
NORTH AYRSHIRE COUNCIL

25 January 2023

Local Review Body

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

1. Executive Summary

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

2. Background

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

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

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

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

Craig Hatton
Chief Executive

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

Background Papers

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100605702-001

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

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="654698"/>	Easting	<input type="text" value="230617"/>
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Description of Proposal

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

New dwelling on a vacant site to the north of West Bankside Geirston Road Kilbirnie

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

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

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

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

Application Details

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

22/00540/PP.

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

14/07/2022

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

02/09/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name:

[REDACTED]

Declaration Date:

07/11/2022



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100584368-001

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

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

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

Is this a temporary permission? * ☐ Yes ☒ No

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

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Geirston new house

Northing

654742

Easting

230530

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

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

Title:

Mr

Other title:

First Name:

ANTHONY

Last Name:

HUME

Correspondence Reference
Number:

21/01108/PREAPP

Date (dd/mm/yyyy):

03/12/2021

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

Site Area

Please state the site area:

3284.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

VACANT LAND

Access and Parking

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

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

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

3

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐ Yes – connecting to public drainage network

☒ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

☐ New/Altered septic tank.

☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

PACKAGE TREATMENT PLANT

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

T Yes ≤ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

≤ Yes T No ≤ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

≤ Yes T No ≤ Don't Know

Trees

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

≤ Yes T No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

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

T Yes ≤ No

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

TO REAR OF PROPOSED DWELLING

Residential Units Including Conversion

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

T Yes ≤ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>		
Does your proposal alter or create non-residential floorspace? * ≤ Yes T No		
<h2 style="margin: 0;">Schedule 3 Development</h2>		
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ≤ Yes T No ≤ Don't Know		
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.		
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.		
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>		
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ≤ Yes T No		
<h2 style="margin: 0;">Certificates and Notices</h2>		
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013		
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.		
Are you/the applicant the sole owner of ALL the land? * ≤ Yes T No		
Is any of the land part of an agricultural holding? * ≤ Yes T No		
Are you able to identify and give appropriate notice to ALL the other owners? * T Yes ≤ No		
<h2 style="margin: 0;">Certificate Required</h2>		
The following Land Ownership Certificate is required to complete this section of the proposal:		
Certificate B		

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Address:

Date of Service of Notice: *

14/07/2022

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Neil Rodgers

On behalf of: Mr TOM WOTHERSPOON

Date: 14/07/2022

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☐ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input checked="" type="checkbox"/> T <input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> T <input type="checkbox"/> N/A

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

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Neil Rodgers

Declaration Date: 14/07/2022

Payment Details

Created: 14/07/2022 09:43



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/22/00540/PP

(Original Application No. N/100584368-001)

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

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

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

at Site To North West Of West Bankside Farm
Kilbirnie
Ayrshire

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

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

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

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

Dated this : 2 September 2022



.....
for the North Ayrshire Council

(See accompanying notes)



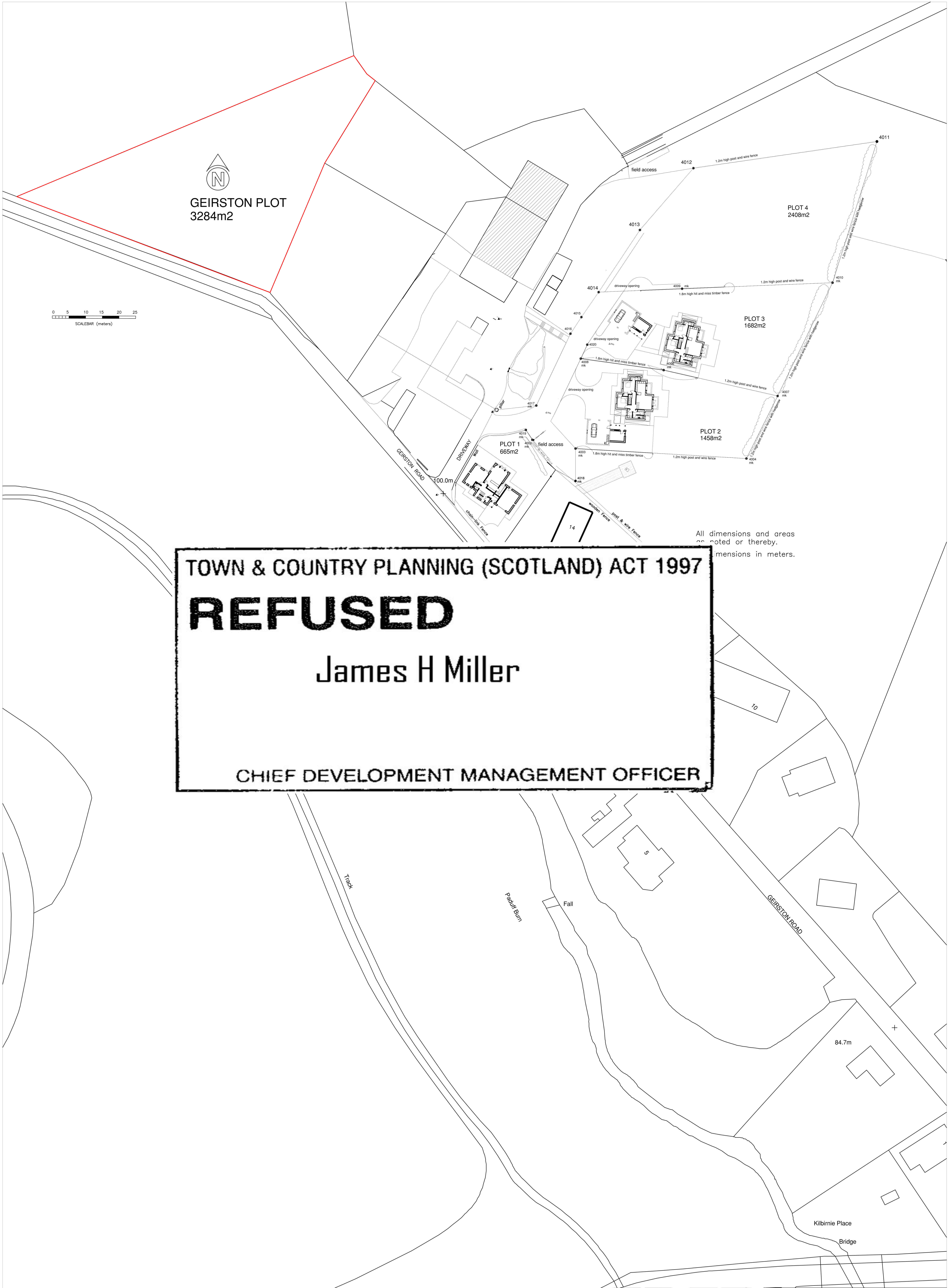
North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

FORM 2

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



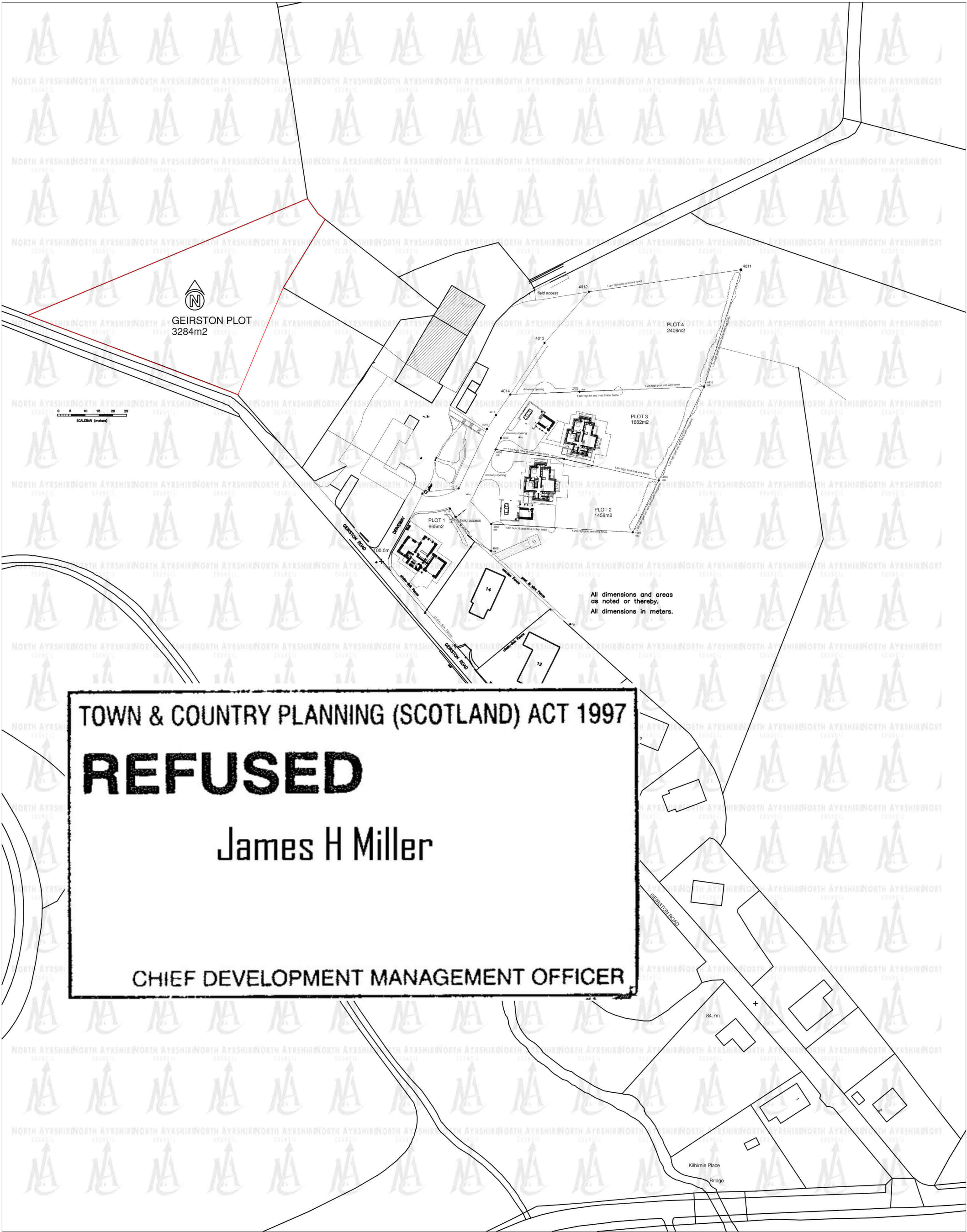
All dimensions and areas as noted or thereby.
Dimensions in meters.

