on Development in the Countryside. Design improvements have not been sought by the case officer because the principle of housing on this site is not accepted, and therefore any design considerations are immaterial.

6. The application should be decided on policy and accordance with the Local Development Plan and not on any of the other considerations raised in the design statement.

Response: Agreed.

7. There is no public water supply to the site and Scottish Water should be consulted.

Response: The applicant has stated they intend to use a private water supply and there is no requirement to consult Scottish Water for this application.

8. Information on waste and surface water disposal is insufficient.

Response: Agreed, although this could be addressed via condition.

The objection letter raises several other points which are not material planning considerations.

No consultations were carried out as part of this application.

Analysis

Policy ENV 2 offers three scenarios where the erection of a new dwellinghouse in the countryside could potentially be supported; single houses in rural areas, small scale growth of existing rural housing groups and housing for workers engaged in rural business. The proposal is not a single standalone house in a rural area as it is located immediately adjacent to 15 Thirdpart Holdings, and it could not therefore be supported under the first section of the policy.

The second section of ENV2 relates to small scale growth of existing rural housing groups. Proposals for development in rural areas not defined in the LDP as a settlement or village shall accord with the LDP subject to satisfying the following criteria:

'The proposal constitutes a small-scale, sympathetic addition to an existing well-defined nucleated group 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. Expansion of such a group will be limited to 50 percent of dwellings existing in that group as of 1st of January 2005 up to a maximum of four new housing units.'

The pre-app advice given in relation to this application identified that the site sits within a group of only two houses (15 and 16 Thirdpart Holdings). In their correspondence the applicants have stated that 15 is actually a semi-detached property with one half currently being used as offices. If the office was returned to a separate dwelling, this would bring the total up to three houses. 13 and 14 Thirdpart are served by the same access although they are not in close proximity to 15 and 16 and are not therefore considered to be a nucleated group. 13 and 14 Thirdpart are

approximately 150m away from 16 Thirdpart and the land in between is market gardens and riding areas which have the appearance of open fields. The four houses are not therefore considered to be visually identifiable as a group. The proposal could not therefore be accepted under this section of ENV 2.

The final section of ENV 2 makes provisions for housing for workers engaged in rural business. Proposals for housing for works engaged in a rural business shall accord with the LDP subject to the following criteria:

'The dwelling is for a farmer who owns and operates a viable agricultural holding full time which has no farmhouse present, or a farmer is the owner of an agricultural holding and proposes to erect a dwelling for a family member in full time employment on the farm who intends to take over the farm in time, or a genuine operational need for a worker to live on site in pursuance of an established rural business has been demonstrated.'

The application site refers to an area of approximately 0.25ha which is used for equestrian uses. No information or evidence has been provided to justify the need for a worker's house. The applicants confirm in their design statement that they do not work full-time at the stables. In any case, given the scale of the development and the associated land it is not therefore considered that the site is a viable agricultural holding as described by the policy. The proposal could not therefore be accepted under this part of ENV 2.

The proposal does not accord with policy ENV 2. The site is not considered to be suitable for a the erection of a house as it would not result in the consolidation of a clearly identifiable existing housing group and would instead be unplanned ribbon housing development in the countryside. As the proposal does not accord with policy ENV 2, the principle of the development is not supported.

In terms of criterion (a) of the General Policy, the proposed house is of a suitable scale, however the design falls short of the high quality that is expected of new housing development in the countryside. The house would occupy a prominent corner position and would not integrate into the landscape or relate to the existing development. The design is plain with little in the way of architectural features or merit. The main architectural features are the gabled wall dormers which bookmark the front entrance. They appear to be inspired by Scandinavian design, although this influence is not developed in any other aspect of the design. The design makes no reference to the traditional rural architectural character of Ayrshire. The palette of materials proposed includes cement render, horizontal larch shiplap cladding and a metal roof covering; these are not considered to be high quality finishing materials and neither reflect traditional building materials nor introduce high quality contemporary materials. The Design Statement contains little in the way of description of the design process or justification of the proposed design. The proposal would not comply with criterion (a).

The proposed development would not have any adverse impacts on neighbours in terms of overshadowing or overlooking. The prominent corner position of the house coupled with the flat nature of Thirdpart would mean that the house would be highly visible from much of the surrounding area. As the design is below the acceptable standards this would mean that the house would have an adverse impact on the appearance of Thirdpart and would therefore negatively affect the amenity of the area. The proposal therefore conflicts with criterion (b) of the General Policy.

The proposed house would take its access from the private road as opposed to the current access at the junction with the U60 Thirdpart Road. There is sufficient space provided for the parking of several vehicles on the driveway. In addition one of the existing timber buildings is to be converted into a garage. The proposal would accord with criterion (d) of the General Policy.

The proposal conflicts with policy ENV 2 and criteria (a) and (b) of the General Policy of the North Ayrshire Local Development Plan. It is therefore recommended that the application be refused.

