
NORTH AYRSHIRE COUNCIL

25 January 2023

Local Review Body

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

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

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

1. Executive Summary

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

2. Background

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

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

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

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

Craig Hatton
Chief Executive

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

Background Papers

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100576995-004

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

DIPPENHEAD FARM

Address 2:

LARGIEMEANOCH

Address 3:

MAIN STREET

Address 4:

Address 5:

Town/City/Settlement:

BRODICK

Post Code:

ISLE OF ARRAN

Please identify/describe the location of the site or sites

Northing

624232

Easting

204935

Description of Proposal

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

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

Type of Application

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



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ 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.

Provided as a separate document in "Supporting Documents" section

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)

We have had time to observe the site and surrounding area which has led us to propose a new and hopefully better site for the static caravan in addition to changing the aesthetics of the caravan to enhanced the current environment and character of the site

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)

proposed new caravan siten1 to 1250 scale pdf PLANNING REVIEW Nov 2022 A. Bill doc.

Application Details

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

22/00454/PP

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

22/06/2022

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

22/08/2022

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

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

Please select a further procedure *

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

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

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr duncan Dowie

Declaration Date: 21/11/2022

Proposal Details

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

Application Status

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

Attachment Details

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

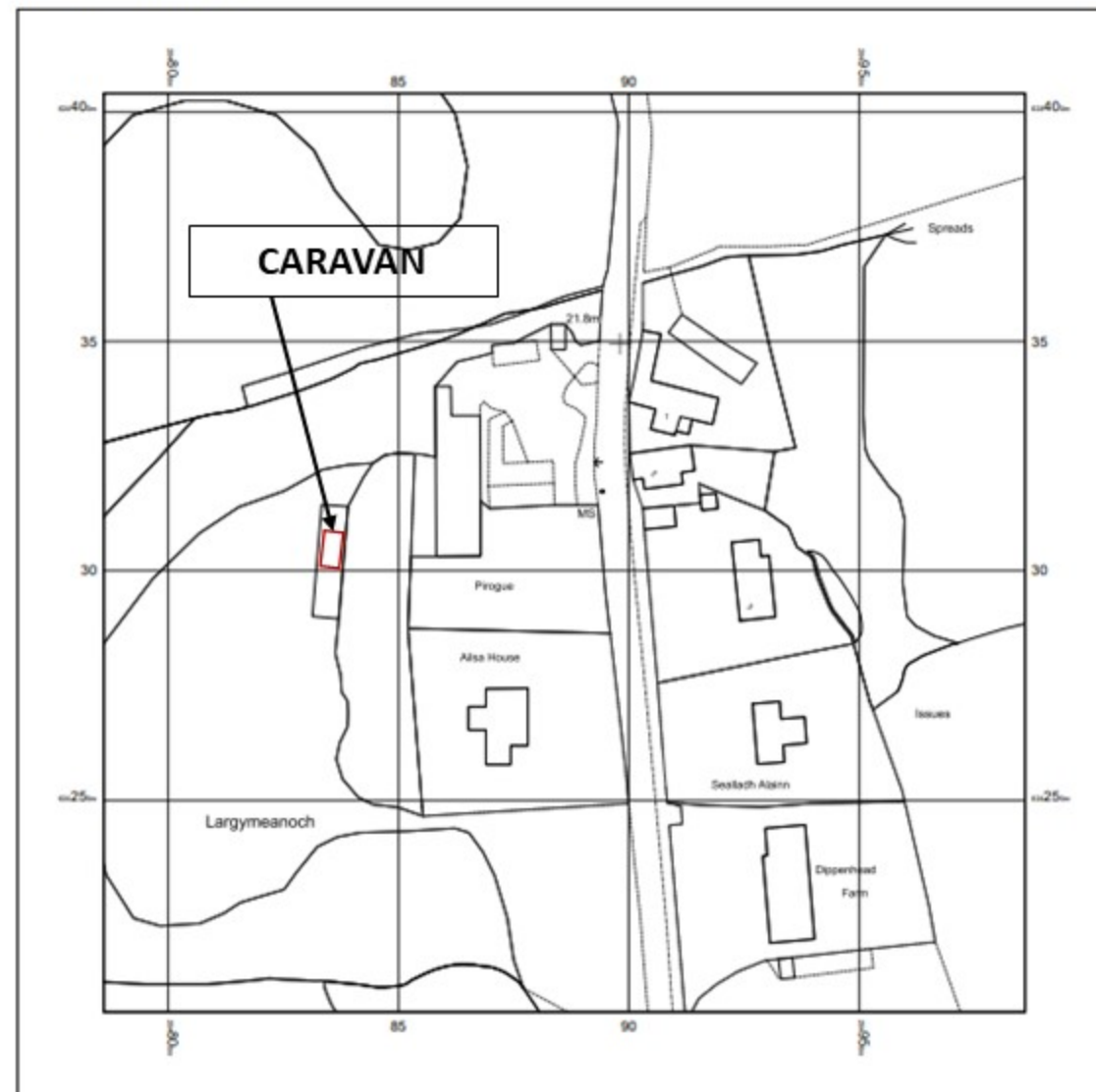
DIPPENHEAD FARM, WHITING BAY, ISLE OF ARRAN, KA27 8RN

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0m 1cm = 12.5m 62.5m

Scale 1:1250

PLANNING APPEAL

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

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

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

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

We now proceed with our appeal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Image 1. Aerial view of old chicken shed



Image 2. The Chicken Shed as it is



Image 3. Example of a static caravan clad in larch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We respond to this on two separate terms;

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

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

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

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

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

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

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

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

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

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role

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

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

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

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

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

Strategic Policy 2

Placemaking

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

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

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Description

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

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

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

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

STATEMENTS

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

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

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

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

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

APPLICANTS

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

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

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

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

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

PLANNING HISTORY

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

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

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

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

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

Consultations and Representations

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

CONSULTATIONS

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

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

Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning permission should therefore be refused.