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

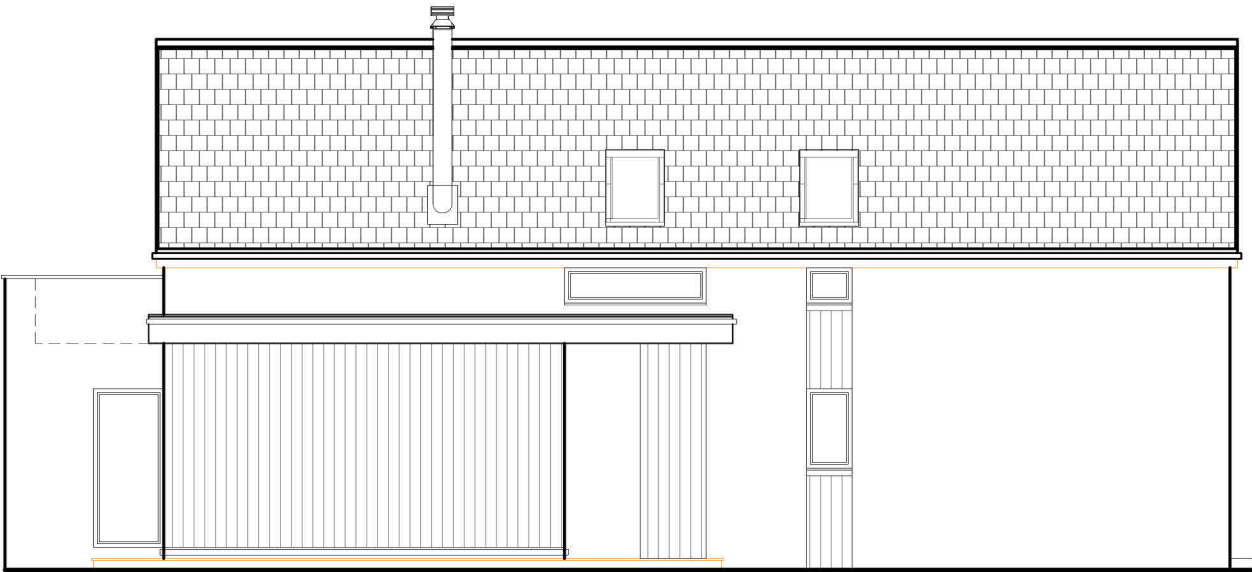
CHIEF DEVELOPMENT MANAGEMENT OFFICER



Rev	Date	Description			Name
This drawing is issued for the purpose of the status indicated below only:					DO NOT SCALE THIS DRAWING
<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	For Approval	<input checked="" type="checkbox"/>	Planning Submission
				<input type="checkbox"/>	Warrant Submission
job			Client -: MR & MRS WOTHERSPOON		
new dwelling geirston road kilbirnie KA25 7LG			Scale -: @ A4 sheet 1: 1250	ADNR 678 -001	
dwg title			Drawn -: NR		
location plans			Date -: 12.07.2022		
			dwg number		