Decision

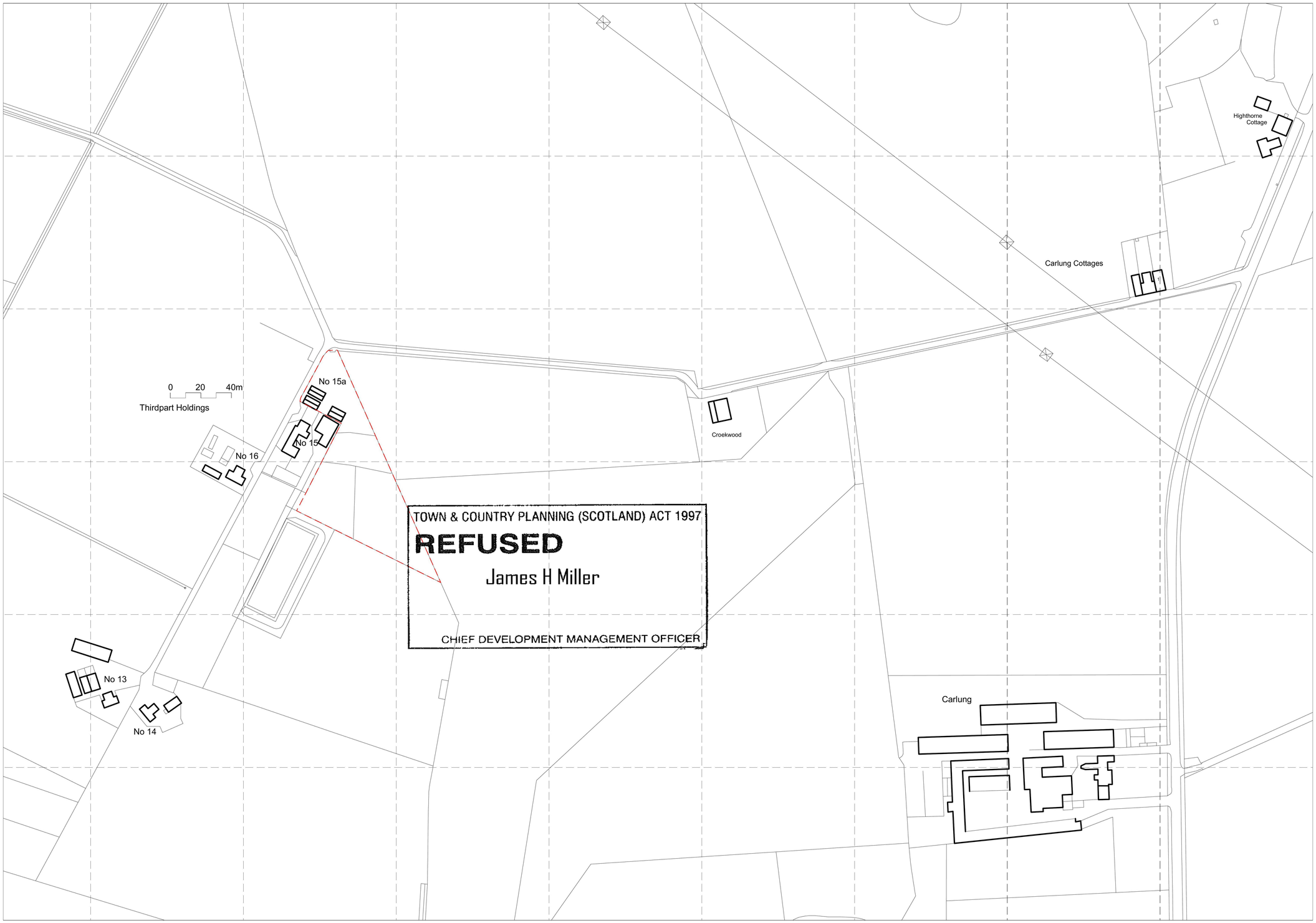
Refused

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	A 01	
Block Plan / Site Plan	A02	
Block Plan / Site Plan	A03	
Proposed Plans and Elevations	A04	
Sections	A05	

Appendix 3



Location Plan 1:1250 Application site shown outlined in red

Rev	Description	Date

TITLE
Location Plan

PROJECT
Proposed New House at: 15a Thirdpart, by West Kilbride

CLIENT
Mr & Mrs Macdonald

DATE
10/05/18

SCALE (@ A1)
1:1250

DRAWING NUMBER:
A01

REV

Appendix 4

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/00469/PP
(Original Application No. N/100107916-001)

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 Stuart Macdonald
59 Eglinton Road
Ardrossan
KA22 8NF

With reference to your application received on 22 May 2018 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwellinghouse with stables

at The Stables
15A Thirdpart Holdings
West Kilbride
Ayrshire
KA23 9QD

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 proposal would be contrary to Policy ENV 2 and criteria (a) and (b) of the General Policy of the Adopted North Ayrshire Council Local Development Plan, as the proposed development has not been justified in terms of the criteria of Policy ENV2 for new housing development in the countryside, and any house on the site would constitute unplanned ribbon development. The design of the house is not of a high quality and would have a negative impact upon the visual amenity of the area to the detriment of the landscape setting of the wider area.

Dated this : 2 July 2018

.....
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

KAREN YEOMANS : Executive Director (Economy & Communities)

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.