Decision

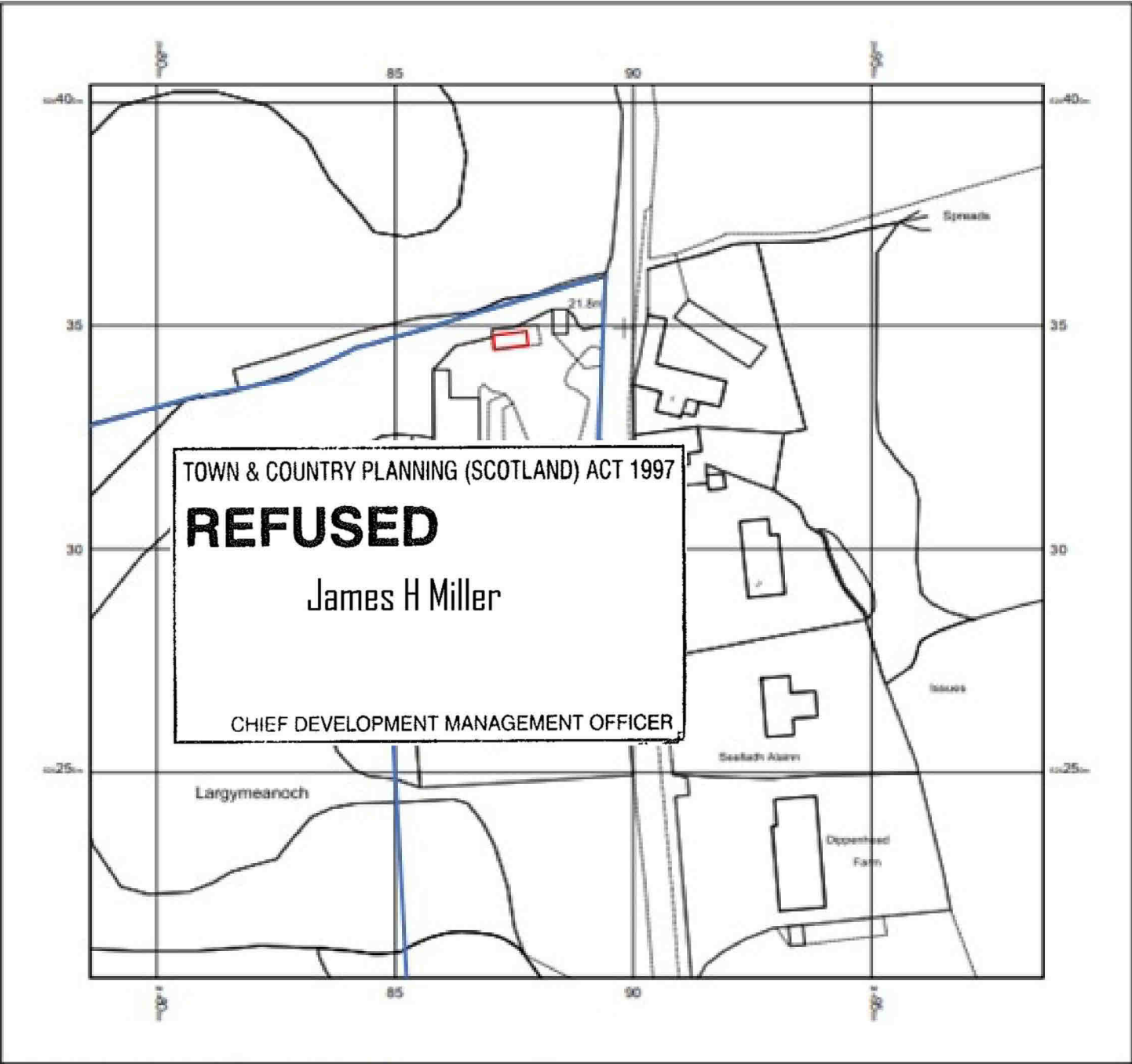
Refused

Case Officer - Mr Neil McAteer

Appendix 1 - Drawings relating to decision

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

DIPPENHEAD FARM, WHITING BAY, ISLE OF ARRAN, KA27 8RN
Supplied by: www.ukmapcentre.com
Serial No: 242682
Centre Coordinates: 204886,624304
Production Date: 17/06/2022 16:40:37



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

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



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/22/00454/PP

(Original Application No. N/100576995-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

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

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

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

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

at Dippenhead Farm
Largiemeanoch
Whiting Bay
Ayrshire
KA27 8RJ

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

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

Dated this : 23 August 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

FORM 2

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