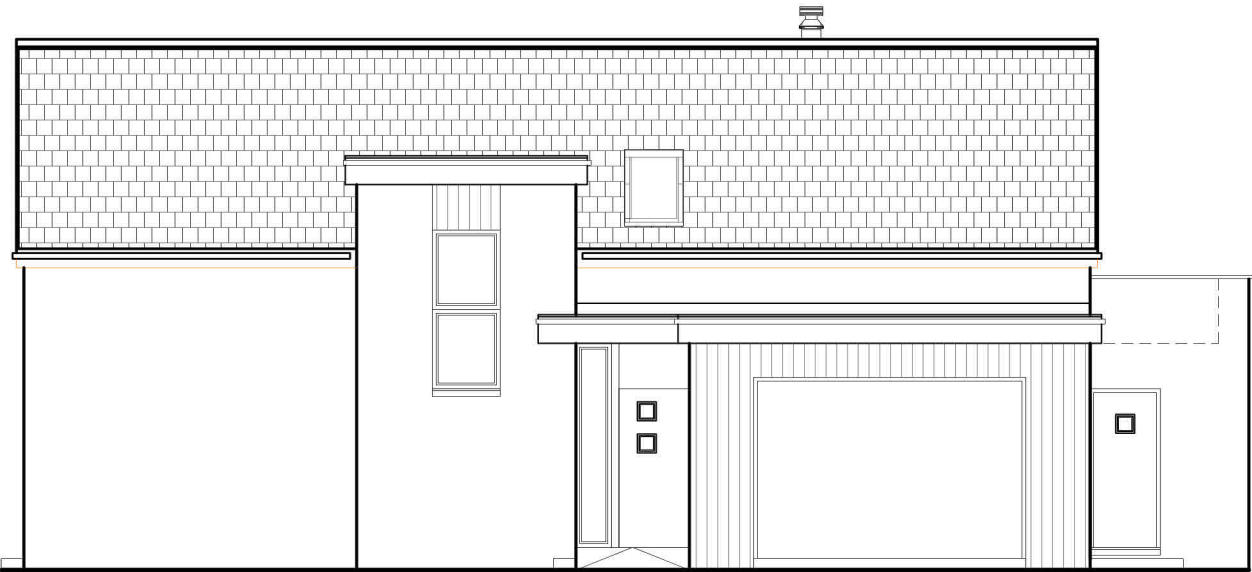
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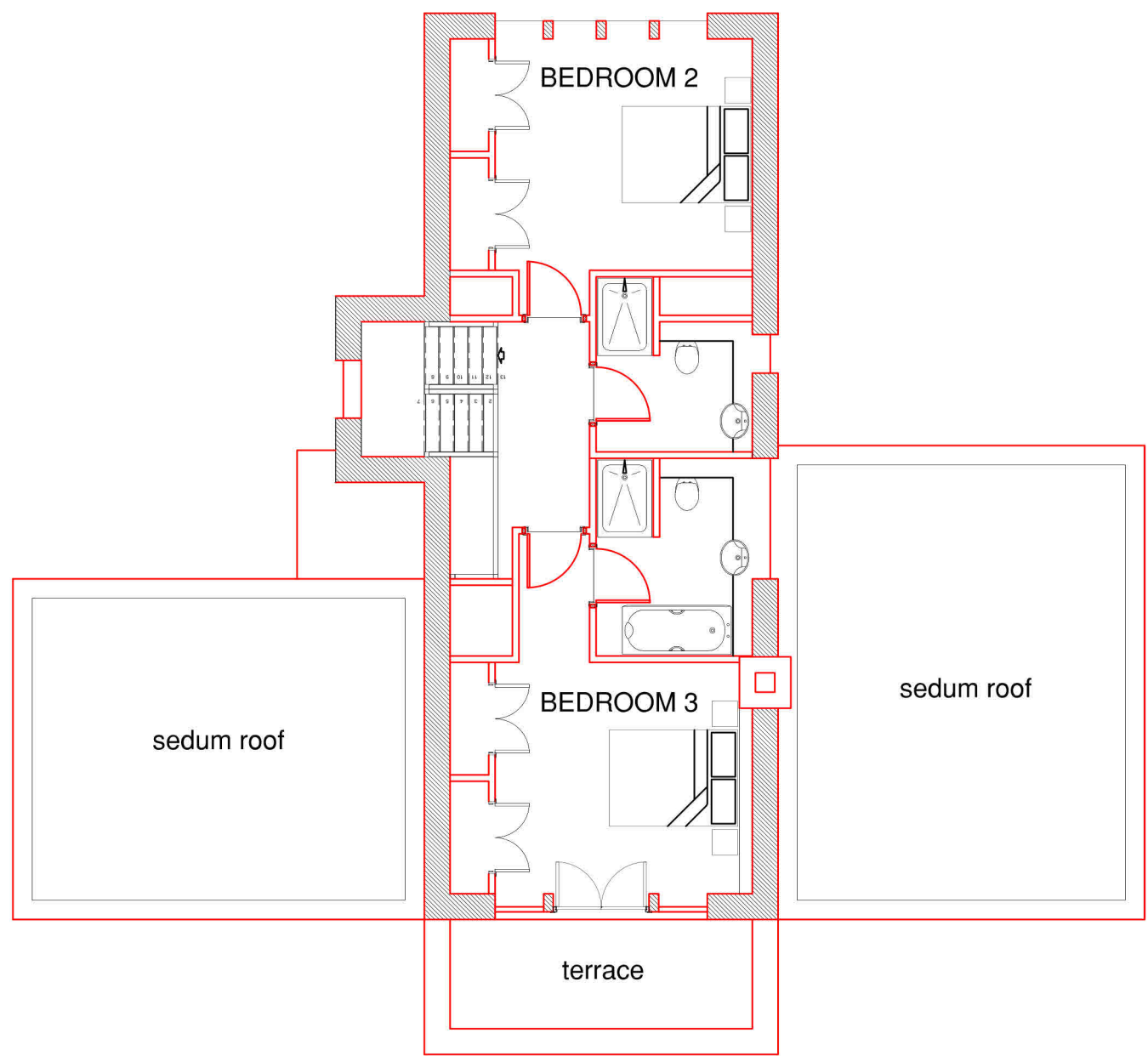
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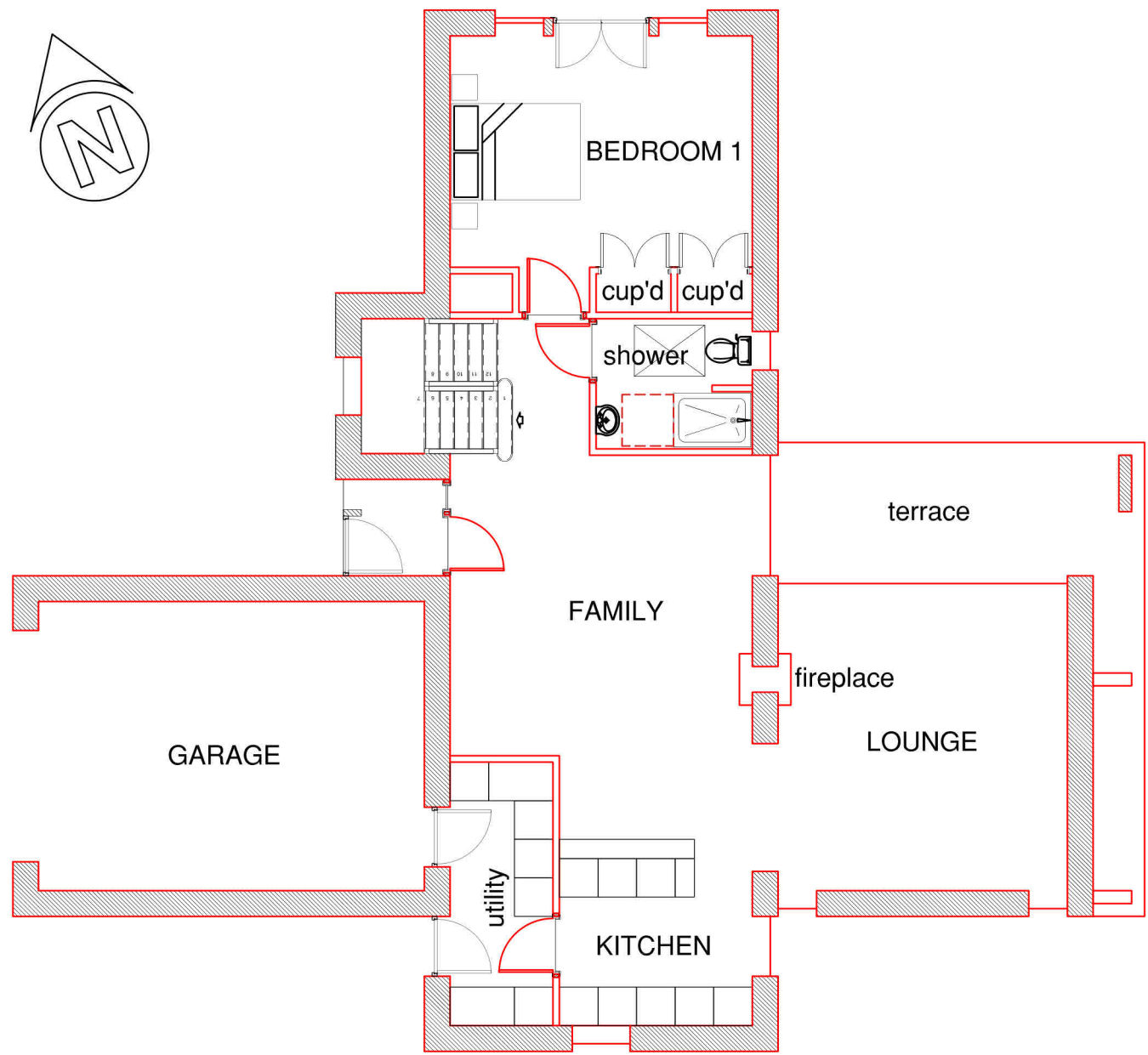
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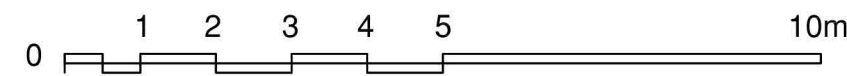
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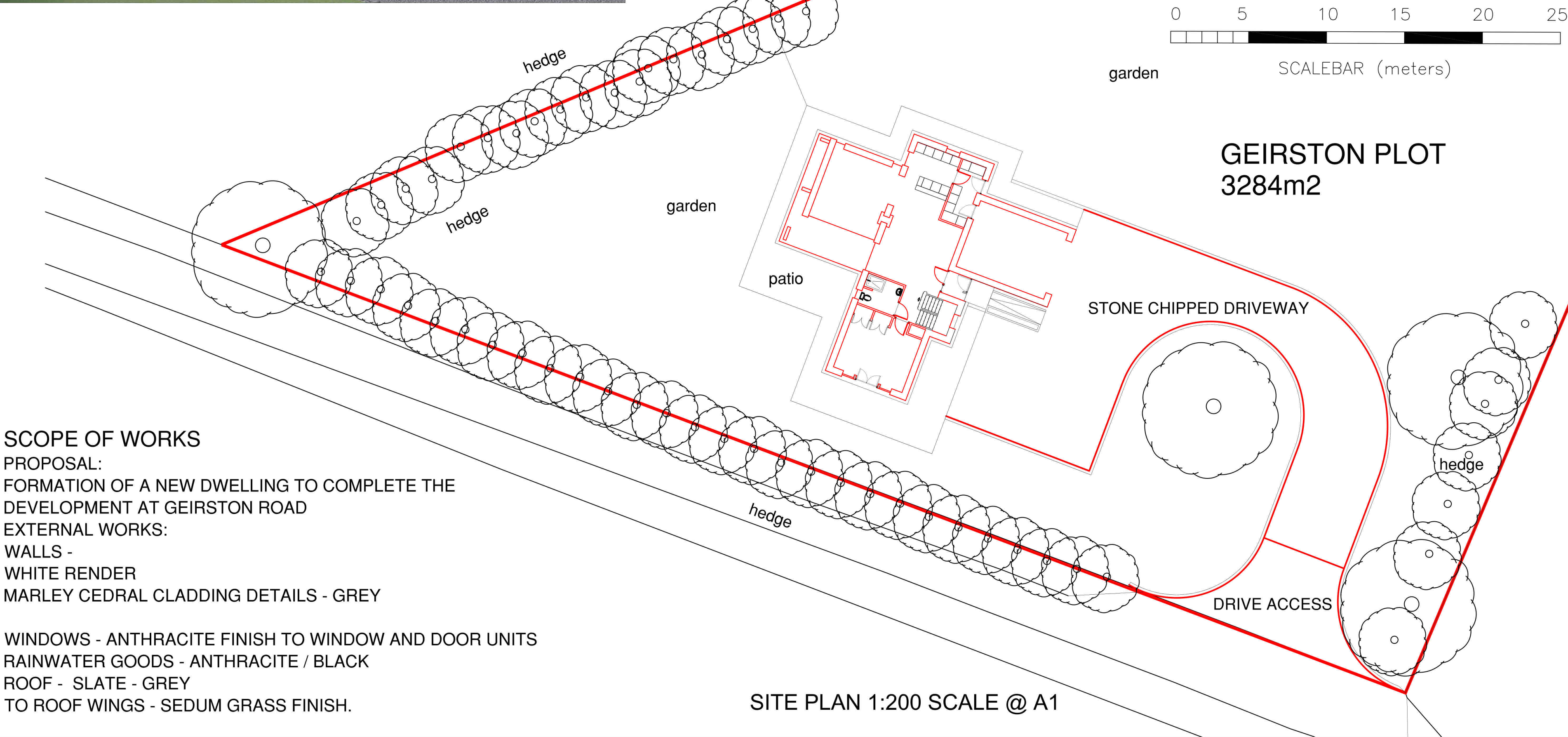
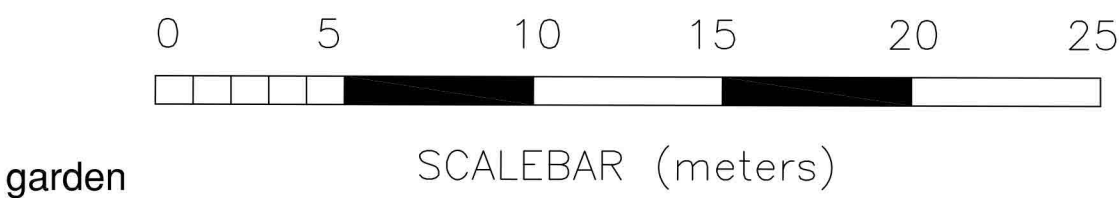
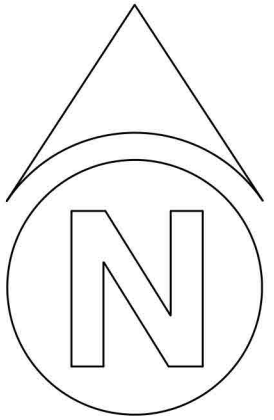
upper floor plan



ground floor plan



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
REFUSED
James H Miller
CHIEF DEVELOPMENT MANAGEMENT OFFICER



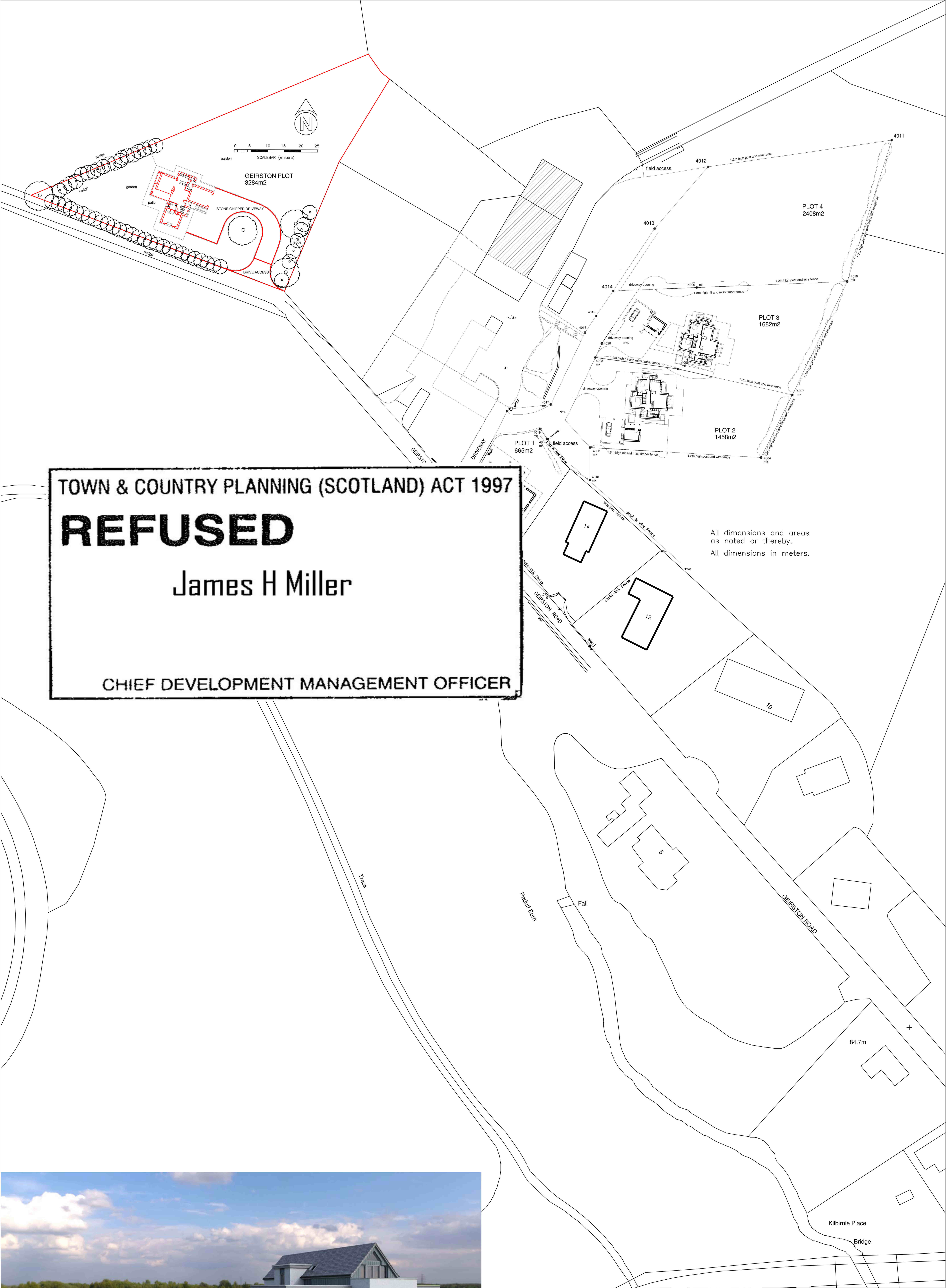
SCOPE OF WORKS
PROPOSAL:
FORMATION OF A NEW DWELLING TO COMPLETE THE
DEVELOPMENT AT GEIRSTON ROAD
EXTERNAL WORKS:
WALLS -
WHITE RENDER
MARLEY CEDRAL CLADDING DETAILS - GREY
WINDOWS - ANTHRACITE FINISH TO WINDOW AND DOOR UNITS
RAINWATER GOODS - ANTHRACITE / BLACK
ROOF - SLATE - GREY
TO ROOF WINGS - SEDUM GRASS FINISH.

SITE PLAN 1:200 SCALE @ A1

New Dwelling Geirston Road
As Proposed

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

Rev	Date	Description	Name
1		This drawing is issued for the purpose of the status indicated below only:	
		<input type="checkbox"/> Preliminary <input type="checkbox"/> For Approval	
For: new dwelling geirston road kilbirnie KA25 7LG			Client: MR & MRS WOTHERSPOON
drawn to: proposed drawings			Scale: 1:100
			Drawn: NR
			Date: 12.07.2022
			ADNR 678 -004



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

Rev	Date	Description	Name
This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING			
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<input checked="" type="checkbox"/>	Planning	<input type="checkbox"/>	Submission
<input type="checkbox"/>	Warrant	<input type="checkbox"/>	Submission
File		Client - MR & MRS WOTHERSPOON	
new dwelling		ADNR 678	
geiriston road		-003	
kilbirnie KA25 7LG			
Prop title		Drawn - NR	
proposed site plan		Date - 12.07.2022	dwg number

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

Consultations: Yes

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

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

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

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

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

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

prime and locally important agricultural land from development except where proposals align with this spatial strategy.

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

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

Strategic Policy 2

Placemaking

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

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 14-Green & Blue Infrastructure Policy 14:

Green and Blue Infrastructure

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

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

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

Detailed Policy 29 - Energy Infrastructure

Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

Public Safety

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

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

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

Buildings: Low and Zero Carbon Generating Technology

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

This requirement will not apply to:

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

Description

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

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

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

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

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

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

Consultations and Representations

Consultations and Representations

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

Representation

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

Response: Noted. See Analysis.

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

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

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

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

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

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

Consultations

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

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

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

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

Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

Welcoming

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

Distinctive

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

Safe and Pleasant

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Adaptable

Not relevant.

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

Policy 14 (Green and Blue Infrastructure)

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

Policy 29 (Energy Infrastructure Development (Buildings))

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

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

Decision

Refused

Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

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

Site Plan	ADNR 678 - 003

Proposed Plans and Elevations	ADNR 678 - 004

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APPEAL AGAINST PLANNING APPLICATION REFUSAL

ON BEHALF OF

MR & MRS TOM WOTHERSPOON

Prepared by

JOHN R LOGAN M.Sc.

TABLE OF CONTENTS

	Page/s
Introduction	3
Executive Summary	4 - 9
Background	10 - 13
Caption 1 Google Overhead: Separate Entrances to 3 plots and gap infill	11
Caption 2 Photograph: Separate Entrances to 3 plots and gap infill	11
Report of Handling	14 - 24
Caption 3 Google Overhead: plot in relation to West Bankside	15
Caption 4 Google Overhead: plot relative to the housing on Geirston Road	16
Caption 5 Google Overhead: plot relative to surrounding countryside	17
Caption 6 Photograph: plot boundary fence back towards Bankside	19
Caption 7 Photograph: rising ground from plot to Bankside	20
Caption 8 Photograph: from Bankside, Hillock between plot & farmhouse	20
Material Considerations	25 - 29
Conclusion	30
	Appendices
North Ayrshire Council Cabinet Approved Papers Referenced	1
Publicity for Scottish Government backed Self-Build Loan Scheme	2
Hutton Institute National scale of land capability for agriculture	3
5 plots, the basis for discussion between December 2014 & May 2015	4

1.0 Introduction

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

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

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

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

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

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

The Executive Summary follows.

2.0 Executive Summary

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

(Councillor Joe Cullinane, North Ayrshire Council Leader)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It shows that Exceptions can be made.

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

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

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

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

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

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

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

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

Otherwise what is their point?

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

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

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

This summary concludes with a personal statement from the applicants.

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

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

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

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

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

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

Tom and Donnise Wotherspoon

3.0 Background

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

3.1 Previous Application

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

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

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

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

Permitted developments in the countryside include:

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

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

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



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



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

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

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

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

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

3.3 Kilbirnie

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ref: The North Ayrshire Local Housing Strategy 2018-2022

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

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

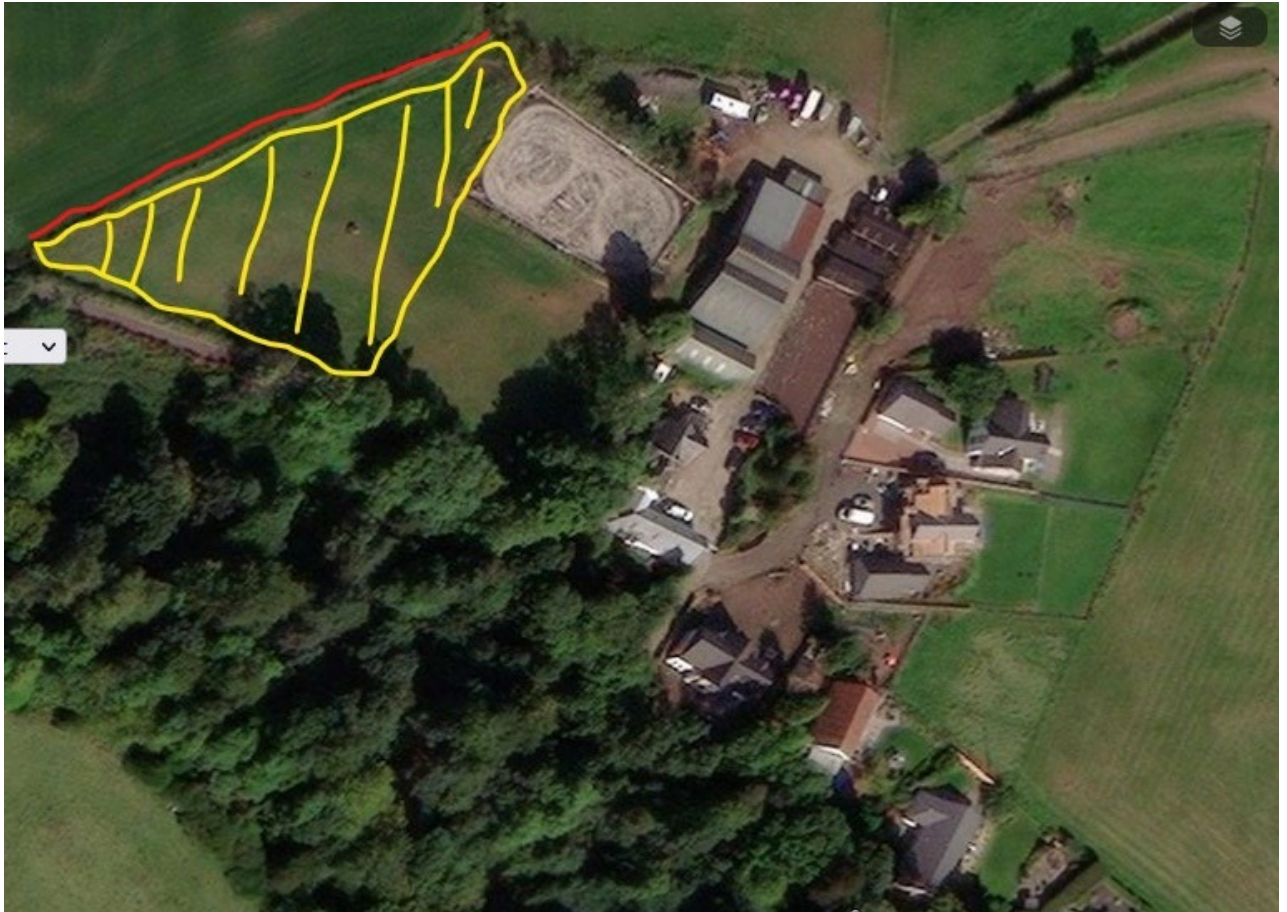
On a range of 1, to 7 relating to the National Scale of land capability for agriculture. The Hutton Institute classify Prime Land 1. The plot in question is 5.2.

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

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

See Appendix 3

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



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



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



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

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

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

4.1 Description

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

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

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

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

4.2 Consultations and Representations

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

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

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

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



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



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



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

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

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

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

4.3 Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.0 Material Considerations

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

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

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

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

5.1 Community Regeneration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2 Net-zero carbon by 2030

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

Ref: Background Papers; Executive Summary; Recovery and Renewal

Ref: Executive Summary Par 4.5 Regeneration Delivery Plan

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

Ref: Background Par 4.5 Regeneration Delivery Paper Update

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

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

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

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

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

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

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

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

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

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

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

2. Implement a tree planting initiative

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

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

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

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

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

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

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

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

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

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

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

5.3 Housing, Homes, and the Individual

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

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

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

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

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

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

Ref: App1 RDP Key Priorities, Regeneration Delivery Plan

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

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

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

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

Ref: Par 2.0 Background Par 2.4 Part 1 - More homes at the heart of great places, Housing to 2040

To achieve this the council wants to

Attract private investment to help deliver more energy-efficient homes which use zero emissions heating, are adapted to our future climate and meet the needs of people who live in them

Ref: Par 2.0 Background Par 2.4 Part 1 - More homes at the heart of great places, Second Bullet Point, Housing to 2040

This extends to the importance of private housing development in providing a mix of homes

Ambitions within the Housing to 2040 paper aligns with the following Council Plan strategic actions; As a key priority the council will actively promote, a mix of homes by facilitating private housing.

Ref: Par 4.6 Housing to 2040 June 2021

In making these statements, the local authority emphasises the importance of personal aspiration and choice of location, when it comes to councillors' constituents' homes.

6.0 Conclusion

Large housing developments have beneficial effects on communities. There has been no major private housebuilding in Kilbirnie since the 1990's, despite its favourable location. In the absence of such developments, it has had to rely on any single or small scale developments to make any positive impact, which would be incremental over time. This is one such project. A similar project nearby has shown that residents will move to the town if the housing and location on offer is attractive enough. Other locations on offer in Kilbirnie, do not provide the same enticement to move. Attracting new residents is a contribution towards depopulation. This development makes the same positive impact on the community, by retaining born and bred residents.

This appeal has put forward arguments which challenge the policies outlined in the Report of handling as planning's basis for rejecting the planning application.

As mitigating circumstances the appeal has referenced, Cabinet Approved papers submitted by Executives Director (Place) who has overall responsibility for planning policy. These papers outline policies, strategies, and principles, relating to housing and the individual's role in regenerating communities, encourage sustainability and achieve the objective of net zero carbon by 2030. They recognise that the right mix of quality housing is paramount in meeting councillors' constituents' aspirations and needs. The combination of homes built to the requisite environmental standard, sourcing renewable energy in places where constituents want to live, contributes the local authority's overall objectives realising constituents' ambitions.

This appeal requests that the Review Body takes as broad a view as possible taking in both planning policy and the mitigating circumstances outlined and uphold this appeal.

Approved North Ayrshire Council Papers Referenced

Cabinet Title: Self-Build Housing in North Ayrshire 11 December 2018

YVONNE BAULK, Head of Physical Environment

Purpose: To outline a pilot project to stimulate the self-build housing market in North Ayrshire.

Cabinet Title: Economic Recovery and Renewal Approach 8 September 2020

RUSSELL McCUTCHEON, Executive Director (Place)

Purpose: To seek Cabinet approval of the proposed approach to Covid-19 economic recovery and renewal in North Ayrshire.

Cabinet Title: Regeneration Delivery Plan, 23 March 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To seek approval for the Regeneration Delivery Plan.

Cabinet Title: Environmental Sustainability & Climate Change Strategy (ESCCS) 2021-23 25 May 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To seek Cabinet approval of the proposed Environmental Sustainability & Climate Change Strategy 2021-23

Cabinet Title: Housing to 2040 15 June 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To update Cabinet on the 'Housing to 2040' paper, published in March 2021.

Cabinet Title: Local Housing Strategy 2018-2022: Progress Update 30 November 2021

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To provide Cabinet with an update on progress of the Local Housing Strategy 2018-2022 (LHS18)

Cabinet Title: Regeneration Delivery Plan Update 22 February 2022

RUSSELL McCUTCHEON Executive Director (Place)

Purpose: To provide a mid-year update on the progress of the Regeneration Delivery Plan and seek approval to the review of the action programme.

Publicity relating to the Scottish Government backed Self-build Loan Scheme

Both in town and country

8 | ABODE MAGAZINE

Why 2021 is a great time to get started on your self build

If you dream of building your own home the future's never looked better. In March, the long-term housing strategy Housing to 2040 clearly set out Scotland's ambition to support more people to self build, with self-provided housing, including custom and self build, featuring prominently. And the great news is that it makes direct reference to the interest that young people have in self building as a route to home ownership. This is especially so in rural and island communities, where self building has a valuable role in encouraging them to remain in, or return to, the communities that nurtured them.

While Scotland has long had a tradition of people building for themselves, access to finance has been a barrier that prevented many from getting started, so it's also great news that Scotland's Self-Build Loan Fund has been extended another year to 2022, giving more people a route to funding.

The Self Build Portal
If you're not sure what the difference between custom and self build is, or even where to start planning a project, check out the Self Build Portal, the consumer website of the National Custom and Self Build Association (NACSBA). Free to access, it's a great resource for anyone wishing to build, as it helps you understand a variety of issues, giving you help and advice about the steps to creating your own home from scratch. It also shares the latest news about the sector, including projects, and case studies to inspire you.

NACSBA is a member organisation, with all members signing up to its Code of Practice. This means that choosing a NACSBA member for your own project brings peace of mind that the organisation is a trusted operator in self build, whether they are a timber-frame manufacturer or window company. Find members on the Self Build Portal's directory.

NACSBA works to share the benefits of custom and self build with government's across the UK. It welcomed the Planning (Scotland) Act 2019, which included the provision for local authorities to prepare and maintain lists of people wanting to self build – something English councils have to do by law since 2016. The next stage for Scotland will be secondary legislation or guidance that sets out how authorities must manage these lists, and this will help ensure that planning authorities are aware of your desire to build.

Links
www.gov.scot/publications/housing-2040-2
www.mygov.scot/self-build-loan-fund
selfbuildportal.org.uk
nacsba.org.uk/code-of-practice
nacsba.org.uk

Self-build Mortgages



10 | ABODE MAGAZINE

Scottish Self-Build Loan Fund extended for a year

The Self-Build Loan Fund provided by the Scottish Government and administered by the Communities Housing Trust has been extended for another year, and will now accept applications until August 2022.

As banks became more cautious, it became more challenging for people to find funds to build their own home. The Self-Build Loan Fund of £4 million was established in 2018 to support those unable to obtain mainstream self-build mortgage finance. Scottish ministers have now extended the fund for a further year, recognising the national slowdown brought about by the Covid pandemic and lockdowns, as well as ongoing need and increasing demand. The new application deadline is 31 August 2022, with loans to be repaid by August 2023.

Neil Walker, Self-Build Loan Fund Officer, Communities Housing Trust: "We saw public interest in the scheme rise by 153% over 2020. The fund is really important for small, rural or remote communities across Scotland. Self-build is sometimes the only option to stay in your own community, whether young or old, where housing is limited and developers won't build. We'd like to thank the Scottish Government and are extremely pleased to see this fund extended, so we can continue to support families, elderly people, crofters and couples to build their own homes, and help strengthen their communities."

Gary and Susan, Self-Build Loan Fund recipients: "The Self-Build Loan Fund provided vital bridging finance. Having the loan also meant that we could pursue the build quickly, within the limited construction window available due to island weather... The fund provides vital access to finance and knowledge, making the personal dream of home ownership available to local families."

For more information about the Self-Build Loan Fund, and to apply, please visit: www.chtrust.co.uk/scotland-self-build-loan-fund



THE SELF BUILD LOAN FUND

Here to help those struggling to secure self build mortgage finance

EXTENDED TO ACCEPT APPLICATIONS UNTIL AUGUST 2022!















KEY FACTS
- The Fund was established by the Scottish Government to support people who had been refused mainstream



NB. The James Hutton Institute brings together the Macaulay Land Use Research Institute (MLURI) and SCRI (Scottish Crop Research Institute), both of which have illustrious histories. The new institute was created on 1 April 2011.

Land Capability for Agriculture

National scale land capability for agriculture

-  1 - Land capable of producing a very wide range of crops.
-  2 - Land capable of producing a wide range of crops.
-  3.1 - Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range. Short grass leys are common.
-  3.2 - Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common.
-  4.1 - Land capable of producing a narrow range of crops, primarily grassland with short arable breaks of forage crops and cereal.
-  4.2 - Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops.
-  5.1 - Land capable of use as improved grassland. Few problems with pasture establishment and maintenance and potential high yields.
-  5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain.
-  5.3 - Land capable of use as improved grassland. Pasture deteriorates quickly.
-  6.1 - Land capable of use as rough grazings with a high proportion of palatable plants.
-  6.2 - Land capable of use as rough grazings with moderate quality plants.
-  6.3 - Land capable of use as rough grazings with low quality plants.
-  7 - Land of very limited agricultural value.
-  Urban

5 plots being the basis for discussion between December 2014 and May 2015

West Bankside Proposals

architecture + design by neil rodgers



SITE PLAN

1

West Bankside Proposals

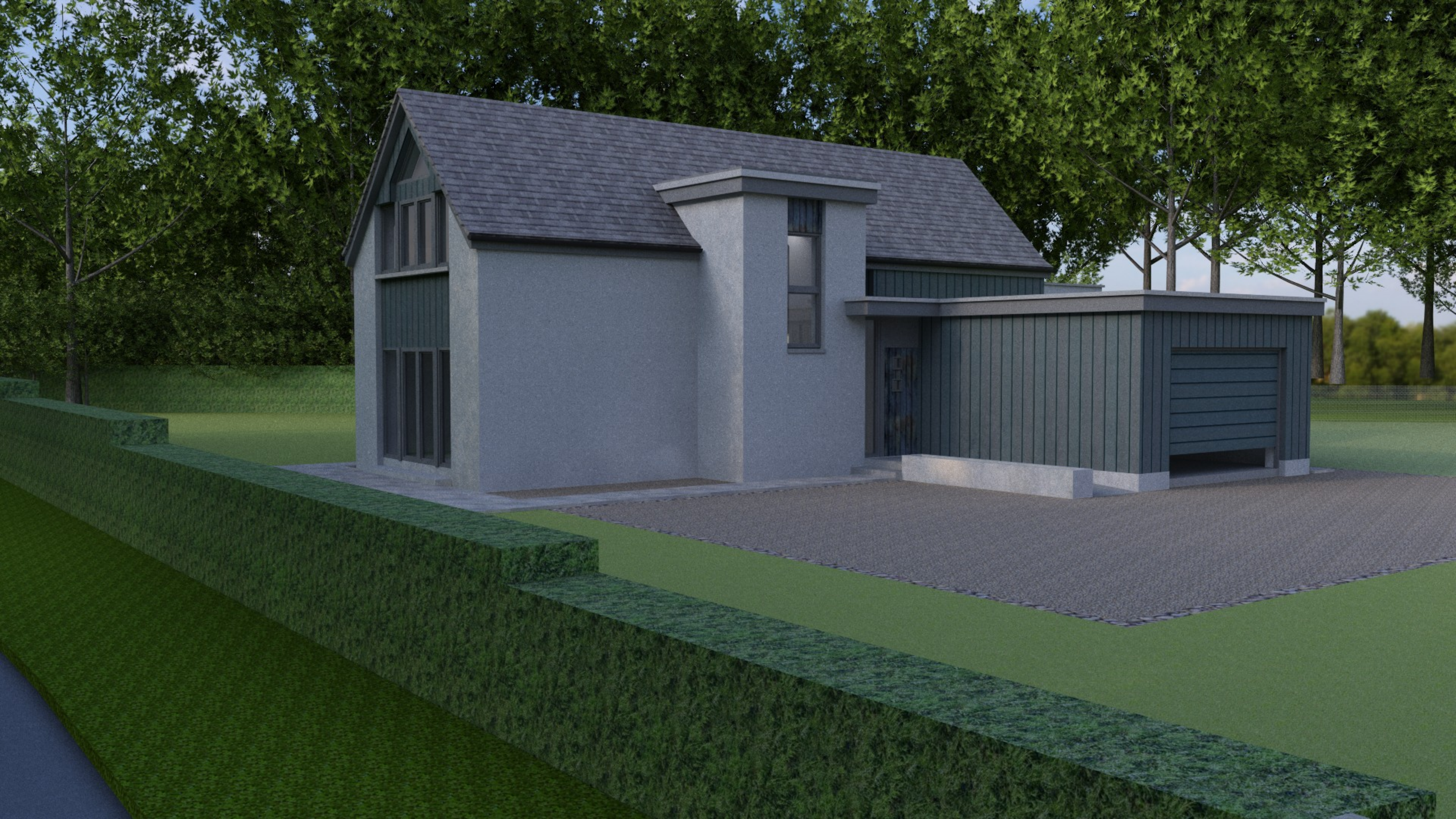
architecture + design by neil rodgers



AERIAL SKETCH

1









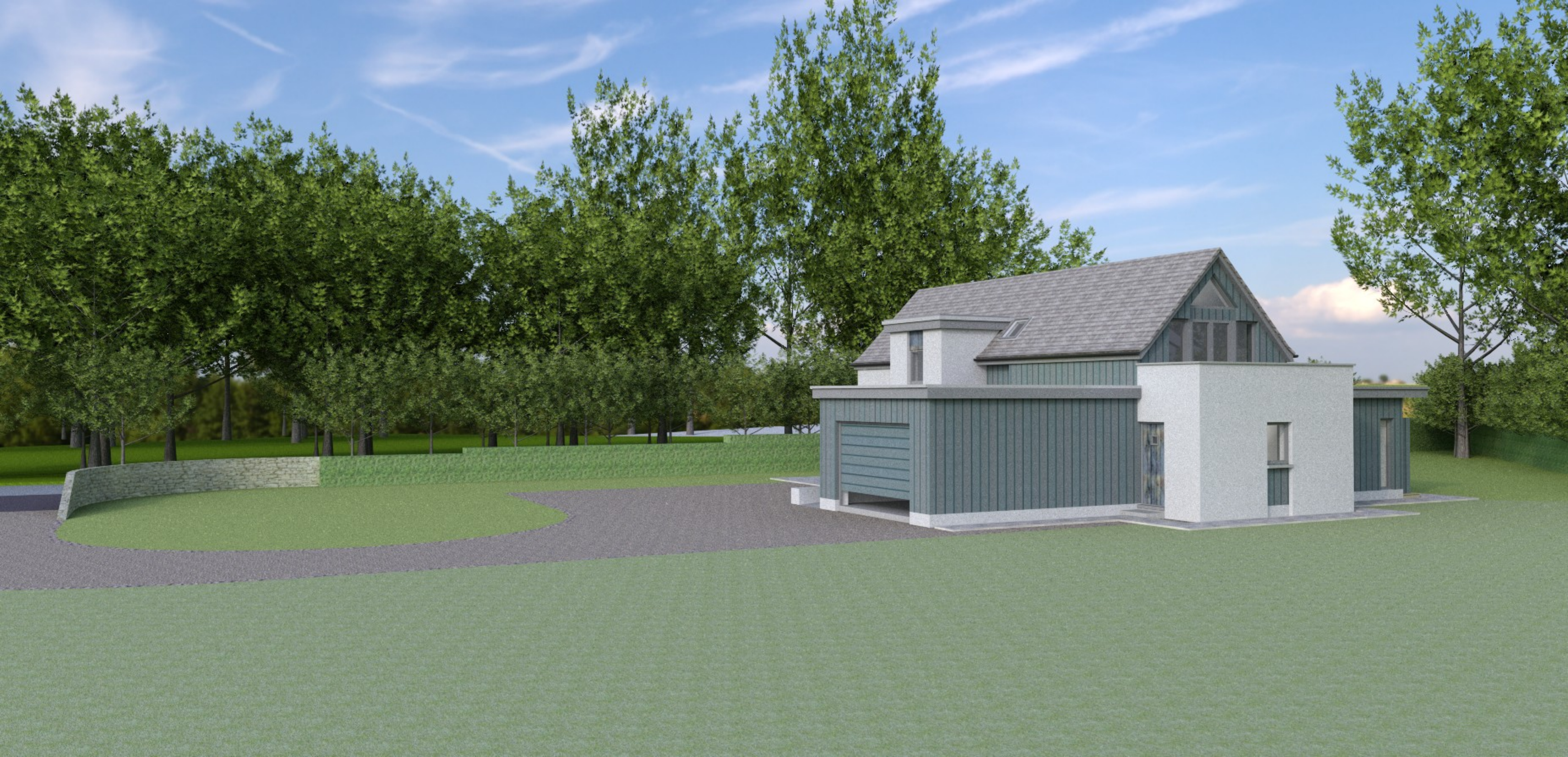












REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

Consultations: Yes

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

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

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

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

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

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

prime and locally important agricultural land from development except where proposals align with this spatial strategy.

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

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

Strategic Policy 2

Placemaking

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

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 14-Green & Blue Infrastructure Policy 14:

Green and Blue Infrastructure

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

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

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

Detailed Policy 29 - Energy Infrastructure

Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

Public Safety

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

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

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

Buildings: Low and Zero Carbon Generating Technology

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

This requirement will not apply to:

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

Description

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

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

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

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

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

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

Consultations and Representations

Consultations and Representations

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

Representation

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

Response: Noted. See Analysis.

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

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

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

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

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

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

Consultations

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

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

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

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

Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

Welcoming

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

Distinctive

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

Safe and Pleasant

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Adaptable

Not relevant.

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

Policy 14 (Green and Blue Infrastructure)

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

Policy 29 (Energy Infrastructure Development (Buildings))

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

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

Decision

Refused

Case Officer - Mr A Hume

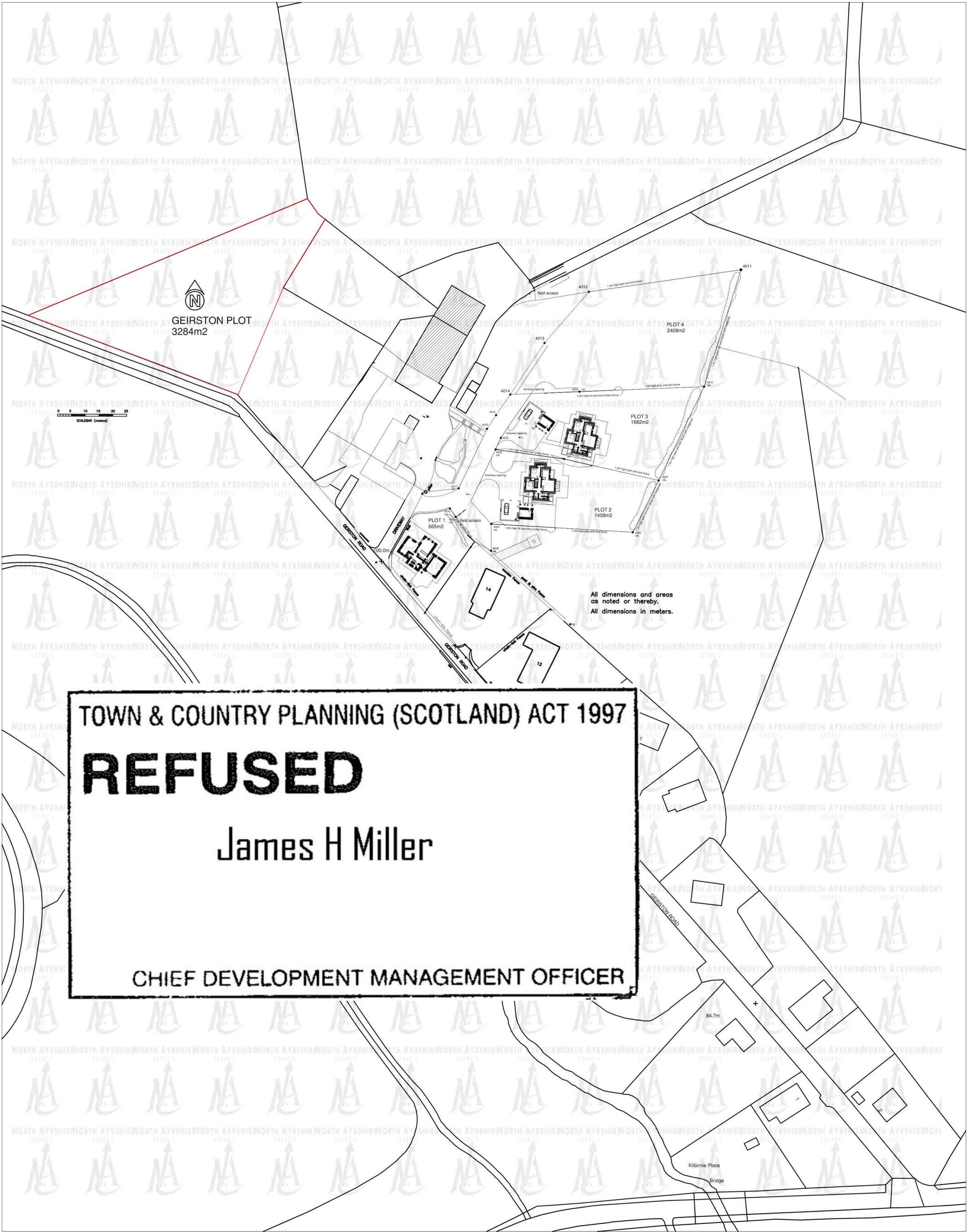
Appendix 1 - Drawings relating to decision

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

Site Plan	ADNR 678 - 003

Proposed Plans and Elevations	ADNR 678 - 004

--



Rev	Date	Description			Name
This drawing is issued for the purpose of the status indicated below only:					DO NOT SCALE THIS DRAWING
<input type="checkbox"/>	Preliminary	<input type="checkbox"/>	For Approval	<input checked="" type="checkbox"/>	Planning Submission
				<input type="checkbox"/>	Warrant Submission
job			Client -: MR & MRS WOTHERSPOON		
new dwelling geirston road kilbirnie KA25 7LG			Scale -: @ A4 sheet 1: 1250	ADNR 678 -001	
dwg title			Drawn -: NR		
location plans			Date -: 12.07.2022		
			dwg number		



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/22/00540/PP

(Original Application No. N/100584368-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

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

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

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

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

at Site To North West Of West Bankside Farm
Kilbirnie
Ayrshire

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

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

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

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

Dated this : 2 September 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

FORM 2

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

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: Notice of Review - Planning Application: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie
Date: 09 November 2022 15:49:37
Attachments: [221109 - Further Rep Invite.doc](#)
[Decision Notice.pdf](#)

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Thank you for the opportunity to respond. We have already got three over-scale properties [REDACTED] which regularly elicit the question "how did that ever get consent". I'd like to see a stop to this ribbon development now, as it's not going to look good in the same cold retrospective light. Aren't new properties required to be in-keeping or at least tastefully sensitive in style and scale to the traditional farm steadings they are smothering?

I am fairly sure this field is not in the local plan and there's no "need" to develop it in terms of planned growth. Just how far up Geirston road is this random assortment of tasteless homes likely to continue? Does it set a precedent for a never-ending row of tacky but expensive carbuncles?

My original more pragmatic comments about how this development will adversely impact the amenity and safety of my property stand as my main concern about the impact of development on us as neighbours.

I would respectfully urge councillors to reject this proposal.

[REDACTED]

Sent from my iPhone

On 9 Nov 2022, at 15:03, Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk> wrote:

Dear [REDACTED]

Please find attached a notification of a Notice of Review in respect of planning application

Angela

I am working in an agile way therefore the best way to contact me is by email at alittle@north-ayrshire.gov.uk

Angela Little
Committee Services Officer (01294 324132)

Democratic Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

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[North Ayrshire Council Website](#)

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Cc: [REDACTED]
Subject: Fwd: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie
Date: 29 November 2022 12:08:33
Attachments: [221123 - Invite to Comment on Reps.doc](#)
[Further comments received_Redacted.pdf](#)

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Morning Angela,

Thanks for your email regarding additional comments from the notice of review and comments received during our planning application and our appeal.

As a kilbirnie family living here all of our life's we are only looking to enhance an area in Kilbirnie to build a family home that has limited detrimental impact to the environment.

Opinions can change and from our original application and to our appeal this is clearly evident. We have worked with the architect who designed the previous homes on Geirston Road and with Neil's experience we felt our design merits the requirements to a rural location. Please find both comments below previously from the neighbour and our feedback after both comments

Neighbours comment from our planning application August 2021

Dear Mr Hume,

Thank you for taking my call today. I write with regard to planning application reference 22/00540/PP - Site north west of West Bankside Farm, Geirston Road, Kilbirnie.

I have no reason to object to a residential property being built in that location other than perhaps not wanting to be completely boxed in by modern houses and losing the reducing the rural situation of our farm. However, I hope that the following concerns would be considered.

I would request the planned design be reconsidered. My view is that it is severely over-sized and out of scale with the surroundings, giving no concession at all to the style of the existing historic farmhouse, being reminiscent of an American Baptist church rather than a rural home. I believe it will not harmonise at all within this tranquil rural area, where a more modest, darker, modern home would contrast with the existing steading and blend into the hillside, or a cottage-style build would be more in-keeping with the surroundings.

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

Neighbours November 2022 comment on our appeal

Thank you for the opportunity to respond. We have already got three over-scale properties which regularly elicit the question “how did that ever get consent”. I’d like to see a stop to this ribbon development now, as it’s not going to look good in the same cold retrospective light. Aren’t new properties required to be in-keeping or at least tastefully sensitive in style and scale to the traditional farm steadings they are smothering?

I am fairly sure this field is not in the local plan and there’s no “need” to develop it in terms of planned growth. Just how far up Geirston road is this random assortment of tasteless homes likely to continue? Does it set a precedent for a never-ending row of tacky but expensive carbuncles?

My original more pragmatic comments about how this development will adversely impact the amenity and safety of my property stand as my main concern about the impact of development on us as neighbours.

I would respectfully urge councillors to reject this proposal.

Our feedback to both comments and the work that has been completed for fire prevention and drainage at West Bankside, and the design and build which would not overlook West Bankside Farmhouse.

There is a marked contrast between the respondent’s comments 29 August 2022 in that they had no reason to object to a residential property being built on that location. and this current response dated 9 November 2022.

The latest response still maintains concerns about safety and amenity. In the absence of a Fire Hydrant on Geirston Road, the 10,000-litre water tank, installed at the 3 plots/properties to the southeast of West Bankside helped extinguish ***the horse arena fire at West Bankside in 2020***. It improves fire safety, for all residents.

As regards water ingress to the farmhouse, The Report of Handling confirms that an adequate drainage system would capture most of the runoff from the site. Any other possible runoff will flow from the site to water courses away from the farmhouse, given the site’s contours, and the hillock which prevents water reaching the farmhouse. See Pages 19 and 20 of the Appeal Captions 6, 7 & 8

Concerning amenity, The Report of Handling considers that there would not be any significant adverse impacts on the nearby housing in terms of direct overlooking. The graphics on Pages 68 to 77 of the Local Review Document, and submitted with the appeal as a separate item, show the planting provisions being made will ensure that the existing fence boundary provides a defensible boundary. Appropriate planting on this defensible boundary will enhance biodiversity in the local environment, contributing to the. North Ayrshire, Local Biodiversity, Action Plan, 2019-2031, Ref: Page 32, Par 11, Climate

Control, achieved by growing trees and plants which remove and stores greenhouse gases.

This is in keeping with Cabinet approved papers which state that every individual has a part to play if North Ayrshire is to achieve carbon neutrality by 2030.

Kind regards,

[REDACTED] W [REDACTED]

From: "Angela Little (Committee Services Officer / Committee & Member Serv)" <alittle@north-ayrshire.gov.uk>

Da [REDACTED]
[REDACTED]

Subject: 22/00540/PP Site to the north west of West Bankside Farm, Kilbirnie

Dear Mr Wotherspoon

Please find attached a letter advising of further comments received in respect of the Notice of Review

Angela

I am working in an agile way therefore the best way to contact me is by email at alittle@north-ayrshire.gov.uk

Angela Little

Committee Services Officer (01294 324132)

Democratic Services

North Ayrshire Council

Cunninghame House

Irvine

KA12 8EE

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